



POLICY FOR RECONCILIATION AND GRACIOUS DISMISSAL OF CONGREGATIONS

POLICY ADOPTION AND AMENDMENT RULES

This policy shall be proposed to members for preliminary reading at a Presbytery meeting. It shall then be presented at a subsequent meeting of Presbytery for reading/discussion, and shall be effective upon ratification by a majority of those voting at that meeting. Amendments to the Policy are in order at the Presbytery meeting where the vote takes place. First Reading February 18, 2015 stated meeting. Second Reading June 12, 2015 stated meeting. Adopted June 12, 2015.

Upon adoption of this Policy, it shall supersede and replace the Presbytery of Tres Rios' "Reconciliation and Dismissal Policy" adopted by the presbytery on December 1, 2012, and shall apply from the date of its adoption by the Presbytery of Tres Rios to dismissal processes.

Subsequent to the adoption of this Policy, it may only be amended or rescinded by the same procedure stated above; after a preliminary reading/discussion of the Policy at a Presbytery meeting and ratification by a majority of those voting at a subsequent Presbytery meeting.

PRESBYTERY OF TRES RIOS

POLICY FOR RECONCILIATION AND GRACIOUS DISMISSAL OF CONGREGATIONS

PROLOGUE

The Presbytery of Tres Rios believes that God calls us to work together in unity,

“How very good and pleasant it is when kindred live together in unity! It is like the precious oil on the head, running down upon the beard, on the beard of Aaron, running down over the collar of his robes. It is like the dew of Hermon, which falls on the mountains of Zion. For there the Lord ordained his blessing, life forevermore.” (Psalm 133:1-3 NRSV)

with humility, gentleness, patience, and love to keep the Spirit through the bond of peace.

“I therefore..... 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 the 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 NRSV)

The Unity of the Church

The congregations and members of the Presbytery of Tres Rios seek to uphold one another and to respect each other's integrity, even as we acknowledge significant differences in our views of what the Bible teaches about a number of issues. We affirm the freedom of conscience of each member of the body of Christ. We desire to encourage peace and unity, while minimizing confrontation between our congregations and members, as we seek together to find and represent the will of Christ. In all that we do, it is our prayer to strive to be a church modeled on the body of Christ, a church made up of many different parts, all of which are necessary for its mission to the world (F-1.0301). Our spiritual unity is derived from the grace of the Lord Jesus Christ, the love of God, and the fellowship of the Holy Spirit.

Dialogue and Reconciliation

The goal of the Presbytery will always be reconciliation and continued engagement in relationship for all congregations within the Presbytery, without the threat of isolation, estrangement, or blame. The Presbytery is to be a servant to the congregations God has entrusted to us, encouraging and supporting them toward becoming healthy, growing congregations. This is especially true for those congregations for whom the bonds of unity are stretched and ecclesiastical connections are frayed over issues of conscience to the point of considering seeking dismissal.

“There is no fear in love, but perfect love casts out fear. For fear has to do with punishment, and whoever fears has not reached perfection in love.” (1 John 4:18 NRSV)

The Presbytery's commitment to this passage in how we dialogue with each other means that we are committed to engage the leaders of a congregation, or the congregation as a whole, without threat of punishment. It is likewise incumbent upon the leaders of congregations wrestling with issues of conscience to share their concerns with Presbytery leadership in a timely manner, being assured that the response will not

be hostile, but instead one of prayerful dialogue and a commitment to act in love and in the best interests of the congregation as well as the Presbytery's mission.

Dialogue recognizes that our Reformed tradition includes broad historical differences between the great doctrines and themes of the church, and the specific theories and models which different communities have found useful in seeking to understand those doctrines in the practice of their faith. A Reformed stance allows room for a variety of legitimate perspectives and valid models of "essentials" that allow an understanding of underlying mysteries. Graciousness on both sides acknowledges this validity and seeks to honor rather than to demonize one another.

Freedom of Conscience and Mutual Forbearance

Presbyterians have always celebrated and recognized significant differences of opinion on issues that matter. This ethos is noted in the historic language found at F-3.0105: *"We also believe that there are truths and forms with respect to which men of good characters and principles may differ. And in all these we think it the duty both of private Christians and societies to exercise mutual forbearance toward each other."* The duty is always to work for reconciliation, and we promise to carry out that duty in our ordination vows.

Through our theology we understand that *"Presbyters are not simply to reflect the will of the people, but rather to seek together to find and represent the will of Christ. Decisions shall be reached in councils by vote, following opportunity for discussion and discernment, and a majority shall govern"* (F-3.0204 and F-3.0205). At the same time, the church is committed to being open to voices sharing minority opinions. At some points in our history, minority views have eventually become those of the majority. Thus, the Constitution of the P.C. (U.S.A.) recognizes *"The church reformed, always to be reformed according to the Word of God' in the power of the Spirit"* (F-2.02).

There are times when members find it impossible to go along with the majority. The Presbytery encourages all presbyters and congregations to *"concur with or passively submit"* to the vote and wisdom of the majority (footnote to G-2.0105). If their consciences will permit neither, the Presbytery will be gracious in their consideration of allowing congregations and presbyters with strong issues of conscience to pursue peaceable withdrawal through dismissal to another denomination that is doctrinally consistent with the essentials of Reformed theology as understood by the Presbytery and governed by polity that is consistent in form and structure with that of the PC (U.S.A.) (*Minutes*, 2008, pp. 15, 545).

I. 218th General Assembly Resolution:

The 218th General Assembly (2008) of the PC (U.S.A.) urged that the presbyteries, and synods develop and make available to lower governing bodies and local congregations a process that exercises the responsibility and power *"to divide, dismiss, or dissolve churches in consultation with their members"* (*Book of Order*, G-11.0103i [now G-3.0303b]) with consistency, pastoral responsibility, accountability, gracious witness, openness, and transparency. 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, it 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-3.0303b 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.”

