POLICY FOR GRACIOUS DISMISSAL
TO ANOTHER REFORMED DENOMINATION

San Gabriel Presbytery
September 27, 2011

I. INTRODUCTION:

A. Division Over Matters of Conscience

1. Presbyterians of good conscience, deep devotion to Jesus Christ, and genuine commitment to the Word of God and our historic confessional standards have come to differing interpretive conclusions through careful study, prayerful processes and faithful discernment.

2. There have, over the years, been disagreements over whether particular matters are essential aspects of reformed faith (and therefore subject or not subject to individual freedom of conscience).

3. The Book of Order, in its Preliminary Principles, states 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.” (G-1.0305) (F-3.0105).

4. It lies within us as Presbyterians committed to differing positions to affirm together, “one Lord, one faith, one baptism, one God and Father of all, who is above all and through all and in all.”

B. 218th General Assembly’s recommendation

The 218th General Assembly (2008) of the Presbyterian Church (USA) urged that 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) 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-11.0103i (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-8.0000) (G-4.0000ff) and specific issues of schism within a congregation (G-8.0600). But, full accountability also requires preeminent concern with “caring for the flock.”

- **Gracious Witness**: 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.

C. **Presbytery’s Authority to Dismiss Congregations**

1. Presbyteries have the express power (a technical term meaning they are the only ones who can take this action) to dismiss a congregation (G-11.0103i).

2. Only a presbytery may dismiss a congregation (PCUS, 1976, pp. 92-99, Strong and Bagby v. Synod of Mid-South (No.1-1976)).

3. Presbyteries have the authority under G-8.000 (G-4.0000ff) and G-11.0103i (G-3.0303b) to evaluate questions concerning church property in light of the particular circumstances presented in each instance and to exercise good judgment in accordance with Authoritative Interpretations of G-11.0103 made by the General Assembly in 1988, 1989 and 1990.

D. **Statement of Values of the Presbytery of San Gabriel**

1. The Presbytery is committed to its churches and acknowledges the good will of all parties in dispute. The Presbytery of San Gabriel seeks to uphold one another, respect each other’s integrity, affirm freedom of conscience, even as we acknowledge significant differences in our views on what the Bible teaches about a number of issues. We desire to encourage peace and unity while minimizing confrontation between and among 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, for its building up, and for its service to God and on our organic spiritual unity found in the grace of the Lord Jesus Christ, the love of God, and the fellowship of the Holy Spirit.
2. Presbyterians have always celebrated and recognized significant differences of opinion on issues that matter. This ethos is currently noted in the historic language found at G1.0305 (F-3.0105):

- Our covenant demands that we strive to work together in peace and unity, even in the midst of our diversity. The duty is always to attempt to bring the estranged member back into the covenant community, 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 governing bodies by vote, following opportunity for discussion, and a majority shall govern.” (G-4.0301d) (F-3.0204) and (G-40301e) (F-3.0205). At the same time, the church is committed to being open to voices sharing minority opinions. The Constitution of the Presbyterian Church (U.S.A.) recognizes “’The church reformed, always reforming,’ according to the Word of God and the call of the Spirit.” (G-2.0200) (F-2.0200).

- There are also 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. (G-6.0108b, footnote 1) (G-2.0105 footnote 11). If their consciences will permit neither, the Presbytery will be generous in allowing congregations and presbyters with strong issues of conscience to pursue peaceable withdrawal through dismissal to another Reformed body in accordance with our interpretation of the Trust Clause as found below.

3. In order to achieve the goals of servant-hood, encouragement, and support, the Presbytery has historically seen its role as being a resource. The Book of Order of the Presbyterian Church (U.S.A.), (G-11.0103) (G-3.0303), challenges the Presbytery to order all resources …for the mission and government of the church throughout its geographical district. It therefore has the responsibility and power to develop strategy for the mission of the church in its area consistent with (G-3.0000) (F-1.00) and to coordinate the work of its member churches, guiding them and mobilizing their strength for the most effective witness to the broader community for which it has responsibility.

II. SPECIFIC EXPOSITION OF WHAT “HELD IN TRUST” MEANS TO US ACCORDING TO THE BOOK OF ORDER OF PRESBYTERIAN CHURCH OF (U.S.A.):

All property held by or for a particular church, 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 particular church or of a more inclusive governing body 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-8.0201) (G-4.0203).
1. The Trust Clause is meant to reflect the church’s organic unity as it fulfills “The Great Ends of the Church”, strengthening its ability to guide its member churches into their witness to the broader community. “The unity of the Church is a gift of its Lord and finds expression in its faithfulness to the mission to which Christ calls it.” (G-4.0200) (F-1.0302a). We believe our unity and our true connection comes from Christ, our Chief Cornerstone, and that our unity in Christ serves as an essential basis for evangelism. (John 17:20-23) It is our prayer that we would all be one in Christ, just as Christ and the Father are one. Because the trust clause is meant as a means of witness to our unity in the covenant of common mission, it is incumbent upon the Presbytery to exercise forbearance, not coercion, to act graciously rather than adversely to its member churches in regard to its provisions.

