

National Capital Presbytery
Process for Use When a Church Wishes to Disaffiliate
from the Presbyterian Church (USA)
Approved by Leadership Council 5-3-2017

The 218th General Assembly of the Presbyterian Church took the following action in response to a Commissioner's Resolution:

The 218th General Assembly (2008) of the Presbyterian Church (U.S.A.)

1. Directs the Stated Clerk to send this resolution to the presbyteries, synods, and sessions, indicating the will of the assembly that presbyteries and synods develop and make available to lower governing bodies and local congregations a process that exercises the responsibility and power "which shall include organizing, receiving, merging, dismissing, and dissolving congregations in consultation with their members" (*Book of Order*, G-3.0301a) with consistency, pastoral responsibility, accountability, gracious witness, openness, and transparency

2. Believing that trying to exercise this responsibility and power through litigation is deadly to the cause of Christ, impacting the local church, other parts of the Body of Christ and ecumenical relationships, and our witness to Christ in the world around us, the General Assembly urges congregations considering leaving the denomination, presbyteries and synods to implement a process using the following principles:

- **Consistency:** The local authority delegated to presbyteries is guided and shaped by our shared faith, service, and witness to Jesus Christ.
- **Pastoral Responsibility:** The requirement in G-3.0301a to consult with the members of a church seeking dismissal highlights the presbytery's pastoral responsibility, which must not be submerged beneath other responsibilities.
- **Accountability:** For a governing body, accountability rightly dictates fiduciary and connectional concerns, raising general issues of property (G-4.02) and specific issues of schism within a congregation (G-4.0207). But, full accountability also requires preeminent concern with "caring for the flock."
- **Gracious Witness:** It is our belief that Scripture and the Holy Spirit require a gracious witness from us rather than a harsh legalism.
- **Openness and Transparency:** Early, open communication and transparency about principles and process of dismissal necessarily serve truth, order, and goodness, and work against seeking civil litigation as a solution.

In response to this action, Leadership Council has developed the following process for congregations, the Committee on Ministry, and the presbytery at those times when congregations consider leaving the denomination. These items are not intended to

describe a sequence of events, but to be the overall process for implementing in this presbytery the principles described above in accordance with G-4.02 and G-3.0301a of the *Book of Order of the Presbyterian Church (USA)*.

A: Biblical and Theological Principles From Scripture, the Book of Order, and the Book of Confessions

1. National Capital Presbytery affirms all Christians are called to unity in Christ through the church universal. Our work is best accomplished in organic spiritual unity found in the grace of our Lord Jesus Christ, the love of God, and the fellowship of the Holy Spirit (*I Corinthians 12:20-27, Westminster Confession 6.054*). To reconcile and heal is our deepest hope and prayer. While any denominational separation is tragic, when Christians of different denominational affiliation are respectful and cooperative, Christ is honored, the gospel is proclaimed, and God's Kingdom is manifested on earth.

Unity is God's gift to the Church in Jesus Christ. Just as God is one God and Jesus Christ is our one Savior, so the Church is one because it belongs to its one Lord, Jesus Christ. The Church seeks to include all people and is never content to enjoy the benefits of Christian community for itself alone. There is one Church, for there is one Spirit, one hope, "one Lord, one faith, one baptism, one God and Father of all, who is above all and through all and in all" (Ephesians 4:5-6).

Because in Christ the Church is one, it strives to be one. To be one with Christ is to be joined with all those whom Christ calls into relationship with him. To be thus joined with one another is to become priests for one another, praying for the world and for one another and sharing the various gifts God has given to each Christian for the benefit of the whole community. Division into different denominations obscures but does not destroy unity in Christ. The Presbyterian Church (USA), affirming its historical continuity with the whole Church of Jesus Christ, is committed to the reduction of that obscurity, and is willing to seek and to deepen communion with all other churches within the one, holy, catholic, and apostolic Church. (Book of Order, F-1.302a)