II. Covenant Between the Presbytery and the Congregation

The Presbytery asks that any congregation considering dismissal from the denomination to covenant with the Presbytery to enter into this defined process of mutual discernment through the formation of a Discernment Team from the Presbytery and the local congregation (see “Discernment Process” below). As described below, this process shall take no less than six (6) months and no more than eighteen (18) months from the date of the congregational vote to enter the discernment process to completion. The following mutual commitment is essential to the process.

Working in good faith toward a mutually agreeable resolution means that the presbytery and the congregation’s clergy, officers and representatives:

- Will seek to honor and respect each other
- Are open and honest in all their dealings with each other;
- Provide all requested relevant information and documents to each other on a timely basis;
- Commit to protect the rights of the officers and members, if any, of the church who desire that the congregation remain loyal to the PCUSA, or who desire to remain congregants of another PC (USA) church;
- That the congregation’s clergy and officers refrain from any unauthorized unilateral changes in the way their assets are held or managed.
- Conduct the Business of the team in a timely fashion, neither acting in haste nor allowing unnecessary delays between meetings.

It is the Presbytery’s belief that in adopting this policy congregations who faithfully follow it as a way of discerning if God would have them affiliate with another Reformed denomination are not engaged in schism. If the Presbytery becomes aware during the discernment process that schism has developed among the members, the Presbytery will investigate and provisions in G-4.0207 (Property of a Church in Schism) shall apply.

If a session chooses not to follow this Policy or abandons these processes before completion, then the “Alternative Process for a Church Considering or Seeking Dismissal from the Presbyterian Church (U.S.A.) will apply. If a congregation or its leadership preemptively files suit in a civil court against the Presbytery, the Presbytery of Tres Rios will answer and defend the suit. If suit is filed, the Presbytery of Tres Rios also reserves the right to apply the Alternative Process for a Church Considering or Seeking Dismissal from the Presbyterian Church (U.S.A.).

THE DISCERNMENT PROCESS

Congregations within the Presbytery share a covenant relationship that is not to be lightly regarded. The loss of any congregation diminishes the fellowship and mutual support of all. We therefore establish a procedure by which we seek to insure that dismissal of congregations will not be sought or allowed without a full understanding by all parties of what may be lost when a congregation is dismissed.

I. Notice of and Response to Concerns

Because reconciliation is the desired outcome of any disagreement between the congregation and the Presbytery, informal public conversations between the congregation and the Presbytery are encouraged prior to entering the Discernment Procedure to facilitate mutual understanding and reconciliation. The purpose of these conversations is to determine whether the dissatisfaction in the congregation is substantial enough to warrant the initiation of the formal engagement process or whether remedies for differences can be achieved through other means. These conversations are meant to insure that the session and the congregation are fully informed on the issues at hand, equipped with knowledge of the Presbytery's process, as well as the processes and values that have guided other congregations and presbyteries in their decision-making, and jointly, or subsequently, with the congregation as the congregation tries to discern God's will for denominational affiliation. Without dialogue there cannot be a mutual understanding of the will of the people. Without joint discernment councils can misunderstand the will of Christ.

However, after such conversation(s) a Session wishing to initiate this formal process shall put the matter to a vote. If at a meeting in which the session members have been advised in advance that this matter is to be acted upon and the appropriate quorum is present, the Session votes by two-thirds majority to initiate the discernment process, the Clerk of Session shall inform the Stated Clerk and General Missioner of the Presbytery of this desire.

The Session shall then call a meeting of the congregation for the purpose of approving participation in the formal discernment process. Notice of the meeting and the required quorum shall be as established by the congregation's own rules per the *Book of Order*. At that meeting, the congregation shall also vote to establish a quorum of 50% for any future meeting to vote on requesting dismissal from the PC (U.S.A.). Representatives of the presbytery shall be invited to attend to answer questions about the discernment process, etc. If the congregation approves initiating the discernment process, the Stated Clerk, the Moderator of Presbytery, the Pastor, and the Clerk of Session (or their designated representative) will then sign the Covenant Agreement (see page 19).

II. Appointment of Representatives for Discernment and a Facilitator/Mediator

The Discernment Team shall consist of four representatives from the church and four representatives from the Presbytery. The session shall select the representatives from the congregation and shall make every effort to represent the broader congregation and differing viewpoints. Representation shall include one from the church staff, one from the session and two at large active members of the congregation. The Missional Ministries Team (MMT) shall select two Ruling Elders and two Teaching Elders from the Presbytery (at least one of the four from the MMT).

The MMT shall propose names for a Facilitator/Mediator to the session's representatives. A majority of both the presbytery's and the congregation's representatives shall concur in the selection of a Facilitator/Mediator. *If it is in the best interest of the process to contract the services of an outside Facilitator/Mediator, all fees, honorariums, travel expenses related to mileage, air fare, car rental, hotel, and meals shall be equally shared by the congregation and the presbytery. The cost of any space rented for meetings shall also be equally shared by both parties.* The

Facilitator/Mediator shall not be one of the eight members of the Discernment Team and shall have voice but not vote during the discernment process.

III. Communications

The Discernment Team will have the authority to communicate directly with the session, congregation, leaders and elected officers of the Presbytery, Presbytery and anyone else as needed to accomplish its work. Copies of all communications to the congregation regarding the discernment process will be furnished to the presbytery and its members of the Discernment Team.