We trust in God the Holy Spirit, everywhere the giver and renewer of life. The Spirit justifies us by grace through faith, sets us free to accept ourselves and to love God and neighbor, and binds us together with all believers, in the one body of Christ, the Church. (A Brief Statement of Faith, lines 52-56)

The Second Helvetic Confession addressed dissensions and strife in the Church, stating: "We know, to be sure, that the apostle said: "God is not a God of confusion but of peace." (1 Cor. 14:33), and, "While there is jealousy and strife among you, are you not of the flesh?" Yet we cannot deny that God was in the apostolic Church and that it was a true Church, even though there were wrangling and dissensions in it. The apostle Paul reprehended Peter, an apostle (Gal. 2:11 ff.), and Barnabas dissented from Paul. Great contention arose in the Church of Antioch between them that preached the one Christ, as Luke records in The Acts of the Apostles, Ch15. And there have at all times been great contentions in the Church, and the most excellent teachers of the Church have differed among themselves about important

matters without meanwhile the Church ceasing to be the Church because of these contentions. For thus it pleases God to use the dissensions that arise in the church to the glory of his name, to illustrate the truth, and in order that those who are in the right might be manifest (1 Cor. 11:19).” (The Second Helvetic Confession, Section 5:133, Book of Confessions)

2. All church property belongs to Christ, and should be used to advance God’s Kingdom. Within the Presbyterian Church (U.S.A.) it is understood that all property held by congregations or by a Presbytery is held in trust for the use and benefit of the entire denomination [Book of Order G-4.02]. Working together, local congregations and their respective presbyteries will seek to ensure that all property decisions will further the great ends of church.

In a 2012 case, the General Assembly Permanent Judicial Commission [Tom v. Pby of San Francisco] ruled that “when a congregation seeks dismissal under G-3.0301a, it is the responsibility of the presbytery to fulfill its fiduciary duty under the Trust Clause. This fiduciary duty requires that the presbytery exercise due diligence regarding the value of the property of the congregation seeking dismissal. Due diligence, of necessity, includes not only an evaluation of the spiritual needs of the congregation and its circumstances but also financial analysis of the value of the property at stake. Payments for per capita or mission obligations are not satisfactory substitutes for the separate evaluation of the value of the property held in trust.”

All authority in heaven and on earth has been given to me. Therefore go and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, and teaching them to obey all that I have commanded you. (Matthew 28:18b-20)

“I therefore, the prisoner in the Lord, beg you to lead a life worthy of the calling to which you have been called, with all humility and gentleness, with patience, bearing with one another in love, making every effort to maintain the unity of the Spirit in the bond of peace. There is one body and one Spirit, just as you were called to one hope of your calling, one Lord, one faith, one baptism, one God and Father of all, who is above all and through all and in all. (Ephesians 4.1-6)

Do you promise to further the peace, unity, and purity of the church? (Book of OrderW.4.4003 Vow of Ordination)

“My prayer is not for them alone. I pray also for those who will believe in me through their message, that all of them may be one, Father, just as you are in me and I am in you. May they also be in us so that the world may believe that you have sent me.” (John 17:20-21)

The mission of God in Christ gives shape and substance to the life and work of the Church. In Christ, the Church participates in God’s mission for the transformation of creation and humanity by proclaiming to all people the good news of God’s love, offering to all people the grace of God at font and table, and calling all people to discipleship in Christ. [Book of Order F-1.01]

3. Congregations and the presbytery should strive to honor Christ in the way they relate to each other when having conversations about dismissal.

- All parties shall maintain high standards of transparency, truthful speech, and mutual respect.
- All parties shall regularly and frequently pray with and for each other in this process.
- Pastors and ruling elders serving congregations requesting dismissal shall act in accordance with their ordination vows and the *Book of Order*. The presbytery will not seek removal of church officers solely because they are advocating for dismissal.
- Presbytery representatives will be brought into the early stages of the congregation's conversation, and provided opportunities to communicate with the congregation's members.
- Appeals to civil courts should be the avenue of absolute last resort.