IV. Meetings

The Discernment Team and the Facilitator/Mediator shall covenant to meet together the number of times necessary to accomplish the goals in the suggested outline for meetings with each meeting lasting approximately two (2) hours. The content of meetings will follow the suggested outline, but may be tailored as circumstances dictate to allow for each unique situation. If additional meetings are deemed necessary, a longer period of time may be required. Meetings shall be scheduled in relatively steady succession, without unnecessary delay, to maintain continuity of the discernment process.

At each meeting, all participants covenant to strive earnestly, in a spirit of Christian love, to (1) pray and study together, (ii) search for avenues of mutual reconciliation, offer grace, and exercise mutual forbearance as led by the Holy Spirit, (iii) be open, honest, and transparent, (iv) speak the truth in love, and (v) genuinely seek to discern not human will, but God's will, for the congregation.

First Meeting

During the first meeting, the Discernment Team will engage in extended time of prayer for God's guidance and introductions. The process shall be reviewed and questions addressed. Team members will share a portion their faith stories, their understanding of the spiritual and theological issues at stake between the congregation and the Presbyterian Church (U.S.A.). The facilitator/mediator will guide the dialogue on foundational theological issues. The purpose of this discussion will be to (i) determine the degree of common theological ground that exists between the congregation and the denomination, and (ii) discern the nature and depth of any Christological, ecclesiological or other foundational theological disagreements that do exist. The first meeting will primarily be for listening, sharing and identifying areas to be addressed.

Second Meeting.

The second meeting will be primarily for continued dialogue and the planning of a process to engage all members of the congregation in prayer and discernment, to listen and respond to the concerns, sensitivities and question of congregation members. *Creative discernment processes for small or large group gatherings may be used*, but shall be designed to encourage the participation of all members and assure that there is equal opportunity for all viewpoints to be brought before the congregation and for all members to have opportunity to voice their opinions and concerns. Discernment Team members shall agree on what other resources should be provided to the members for their personal reading or viewing to aid in discernment and which present all viewpoints.

Third - Meeting(s) With the Congregation

For the third meeting(s), the Discernment Team will meet with members of the congregation for prayer and discernment, and to respond to their concerns, sensitivities and questions. It is especially important for the Discernment Team to model the gracious tone inherent in this Policy.

In its dialogue with the congregation, the Discernment Team will share the implications for a church considering leaving the denomination, and the options open to the members if dismissal occurs. They will offer possible proposals for healing the relationship between the congregation and the Presbytery. To facilitate the discussion, the Presbytery shall be deemed to have approved any Reformed body in good standing with the World Communion of Reformed Churches (WCRC) (formerly World Alliance of Reformed Churches) or any other Reformed body that may be approved by the Presbytery of Tres Rios.

Additional Meetings.

The Discernment Team will determine by mutual consent if additional meetings are needed to allow additional time for members of the congregation to participate, particularly if it is a large congregation. The team will consider feedback received from the members of the congregation to determine if the content of the discussion should be expanded to include other concerns.

Fourth Meeting

The fourth meeting will focus on the Discernment Team's recommendation. The team will review what it has learned through focused conversation, through receiving feedback from the congregation, and through prayer. Members of the Team will consider the various proposals discussed for healing the relationship between the congregation and the Presbytery. If the Discernment Team is convinced that a deep gulf still exists between the congregation and the PC (U.S.A.), and that they are not able to establish a process for continued relationship with the PC (U.S.A.), the Discernment Team will begin the process of determining whether the session and congregation desire to request dismissal as provided in the section below outlining the procedures for seeking dismissal.

Fifth Meeting

Upon completion of the discernment process and time committed to prayer, the Discernment Team will prepare a report with recommendations to the session and to the congregation, and the presbytery. This report shall be recorded in the presbytery's and session's minutes.

Decision of the Session

If after receiving the report of the Discernment Team, the Session determines the congregation is still called by God to remain in covenant relationship with the Presbyterian Church (U.S.A.), both parties will work together to heal any broken relationships (see "Guidelines for Restoration of Fellowship and Recommitment to Presbytery-Congregational Relationship" below).

If the Session votes to call a congregational meeting to vote on a request for dismissal to another Reformed body, the Session shall follow the "Procedure for Seeking Dismissal". The Discernment Team shall meet with the Session to ensure proper, fair and balanced communications during the period between the call for a congregational vote and the vote. The representatives of Presbytery shall report to the Presbytery regarding the fairness of communications during this period.

GUIDELINES FOR RESTORATION OF FELLOWSHIP AND RECOMMITMENT TO PRESBYTERY CONGREGATIONAL RELATIONSHIP

If the session or congregation determines that it is called into a continued or transformed relationship with the Presbytery of Tres Rios, the Discernment Team will create and conduct a process for continuation/transformation of fellowship and reaffirmation to the Presbytery-congregational relationship. The following are presented as minimal guidelines for marking and sealing that reaffirmation:

- Consulting with the Session in writing a covenant of reaffirmation with the Presbytery,
- Consulting with the Session in reconciling leadership and members.
- Conducting a public service of worship and reaffirmation to shared fellowship and ministry, with participation from Presbytery and congregation.
- Sharing of story and testimony from members of the Reconciliation Team and congregation at the congregational and Presbytery level.
- Blessing and commissioning of any congregants who leave the local congregation (to the extent possible), in the hope of maintaining the unity of the Spirit in the bonds of peace. (*Ephesians 4:3*)

PROCEDURE FOR SEEKING DISMISSAL, THE CARE OF PEOPLE AND DETERMINING TERMS OF DISMISSAL

I. Dismissal to Another Reformed Body

Consistent with Presbyterian Church (U.S.A.) polity and General Assembly actions taken in *Anderson v. Synod of Florida*, a congregation can be dismissed with property only to another Reformed body recognized by the Presbyterian Church (U.S.A.). It cannot be dismissed to “independency.” Consistent with *Strong & Bagby v. Synod of Mid South*, congregations can only be dismissed by the formal action of the Presbytery. During its conversations, the Discernment Team should discuss and confirm that the congregation desires to be dismissed to another Reformed body, and intends to remain in that Reformed body.

II. Procedure for Seeking Dismissal

Upon completion of the discernment process, if a session calls a meeting of the congregation to vote on a motion to request dismissal to a particular Reformed body, the Discernment Team will work with the Session to ensure the proper and fair implementation of the procedure outlined below:

- A. The session shall call for a meeting of the congregation. Advance notice for the meeting shall be by written letter to each member on the active roll of the congregation who is eligible to vote at the meeting, as well as through three Sunday worship announcements. The letter shall be mailed at least thirty (30) days in advance of the meeting date and shall include:
 1. The question to be discussed and voted upon is: “Shall the _____ Presbyterian Church request the Presbytery of Tres Rios dismiss it to the Reformed body of _____?”
 2. A written statement from the Discernment Team majority and minority (if applicable). Public announcements of the congregational meeting shall be made at all worship services between the date of the call and the actual congregational meeting. Representatives of the Presbytery (which may include presbytery’s members of the Discernment Team), Presbytery Moderator, General Missioner, Stated Clerk, or other representatives shall also be invited to the meeting, with the right to address the body-gathered.

- B. Steps will be taken to ensure that only the active members of the congregation present are permitted to vote. (G-1.0501). The quorum for the congregational meeting shall be the designated quorum of the congregation or 50% whichever is higher, The number for the required quorum shall be based on the number of active members as recorded in the Annual Statistical Report for the immediate preceding year.
- C. All active members present, as well as the representatives of Presbytery, shall have the right to speak. After discussion and prayer, tellers will be elected and the vote shall be taken by written ballot with the only choices being “Yes (request dismissal) or “No (Do Not request dismissal). Presbytery representatives shall be permitted to observe the counting of ballots. At least two-thirds of those present and voting must vote in favor of requesting dismissal to another Reformed body in order for the proposal to pass.
- D. If at least two-thirds of the active members present and voting mark their ballots to “request dismissal,” it shall be deemed that the congregation has elected to seek dismissal to another Reformed body, and shall then enter into the next phase of the process.
- E. If the result of the congregational vote is less than two-thirds, but more than 50%, the presbytery shall determine how to proceed from that point, considering the wishes of the members seeking dismissal, the wishes of the members who wish to remain in the PC (U.S.A.), and the mission strategy of the Presbytery in the affected geographical area. It may elect to proceed to negotiate financial terms under which the members seeking dismissal will be allowed to acquire the property of the congregation, or it may elect to allow the surviving PC (U.S.A.) congregation to retain the property, In that case, the members seeking dismissal may proceed to seek dismissal as a group, or as individuals.
- F. If the results of the congregation vote are less than 50%, the presbytery will work with the session to bring about reconciliation among the members.

III. Care for People

The Presbytery recognizes that “the church” in a particular area is not its buildings or financial assets, but the people of the congregation, and are of paramount importance in any considerations. All processes should be open and loving, designed to support and nurture relationships rather than divide. Yet, by the very nature of a dismissal, some relationships will be stressed or severed. As we proceed, we must make sure our processes will account for everyone and that all individuals and groups are supported.

Following a congregational meeting in which the vote is to request dismissal, the session will promptly provide to the presbytery a copy of the membership roll with addresses, phone numbers and email addresses. Within 30 days of the congregation’s vote requesting dismissal to another Reformed body, the Presbytery will prepare a letter to members of the congregation informing them of their options to be dismissed with the congregation or to remain in the PC (U.S.A.). The letter will also inform members desiring to remain in the PC (U.S.A.) who serve on committees or as officers of the presbytery that their term of office shall continue, and are eligible to be elected to office in the future. For those desiring to be dismissed, their terms of office as officers or on presbytery committees will end. If a response is not received, it will be assumed the member wishes to be dismissed. The congregation will bear all costs associated with this mailing. The letter will direct that responses are to be returned to the Presbytery of Tres Rios. Rolls of those wishing to be dismissed and those wishing to remain in the P.C. (U.S.A.) will be prepared.

A. *Status of Members of the Congregation Who Wish to Remain Members of PC (U.S.A.)*

If there are members within a congregation who choose to remain in the PC (U.S.A.), the Presbytery will work closely with the members to provide pastoral support, guidance and resources for processing the transitions, whether they choose to continue on as the faithful remnant, seek or develop a new PC (U.S.A.) congregation, and/or addressing other matters of concern and care.

The Presbytery shall ensure that contact is made with those members wishing to remain in the PC (U.S.A.). At the earliest possible date, the Presbytery shall determine a location and convene a meeting with these members to discern the interest in continuing or starting a PC (U.S.A.) congregation or fellowship. The Presbytery's committee responsible for evangelism and church growth shall determine if the leadership, mission, and resources exist to organize *the continuing or* a new church. If the Missional Outreach Team makes that determination, an amount of money shall be made available for the *continuing or* new church development before dismissal of the majority with property. It is the responsibility of the Presbytery of Tres Rios to determine whether a new church development will be organized within its geographic boundaries, and will support, encourage and provide resources for the establishment of a new or continuing congregation of a loyal minority.

If there is no interest in organizing a continuing or a new congregation/fellowship, the presbytery will provide pastoral care to members, assisting them in transitioning to another congregation. If requested, the presbytery will hold the membership of those who desire to remain in the PC (U.S.A.) for up to two years, allowing time to request the transfer of their membership to an existing or new PC (U.S.A.) congregation.