Therefore each of you must put off falsehood and speak truthfully to his neighbor, for we are all members of one body. "In your anger do not sin": Do not let the sun go down while you are still angry, and do not give the devil a foothold... Do not let any unwholesome talk come out of your mouths, but only what is helpful for building others up according to their needs, that it may benefit those who listen. And do not grieve the Holy Spirit of God, with whom you were sealed for the day of redemption. Get rid of all bitterness, rage and anger, brawling and slander, along with every form of malice. Be kind and compassionate to one another, forgiving each other, just as in Christ God forgave you. (Ephesians 4:25-27, 29-32)

The very fact that you have lawsuits among you means you have been completely defeated already. Why not rather be wronged? Why not rather be cheated? (1 Corinthians 6:7)

"God alone is Lord of the conscience, and hath left it free from the doctrines and commandments of men which are in anything contrary to his Word, or beside it, in matters of faith or worship." (Book of Order: F-3.0101a, citing The Westminster Confession of Faith, 6.109, in The Book of Confessions.)

Footnote to G-2.0104b: *Very early in the history of the Presbyterian Church in the United States of America, even before the General Assembly was established, the plan of reunion of the Synod of New York and Philadelphia contained the following sentences: "That when any matter is determined by a major vote, every member shall either actively concur with or passively submit to such determination; or if his conscience permit him to do neither, he shall, after sufficient liberty modestly to reason and remonstrate, peaceably withdraw from our communion without attempting to make any schism. Provided always that this shall be understood to extend only to such determination as the body shall judge indispensable in doctrine or Presbyterian government." (Hist. Dig. (P) p. 1310) (Plan of Union of 1758, par. II.)*

4. If a congregation is dismissed, National Capital Presbytery shall be the advocate for members who seek to remain in a Presbyterian Church (USA) congregation, negotiating with the departing congregation an equitable provision for those members' pastoral care. Convinced that God's Providence can bring good even out of schism, our ultimate goal is honor the Lord by seeking to bless each other, even in separation.

Be shepherds of God's flock that is under your care, serving as overseers—not because you must, but because you are willing, as God wants you to be. (1 Peter 5:2a)

5. The *Book of Order* (G-3.0301a and G-4.0205) gives the presbytery the authority of “dismissing and dissolving congregations in consultation with their members,” and to determine the disposition of property. Actions of the GA and GAPJC provide that presbyteries may dismiss congregations from the Presbyterian Church (USA) in possession of their property by transfer to another Reformed denomination.

According to an authoritative interpretation by the General Assembly [2008,14,15,546, Item 07-13] no congregation may be dismissed to independent or non-denominational status.

B. Process

1. Church Concerns Regarding General Assembly Actions

In the event that members of a church raise questions to their session, in writing or during an appearance at a meeting of the session, about an action of the General Assembly and the session concludes that it lacks the information necessary to respond adequately to such questions or, following prayerful study and discussion the session disagrees with an action of the General Assembly, the session will ask the Presbytery Leadership Council to send a delegation to a session meeting and, where it is deemed helpful by the session, an information sharing meeting of the congregation, to discuss the actions and deal with rumors and speculation that may be causing disunity or concern in the life of the congregation. The delegation may include commissioners to the previous General Assembly, the Stated Clerk, and the Moderator of Presbytery. In this way, the presbytery will be given opportunity to exercise its pastoral responsibility for the welfare of congregations and to promote open communication whenever issues of the larger church arise.

2. Preliminary Delegation to Church Session

Whenever there is conversation in the session or congregation about leaving the denomination, the session will ask the Presbytery Leadership Council to send a delegation appointed by the Leadership Council Chair, including at least one representative of the Committee on Ministry, the Stated Clerk (or his or her designee), and other selected members of the Presbytery Leadership Council to meet with the session to discuss the distress that is leading to this conversation and to review the provisions of the *Book of Order* and this document with regard to dismissal

3. Appointment and Role of Discernment Team

Prior to any formal request regarding dismissal of a congregation from the denomination, the session will ask the Presbytery Leadership Council to appoint a

Discernment Team (DT) to consult with the session and congregation. Members of the Discernment Team will be appointed by the Leadership Council Chair, in consultation with the Chair of COM and the General Presbyter. Appointees shall include but not be limited to members of the Committee on Ministry, the General Presbyter, members of Leadership Council, and others.