B. *Status of Members of the Congregation Being Dismissed*

Members indicating their desire to be dismissed with the congregation to another Reformed body will be dismissed upon the vote of presbytery with its blessing for their continued ministry to Christ's church.

C. *Status of Teaching Elder Members of Presbytery*

Teaching elders who are installed within the congregation at the time of dismissal may request transfer to the Reformed body to which the congregation is requesting dismissal, or they may remain as members of Presbytery. Transfers will normally be approved, unless the teaching elder is subject to pending investigative or Permanent Judicial Commission action as per the *Book of Order*. Transfer may be requested concurrently with the congregation's request or separately within thirty (30) days. If transfer is not requested concurrently or within thirty (30) days, the teaching elder will be placed on inactive status by Presbytery. The term of office for teaching elders serving as officers of the presbytery or on committees will end upon request for dismissal or if placed on inactive status. The call to the congregation of a teaching elder remaining in the PC (U.S.A.) will be dissolved upon dismissal of the congregation, and he/she will become a member-at-large, which will allow the teaching elder to continue to seek calls within the Presbyterian Church (U.S.A.). The Missional Ministries Team will discuss with teaching elders the likely impact on their benefits and ordination status of the various options available to them, so that they fully understand the implications of their transfer to another Reformed body, or staying as a member of Presbytery.

D. *Status of Members under Care of Presbytery*

Special attention should be given to members of the congregation who are preparing for ministry and are under the care of Presbytery. Each member under care, together with his/her (CPM) liaison from the Missional Ministries Team, should be advised immediately of the congregation's desire to seek

dismissal. The member under care will be given the option of being dismissed with the congregation or transferring their membership to another congregation with Presbytery and/or the Presbyterian Church (U.S.A.). If transfer to another congregation within Presbytery/the Presbyterian Church (U.S.A.) is requested, the Missional Ministries Team will assist the member in seeking a waiver of the usual six-month requirement for church membership in order to maintain care status.

E. Status of Commissioned Ruling Elders to a Particular Pastoral Service

A Commissioned Ruling Elder's commission will end as of the date the presbytery votes to dismiss the particular congregation. If they are commissioned to the congregation in which they are also a member, they may choose to remain in the PC (U.S.A.), or be dismissed with the congregation to another Reformed body. If they are members of another PC (U.S.A.) congregation, or their choice is to remain in the PC (U.S.A.), they are eligible to be commissioned to pastoral service at a later date in another congregation as assigned by the presbytery.

IV. Care for Property

The Property Trust Clause

"All property held by or for a congregation, a presbytery, a synod, the General Assembly, or the Presbyterian Church (U.S.A.), whether legal title is lodged in a corporation, a trustee or trustees, or an unincorporated association, and whether the property is used in programs of a congregation or of a higher council or retained for the production of income, is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.)" (G-4.0203)."

The Presbytery of Tres Rios understands that the Trust Clause (G-4.0203) is a reflection of the church's organic unity as it fulfills "The Great Ends of the Church." Even as we profess that congregations of the Presbyterian Church (U.S.A.) do possess all the gifts necessary to be the church, we also profess in G-3.0101 of the *Book of Order* that there is "a mutual interconnection of the church through its councils" and that no congregation can claim to be "sufficient" in itself as the church. Under this provision, particular congregations "are called to share with others both within and beyond the congregation the task of bearing witness to the Lordship of Jesus Christ in the world." It is the charge and duty of all councils of the church "to nurture, guide, and govern those who witness as part of the Presbyterian Church (U.S.A.), to the end that such witness strengthens the whole church and gives glory to God." The Trust Clause is a specific manifestation of what the "mutual interconnection of the church through its councils" means for us with regard to our faithful stewardship of the property given to us by God for ministry.

The Trust Clause also reflects our understanding of the church as a communion of saints across time, with responsibilities both to those who came before and to those who will follow. When a congregation seeks to leave the Presbytery, it is breaking what is often a significant historic relationship; it is also departing from a fellowship in which its officers have participated, by whose polity they have pledged to be governed, and with which many members may feel bonds of affection. This policy therefore cautions any congregation seeking to separate from the Presbytery to consider its actions carefully.

Under the Trust Clause, all property, including land and buildings, used by a particular congregation in its ministry, is held in trust for the PC (U.S.A.). For that reason, the congregation cannot sell, lease, or encumber the property in question without the permission of Presbytery, nor can it take the property with it to another denomination unless Presbytery voluntarily releases its claim upon the property. The fact that a congregation may have exercised its limited right, created at the time of reunion, to be exempt from the requirement of Presbytery approval of certain property transactions (G-4.-0208) does

not affect or supersede the general, historic polity of the Church that all property of a congregation is held in trust, as set out above, and does not create the right for a congregation to be dismissed from the PC (U.S.A.) and retain its property. The constitution of the former Presbyterian Church in the United States (PCUS) also provided that all property was held in trust for the use and benefit of the PCUS. See Chapter VI of the 1982-83 PCUS Book of Church Order.

For the reasons set forth above, the Trust Clause should be viewed as a defense of the ministry and mission of the church universal, not as an offensive weapon to be used against any council or other embodiment of the church. In considering enforcement of the provisions of the Trust Clause, all parties with an interest in the Trust Clause are called to act with grace rather than as adversaries. Scripture calls us to seek in all humility to resolve our disagreements graciously, with due consideration for the interests of others and a recognition that the way we handle disagreements can serve as a positive witness to the gospel in the world.

V. Procedures and Guidelines to Determine Terms of Dismissal

The Constitution of the Presbyterian Church (U.S.A.) and General Assembly Permanent Judicial Commission decisions make clear that a presbytery must exercise its fiduciary responsibility to the whole church under the Trust clause and to those members who wish to remain in the P.C. (U.S.A.). Each request for a congregation to be dismissed must be considered on a case by case basis. There must be an individual assessment and valuation of the church's unique situation, history, finances, property, spiritual needs and financial needs when considering dismissal, and such determination must be based on documented facts.

Preliminary Considerations Prior to Dismissal shall include:

- Congregation's history in the presbytery;
- Presbytery and Presbyterian Church (U.S.A.) ministry and mission presence in the geographic area;
- The size of the minority wishing to stay in the PC (U.S.A.), and resources to fund the plan for continuing or starting a new PC (U.S.A.) congregation;
- Thorough analysis of the financial position of the congregation including the value of all the congregation's assets, including endowment funds, investments, personal property, and appraised value of real property; amount of liabilities; receipts and disbursements over the last five years;
- The terms of any endowment funds that require that the principal be transferred to the Presbytery or any other entity of the Presbyterian Church (U.S.A.)
- Congregation's debt service and any existing liens on the property;
- The congregation's ability to pay a contemplated amount; and
- Other relevant considerations.

Appointment of Representatives for Negotiating Terms of Dismissal

Upon the congregation's vote to seek dismissal, the session and the presbytery's Missional Networking Team will each appoint representative in equal numbers to form the Negotiating Team within thirty (30) days, which will include at least four people, and will set the Team's first meeting date. The Negotiating Team will commit to work as expeditiously as it can, bearing in mind that the complexity of issues facing the Team will determine its pace.

During the negotiating process, the Negotiating Team will exercise wise discretion and the degree of confidentiality necessary for their work. They will have the authority to communicate directly with the session, leaders and elected officers of the Presbytery as needed in order to accomplish their work.

Determining Terms of Dismissal

- A. The Negotiating Team shall then engage in discussions to determine what would be gracious, fair and reasonable terms under the circumstances for the particular congregation to be dismissed. The presbytery shall prepare a legally binding agreement based on the negotiated terms of dismissal for approval by the congregation and the presbytery. All necessary documents to support the above determination will be provided by the session to the Negotiating Team, including the current year's operating budget, financial statements (audited or reviewed income statement and balance sheet), the insured value of the property, property evaluation, existing liens on property, insofar as practical, history of property acquisition and values, endowment or trust agreements.
- B. Additional matters to be addressed:
 1. The following is a list of some of the other practical considerations to be addressed, should a congregation be approved for dismissal, but are not necessarily all-inclusive.
 - a. The proposed effective date of dismissal should be determined.
 - b. A congregation that is approved for dismissal may take its name with it, but must remove the PC (U.S.A.) seal from all property and documents.
 - c. A congregation being dismissed shall be required to remove the Presbytery of Tres Rios from any outstanding loan guarantees and to pay off any loans outstanding to any entity of the Presbyterian Church (U.S.A.).
 - d. A congregation being dismissed may be required to close out its financial and membership books as of the official date of dismissal, and to file all reports required by the presbytery for statistical record-keeping. *If there is a continuing congregation, they will be responsible for the Annual Statistical Report to the Office of the General Assembly.*
 - e. Any insurance policies held by the congregation with instrumentalities of the PC (U.S.A.) may need to be changed.
 - f. A congregation *that is dismissed* will no longer be covered under the PC (U.S.A.)'s *Internal Revenue Service "Group Exemption Number"* and shall report the change in denominational affiliation to the IRS.
 - g. A congregation will need to revise its corporate status to reflect dismissal.
 - h. Severance payment to any teaching elder(s) installed as pastor at the time of dismissal who wishes to remain with PC (U.S.A.) of twelve (12) months' salary, housing and benefits, less any compensation received by the teaching elder from other sources of employment during said twelve months' term.
 - i. A congregation must remit any outstanding dues to the Presbyterian Board of Pensions and clarify with the Board the status of any staff participating in the Board of Pensions whether participation will continue, or the effective date participation ends, etc.
 - j. All original records, minutes, rolls or church legal documents are the property of the Presbytery of Tres Rios. Prior to dismissal a method shall be agreed upon to copy the originals, either through the Presbyterian Historical Society or by other qualified company, and the

congregation may receive the originals back. The congregation shall bear the cost of copying, and the presbytery will verify that all documents have been copied. The presbytery may choose to retain a copy of some of the records in the presbytery office, i.e. baptismal records, etc.

- k. Title to the property will not be released by the presbytery until all compensation for the property has been received. If the terms for payment require installments then the withdrawing congregation shall execute a promissory note secured by a deed of trust on the real property of the withdrawing congregation.
 - l. As a condition of release of title to the property, the session and congregation of the particular church requesting dismissal shall represent and warrant to the presbytery and the PC (U.S.A.) that the particular church is in good standing with respect to any federal state and local tax matters, all other regulatory licensing issues, and is not aware of any outstanding claims or other potential liabilities related in any way to the congregation's ministry or operation. The particular church shall indemnify, defend and hold harmless the presbytery and the PC (U.S.A.) from all such claims or liabilities whether arising before or after the dismissal date.
 - m. Prior to finalization of the dismissal process, *the session shall be responsible for consulting with their legal counsel in preparing a "Deed Without Warranty" (or Quit Claim Deed) for any real property being that is to be released by presbytery.* All legal costs associated with this and any other corrective action noted above shall be borne by the congregation. *When all matters of dismissal have been completed as required by the dismissal agreement, the trustees of presbytery shall be authorized to deliver the signed "Deed Without Warranty" (Quit Claim Deed) to the session.*
 - n. The "Deed Without Warranty" (or Quit Claim Deed) shall be recorded with the County Clerk's office in which the property is located. In some situations, the "Agreement" or related documents may also need to be filed with the County Clerk. The congregation shall be responsible for payment of the recording fees.
2. In the event that an agreement regarding terms of dismissal cannot be reached, or if a dispute arises that cannot be resolved through negotiation, the Negotiating Team shall agree to submit to mediation before a mutually agreed-upon mediator, and if still unable to resolve, submit to binding arbitration before a mutually agreed-upon arbitrator.
 3. When the Presbytery has approved the request for dismissal, all legal documents have been signed and payment(s) made as required by the agreement, the Stated Clerk of the Presbytery of Tres Rios shall issue a letter of dismissal to the Reformed Body which is prepared to receive the congregation, and will notify the Office of the General Assembly PC (U.S.A.) that the dismissal has occurred.
 4. In some circumstances, the value of the property in relation to the size of the departing congregation may dictate consideration of other terms for compensation. These may include, but are not limited to, the following:
 - a. A long-term lease of the property, under which the departing congregation retains full use of the buildings but title remains with the Presbytery.
 - b. Sale of the property to a third party and allocation of the proceeds between the departing congregation and the Presbytery.