The Discernment Team will engage in a period of no less than three months of consultation, normally including at least six meetings with the session and the congregation. The purpose of these meetings will be:

- a. to discuss the distress that is leading to the consideration of a request for dismissal
- b. To arrange for advocacy for remaining with the PCUSA
- c. to review the provisions of the *Book of Order* and this document with regard to dismissal
- d. to discuss how the ministry of the congregation would be impacted by a change in presbytery (or other denominational) oversight
- e. to answer questions from members of the congregation regarding options for dismissal of the congregation, and
- f. to review the options for those members wishing to remain in the PC(USA).

In this way the session will provide the presbytery opportunity to exercise its responsibility as a partner with the session in pastoral care to members of the congregation in what may be a difficult time in its life. At these meetings every good faith effort will be made to effect reconciliation in accordance with the *Book of Order*. If it deems it helpful, the Discernment Team may conduct a survey of members to help it determine whether the congregation wishes to request dismissal from the PCUSA. The DT will report its progress to the Presbytery Leadership Council at least quarterly

4. Discernment Team Consultation with Pastor, Session, and Congregation

a. Initial Consultation with the Pastor(s)

The presbytery Discernment Team (DT) meets with the pastor (or pastors) to listen and explore issues from a pastoral and personal perspective. They may bring in a few key session representatives, if they believe that will be helpful. Questions to be discussed: What is the pastor's perspective of where the congregation is in its discernment? Where is the pastor(s) in his or her personal discernment? What impact will a decision of the congregation to leave or stay in the PC (USA) have upon the pastor(s)? What would be the repercussions if the pastor(s) and congregation decide differently? Are there dynamics within the congregation that the DT needs to know in order to have a more effective discernment?

- Note: in this entire discernment process, the DT leads with honest, open questions rather than statements or declarations, indicating thereby its desire to *hear* what is happening, and the concerns that underlie it.

b. Initial Consultation with the Session

The session invites members of the DT to a session meeting to identify issues, concerns and possible ways to address them. The DT begins simply by seeking to build trust, and to assure the session that its role is to help in true discernment, not to try to convince the church to do this or not to do that. The DT inquires: What are the primary presenting issues? What has the session and congregation already done by way of discernment? Was the session unanimous in its decision to enter the discernment process? What is the session's sense of the church's history in relationship with National Capital Presbytery? The general shape of the discernment process, as well as Presbytery's disaffiliation process, is discussed. The DT is empowered to correct misattributions concerning PCUSA positions and confessional commitments. The discernment process may vary slightly from church to church depending upon the particular context. The session assigns two elders to co-ordinate the scheduling of the remainder of the discernment process with the DT (meeting times and places, co-coordinating schedules, etc.).

c. Meeting with the congregation

The DT, with the two elders designated for this purpose, sets times and places for the DT to meet with members of the congregation, being cognizant to schedule meetings to involve as many members as possible. The DT meets to listen and ask critical questions in order to identify issues for further discussion. There are a minimum of three open meetings with the entire congregation. (Note: The DT may meet privately with particular groups or individuals if the need arises. It is important that all voices be heard, including those not prepared to speak publicly. The DT shares with the pastor(s) the full content of any such meetings, but does not name the sources of any particular comments.)

Suggested format for congregational discernment meetings.