- c. Dissolution of the congregation and retention of the property by Presbytery for new church development or utilization for another mission of the Presbytery.

VI. Meeting of the congregation to validate the terms of dismissal

As soon as the representatives of the Presbytery and the session arrive at terms acceptable to the two committees, the session shall call for a final congregational meeting to validate the terms negotiated.

- A. The call for the congregational meeting shall be in accordance with the notice and quorum requirements of that congregation's by laws.
- B. All members of the congregation shall have an opportunity to speak, as well as representatives of the presbytery.
- C. The motion to approve the agreement shall be presented for an up or down vote as amendments to the agreements would invalidate months of work between the representatives of the presbytery and the congregation.
- D. At the conclusion of all discussion and prayer, members shall vote up or down on the terms. All active members of the congregation present shall vote by paper ballots that provide a vote for "Accept terms" or "Reject terms".
- E. If two-thirds of those present and voting elect to "Accept terms," the agreement between the presbytery and the session is validated and shall be deemed to represent the wishes of the congregation.

VII. Process for Presbytery to Vote to Dismiss a Congregation

- A. Once the session and congregation have formally voted to request dismissal from the Presbyterian Church (U.S.A.) and have accepted the terms of the negotiated agreement for dismissal, Presbytery will call a vote at the first regularly scheduled stated meeting, or it may elect to call a Pro Re Nata (Special Called) meeting on accepting the terms of the agreement and dismissing the congregation to another Reformed body, by a simple majority vote. The written reports of the members of the presbytery's Discernment Team will be presented, as well as the report of the members of the presbytery's Negotiating Team that worked with the session representatives to negotiate a settlement agreement. The reports, written settlement agreement and roll of members to be dismissed will be made available to all members of Presbytery for their review no later than two weeks prior to the meeting at which the Presbytery vote will be taken.
- B. It should be noted that renegotiation of the terms for dismissal through use of amendments from the floor of Presbytery would invalidate months of work between the representatives of the presbytery and the congregation. Therefore, the Presbytery of Tres Rios, by the adoption of this policy, affirms that the proposal shall be presented as a whole, with the understanding that the final agreement has been reached by good faith negotiations between the presbytery and the session/congregation. The motion to accept the terms of the settlement and dismiss the congregation should be preceded by a two-thirds vote required to limit amendments. The motion to dismiss the congregation shall include the name of the Reformed body the congregation is being dismissed to and the effective date. Presbytery must receive confirmation the congregation will be received by the Reformed body prior to dismissing.
- C. Separate motions for any teaching elder that wishes to be dismissed to another Reformed body shall be made and the effective date stated. Presbytery must receive confirmation the teaching elder will be received by the Reformed body prior to dismissing.

VIII. Post-Dismissal Service

An appropriate final service of prayer or worship will be offered to acknowledge the termination of the existing denominational relationship, to acknowledge the bonds of Christian love and duty that still bind us together, and to affirm the Presbytery's continuing care for the congregation. This may be a prayer service following the presbytery's vote to dismiss the congregation, or a separate worship service jointly planned by the Presbytery and the session with the Lord's Supper observed, and commissioning those departing the Presbyterian Church (U.S.A.) to further their work for the kingdom as they go forward in ministry, and all congregations of the Presbytery of Tres Rios shall be invited.

ALTERNATIVE PROCESS FOR SEEKING DISMISSAL FOR A CHURCH CONSIDERING OR SEEKING DISMISSAL FROM THE PRESBYTERIAN CHURCH (U.S.A.)

The Presbytery of Tres Rios has established a Reconciliation and Dismissal Process for member churches considering dismissal from the denomination and strongly encourages pastors, sessions and congregations to engage in the process outlined.

Recognizing that there may be congregations that either choose to seek dismissal from the without covenanting to abide by the Reconciliation and Dismissal Process or that may choose to abandon that process before completing it while continuing to seek dismissal from the denomination, the Presbytery establishes this Alternative Process for Churches Seeking Dismissal from the .

The intent of this Alternative Process is to provide guidelines for a gracious, decent, and orderly interaction between the Presbytery and churches seeking dismissal outside of the guidelines defined in the Reconciliation and Dismissal Process.

ALTERNATIVE PROCESS

When the Presbytery is notified that a church has taken steps to request dismissal from the without complying with the Reconciliation and Dismissal Process or that a church that was proceeding under the Reconciliation and Dismissal Process fails to complete it but is requesting dismissal, then the Presbytery will respond by following these guidelines.