- **Meeting #1-** The main focus of this first meeting is to listen to the members of the congregation. After introductions the DT explains the purpose of the meeting and gives a quick overview of the discernment and dismissal process. It asks the congregation pertinent questions, including: What are the critical issues that need to be addressed, from the congregation's perspective? How are people feeling about the session's decision to enter this discernment? What information have members already received? What information is needed for a wise and faithful decision to be made? What issues need to be clarified? What process issues need to be clarified? The DT encourages people to articulate reasons as to why they wish to stay with or to leave the PCUSA. A time of prayer and scripture reading begins and ends the meeting.
- **Meeting #2** – The main focus of the second meeting is to discuss and examine theological issues and perspectives that were identified in the first meeting. Biblical texts are engaged focusing on the critical issues that have been previously identified. Various perspectives are shared. It is important that all present listen to each other with open hearts and minds. Members are asked to specify what

they have heard their fellow-members saying; those reports are compiled for ongoing reference. They are asked either to affirm that the DT has heard everyone and everything it needs to hear, or to identify who or what yet needs to be heard.

- **Meeting #3-** The main focus of this meeting is for the group to explore the pros and cons of leaving or staying. Options are discussed. DT members may offer personal testimony as to why they are committed to staying in the denomination. The DT may bring other presentors to advocate for remaining in the PCUSA. Questions to be explored include: What are the benefits of staying? Of leaving? If leaving, what are the pros and cons of the various Reformed church choices? If staying, what would need to be done differently by congregation and/or presbytery in order to maintain a healthier relationship?

d. Follow-up with Session and Season of Prayer after Congregational Meetings

After no fewer than three open meetings of the congregation, the DT **meets with the session** to assess where matters stand. Together they determine whether further discernment with the congregation is needed, or if more information is needed. What did people hear? What did the session hear? Have all voices been heard? Is Christ remaining at the center of discussions? The session invites the congregation to enter into a season of prayer. The session commits to spend at least two weeks in prayer before any decision is made.

e. Follow-up with Pastor after Congregational Meetings

The DT **meets separately with the pastor(s)** during this season of prayer. What did the pastor(s) hear? What concerns remain present for the pastor(s)? How can the presbytery be supportive of the pastor(s) and congregation?

f. Follow-up with Session After Season of Prayer

After at least two weeks of prayer the DT **meets again with the session**. Is the session ready to make any recommendation? Is more time needed? The DT and session discuss whether the session believes the congregation has been led by the Spirit to stay in the PCUSA, or whether the session or the DT believes it should call a meeting of the congregation to take a poll as to whether the church will move on to the next step in the Disaffiliation process.

5. Discernment Team Recommendation to Leadership Council

If the Discernment Team, in consultation with the session, determines that the congregation wishes to request presbytery for dismissal, it will recommend to the

Presbytery Leadership Council that an information-gathering meeting of the congregation be called and conducted by the presbytery so that the congregation can hold an advisory vote on whether to request dismissal.

If the DT has determined that the potential for division exists in the congregation indicated by a written request from members wishing to remain in the PC (USA) and in possession of the property, it shall report this to the Presbytery Leadership Council. The Presbytery Leadership Council shall recommend against calling an information-gathering meeting of the congregation until further consultation with the session and congregation has taken place spelling out the implications of such a division within the congregation.

On the other hand, if it has been decided that the congregation and the Presbytery are still called by God to continue in covenant relationship, the DT will report this to the Leadership Council and the DT and the session will work to name the “learnings” from the process, and to craft a covenant for a healthy relationship in the future.

6. Leadership Council Task Force on Property Agreement

If the Leadership Council agrees that an advisory vote should be held, the Chair of the Leadership Council will appoint a task force to hold preliminary and nonbinding discussions with the session concerning a property agreement. The session shall appoint a team to work with the Leadership Council task force to develop a recommendation regarding the allocation of assets and property. This may include negotiating an agreement between the group of members who wish to be dismissed and a minority group of members who wish to remain in the PC(USA).