A. ADMINISTRATIVE COMMISSION

1. Pursuant to G-3.0109b (5), the Moderator of Presbytery shall nominate and the Presbytery shall elect, an Administrative Commission ("AC"). The primary task of the AC is to "attempt to inquire into and settle the difficulties" of the church in question. The authority of the AC will be specifically defined for the situation. Powers of the AC may include authorization for the AC to assume jurisdiction in whole or in part over the affairs of the church with the power to act in place of the session.
2. The Stated Clerk of Presbytery will conduct a training session for members of the AC to apprise them of the powers that are delegated to the AC, and the facts and circumstances that prompted the formation of the AC.
3. Powers granted to the AC by the Presbytery may include the authority for the AC:

- a. to determine whether a schism exists within the congregation (G-4.0207,);
- b. If schism exists, to determine if one of the factions of the congregation represents *the true church within the PC (U.S.A.)* (G-4.0207);
- c. to make recommendations to the Presbytery to dissolve pastoral relationships or to place pastors on administrative leave. When requisite authority is given by the Presbytery, the AC may dissolve pastoral relationships (G-3.0109b);
- d. to request records of the session (G-3.0108b), *“If a higher governing body learns at any time of any irregularity or delinquency by a lower governing body, it may require the governing body to produce any records and take appropriate action”*;
- e. to examine and copy whatever records of the congregation that may be relevant (*e.g.*, how money is held, title to property, title policies, surveys, insurance documents, financial statements and records, budgets, tax returns, bank and account statements, mortgages or other loan documents, corporate articles, bylaws, and charters – especially changes in any of these).
- f. to assume original jurisdiction (in whole or in part) in any case in which it determines that the session is unable or unwilling to manage wisely the affairs of its church (G-3.0303e);
- g. to freeze the assets of the congregation and approve expenditures;
- h. to secure the building, grounds and other property of the congregation for the use and benefit of the ;
- i. to determine if and when a meeting of the congregation is appropriate for the purpose of voting to seek dismissal from the;
- j. to call that congregational meeting, and provide the moderator and clerk for that meeting and to report results of the congregational vote to the Presbytery;
- k. to authorize oversight of the church, its ministry and its property by a group within the congregation that has been identified as *“the true church within the ”* (G-4.0207);
- l. to propose to the Presbytery any recommendation for the disposition of the property held by or for the Presbyterian Church (U.S.A.), and the assumption of the liabilities of the church, if there is no group within the congregation that has been identified as *the true church within the PC (U.S.A.)*, or if such group cannot or does not assume responsibility for the church, or its property or liabilities;
- m. to consider the conformity with the PC (U.S.A.) (in matters of doctrines and order) of the proposed receiving body or denomination to which a congregation has, or may, request dismissal, and to propose to the Presbytery any recommendation regarding same for the Presbytery’s consideration and action.
- n. to fulfill any other responsibilities as assigned by the Presbytery, or as may be necessary or appropriate in connection therewith or in connection with those set forth above.

B. CONGREGATIONAL MEETING

1. The AC shall keep the Presbytery informed of significant actions taken and shall make recommendations directly to the Presbytery for all actions that require the Presbytery's approval.
2. One of the powers of the AC is to determine when or if a meeting of the congregation is appropriate for the purpose of voting to seek dismissal from the to another Reformed denomination. Prior to any such vote, the leadership of the church shall furnish to the AC written verification that they will receive the church upon dismissal from the PC (U.S.A.). The Presbytery or AC may request any other written information about that denomination, such as doctrine, governance and permanence. The call for the congregational meeting shall be in accordance with the notice and quorum requirements of that congregation.
3. A request for withdrawal shall be by two-thirds vote of the active membership of the congregation as recorded in the Annual Statistical Report for the immediately preceding year. By such vote the congregation must adopt a resolution requesting that the Presbytery dismiss the church to a specified Reformed denomination that is in correspondence with the General Assembly of the PC (U.S.A.) and is a member of ecumenical bodies in which the is also a member. The resolution shall specify whether dismissal is sought with all or part the church's property or without the church's property. If dismissal is sought with part of the property then the resolution shall specify the property to be retained.

C. DISPOSITION OF CHURCH PROPERTY

1. Disposition of the property of the church shall be resolved in accordance with the provisions of G-4.0207, (Property of Congregation in Schism).
2. A minority of the church congregation may choose to elect new church leadership and assume responsibility of the property subject to the jurisdiction of the AC or sell the property to the majority with the approval of the Presbytery (if required).

If the minority does not or cannot assume responsibility for the property within a reasonable period of time (as determined by the AC), then the AC may recommend that the Presbytery dismiss or dissolve the congregation, or dispose of the property, or take other appropriate action.

3. The AC may consider the following options for the disposition of the church property if there is no faction of the congregation that can or does assume responsibility for the church property as a continuing congregation of the:
 - a. Sell, transfer, lease or otherwise dispose of the property to a third party;
 - b. Retain the property for a new church development, or hold, use and apply the property for another mission of the Presbytery;
 - c. Sell, lease or transfer the property to the membership of the dismissed congregation upon terms acceptable to the Presbytery on condition that the church is dismissed to another Reformed denomination.

Covenant Agreement

In order to: promote the ongoing faithfulness of our members in the work of the Mission of God through Jesus Christ; exercise “mutual forbearance”; treat others with respect regardless of theological and ecclesiological differences; and work for fairness to all parties in our decisions, therefore, the Presbytery of Tres Rios and the congregation of the _____ Presbyterian Church of _____, Texas, covenant to follow the Reconciliation and Dismissal Process and abide by its terms as a way of discerning God’s will for the relationship between the congregation and the Presbytery of Tres Rios.

Date

Pastor

Moderator – Presbytery of Tres Rios

Clerk of Session

Stated Clerk – Presbytery of Tres Rios