When dismissing a church with its property, a presbytery is required to give proper consideration to the constitutional provision that all property is held in trust for the benefit of the Presbyterian Church (USA). The task force considering the property agreement will gather information on and analyze the congregation’s financial assets and obligations, financial history regarding the acquisition of church property, valuation of the property, and the use and benefit of the property to the PC(USA). An appraisal of the properties may be obtained from an appraiser agreed upon by the task force and the session and paid for by the congregation seeking dismissal. The task force will also consider what the presbytery will be losing when the congregation leaves. At minimum, any recommendation would include the following provisions:

- The church shall be responsible for paying all legal and other costs incurred by both sides in this negotiation.
- The church shall, unless granted a waiver by the presbytery, remit all back payments of the per capita assessment.
- The church shall repay in full any outstanding loans to any entity of the PC(USA).
- Any endowments/trusts/memorials, if stipulated for the larger church, the PC(USA) or its predecessor entities will stay with the presbytery. Other endowments/trusts/memorials will be considered on a case by case basis.

- The church and presbytery may negotiate other financial considerations to be paid to the presbytery.

If the Leadership Council and the session negotiating team are unable to work in good faith toward a mutually-agreeable resolution, the Leadership Council may request that the Presbytery appoint an Administrative Commission to consult with the session, and if necessary, take appropriate action in the presbytery's stewardship of the congregation and its property. The Leadership Council, acting on advice of the Chair of the Leadership Council in consultation with the Chair of COM, the Stated Clerk, and the General Presbyter, will nominate members of the AC, to include members of the Discernment Team, for approval by the presbytery.

7. Information-Gathering Meeting and DT Recommendation to the Leadership Council Regarding Dismissal

If a tentative property agreement is reached between the session and the Leadership Council, an advisory vote (including the tentative property agreement) of the congregation will be held at an information-gathering meeting of the congregation. Prior to calling the information-gathering meeting, the DT shall review the church's rolls and the minutes of the last 12 months of session meetings to verify an accurate roll of active members.

If an information-gathering meeting of the congregation is held, public notice shall be given on two successive Sundays, and all active members of the congregation will be sent written notification of the information-gathering meeting, stating the reason for the meeting and what will occur at the meeting.

Notice of the information-gathering meeting at which an advisory vote will be taken on whether to seek dismissal from the denomination shall be given in writing and by public notice as follows: (a) written notice, provided by regular postal service or, for those indicating such a preference by electronic mail, stating the date, time, and place of the meeting and what will occur at the meeting, on two occasions: the first shall be deposited in the mail or distributed electronically not later than 21 days prior to the date of the meeting; the second shall be deposited in the mail or distributed electronically not later than 7 days prior to the date of the meeting; (b) public notice, by verbal announcement at all services or other gatherings of active members or by posting notice prominently at the entrances and other noticeable places on the church property on the two successive Sundays immediately preceding the date of the meeting stating the date, time, and place of the meeting and what will occur at the meeting.

Members of the DT will be present at the information-gathering meeting of the congregation to offer pastoral care and prayer for the congregation and its members following the advisory vote, and to carry out the presbytery's responsibility to ensure that all those persons affected by dismissal have an opportunity to be heard on the subject. Representatives from the Leadership Council will also be present. Absentee ballots shall not be offered. Only those who are part of the conversation at the meeting shall participate in the advisory vote.

The advisory vote on a proposal to request dismissal shall be by written secret ballot. If no less than 60% of the active members attend the meeting and if 80% of those active and voting are in favor of requesting dismissal, the DT will consider the vote and all

other information it received or developed and make a recommendation to the LC whether to bring the dismissal to the presbytery for vote.

If it is determined to bring dismissal to the presbytery, the presbytery will receive the congregation's request at its next meeting, presented by the Leadership Council with their recommendations. The presbytery has responsibility to make its own independent decision in every case.

8. Care of Members Remaining in the PC(USA)

The clerk of session and pastor(s) of the departing church will assist the presbytery in making contact with any members who wish to remain in a congregation of the Presbyterian Church (USA). All parties are encouraged to demonstrate charity and forbearance during this process.