2. Under the Trust Clause, a particular congregation’s church property, including land, buildings, and fixtures, is held in trust for the Presbyterian Church (U.S.A.). The congregation cannot sell, lease, or encumber it without the permission of Presbytery, nor can it take property with it to another denomination unless Presbytery voluntarily releases its claim upon the property.

3. 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 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.

4. The Trust Clause should not be used as a weapon to threaten civil action against a congregation. In considering enforcement of the provisions of the Trust Clause, it is important that Presbytery and its member congregations act with grace rather than as adversaries. Scripture calls us to seek in all humility to resolve our disagreements and avoid the harm that is done to the Gospel and Christ’s body when Christians resort to civil litigation and public disputes over property.

5. The Trust Clause should not be used to bind churches to the institution of the Presbyterian Church (U.S.A.) if a church genuinely desires to depart over matters of conscience.

6. Presbytery will not preemptively initiate civil litigation based on the Trust Clause. If a congregation initiates civil action, the Presbytery may take legal action to defend its mission strategy for the Presbytery.

III. COMMITMENT AND DIALOGUE WITHOUT THREAT OF PUNISHMENT

1. The goal of this 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 churches 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 frayed over issues of conscience to the point of considering disaffiliation.

2. 1 John 4:18 states “There is no fear in love. But perfect love drives out fear, because fear has to do with punishment. The one who fears is not made perfect in love.”

The Presbytery’s commitment to this passage in how we dialogue with each other means that we are committed to engage either the leaders of the congregation or the congregation as a whole, as circumstances dictate, 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 prayer, dialogue, and a commitment to act in love, and in the best interest of the congregation as well as the Presbytery’s mission. We encourage congregations wrestling with these issues to share their concerns with Presbytery leadership and know that the response will not be hostile, but instead one of prayerful dialogue and a commitment to act in love and in the best interest of that congregation.

3. 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.

IV. COVENANTAL PROCESS FOR THE PRESBYTERY AND CONGREGATION

1. As a primary means for settling disputes, the presbytery covenants with its members and congregations to settle property disagreements relationally, rather than through judicial proceedings in the courts of the church, or by initiating settlement in civil court thereby violating 1 Corinthians 6:1-11. In furtherance of this goal, both the presbytery and the congregation covenant together to:

- refuse the temptation to love church property and assets too much (These are important ministry tools, but they are not the most important aspect of our ministry.);
- be open, honest, and transparent, speaking the truth in love;
- exercise pastoral oversight in the spirit of I Peter 5:1-5, “...shepherd the flock of God among you, exercising oversight not under compulsion, but voluntarily, according to the will of God.... And all of you clothe yourselves with humility toward one another....”;

• work pastorally with any pastor, session or congregation that seeks dismissal from the Presbyterian Church (USA);

• not take any preemptive action against the Presbytery, any pastor, session or congregation who considers faithfully following the Great Ends of the Church (G-1.0200) (F-1.0304) in another fellowship;

• interpret “use and benefit of the Presbyterian Church (USA)” in G-8.0201 (G-4.0203) to mean solely whatever furthers the Great Ends of the Church (G-1.0200) (F-1.0304);

• interpret its express power “to coordinate the work of its member churches, guiding them and mobilizing their strength for the most effective witness to the broader community for which it has responsibility” (G-11.0103b) (G-3.0301) to allow that in some cases, after careful and prayerful consideration, a congregation, with its property and any financial assets, may be dismissed from the Presbyterian Church (USA) without penalty.

2. Holding these covenants in mind, this does not abrogate provisions for judicial proceedings described in D-2.0000 and following should those be determined to be necessary after prayerful deliberation by the presbytery.

V. OUTLINE FOR A PROCESS OF ENGAGEMENT WITH PRESBYTERY

A. Initial Contact and Dialogue

1. When the leadership of the presbytery becomes aware, either through formal session action or discussion, or through informal contacts with church leaders or members, that a congregation is in serious disagreement with the denomination to the extent of considering leaving the PC (U.S.A.), a Presbytery Engagement Team (PET), formed by the Presbytery Council and the Committee on Ministry Team for such a purpose, will offer to meet with the session and jointly, or subsequently, with the congregation as the church tries to discern God’s will for denominational affiliation. This process is meant to insure that the congregation is fully informed on the issues at hand, equipped with knowledge of this Presbytery’s process, as well as the processes and values that have guided other churches and presbyteries in their decision making.

2. The persons assigned to represent Presbytery will seek a time of prayer and conversation focused upon understanding the conflict and identifying potential steps toward reconciliation.

3. Prayerful discussion of differences and determination of possibility of reconciliation.

4. The PET will attempt to “bridge the gap” with the congregation through discussion of possibilities for reconciliation and likely impacts in the case where dismissal is the course
decided upon. The PET will outline the process and likely consequences of the
congregation requesting dismissal from the Presbytery, and will use the following
principles to guide the PET’s dialogue with the church:

• To engage either the leaders of the congregation or the congregation as a whole,
as circumstances dictate, in a time of prayer and conversation aimed at
understanding the issues of the session/congregation that desire that their
congregation be dismissed, and also to hear from those congregation members
who wish to remain within the PC (USA).

• If the team determines that progress can be made toward reconciliation through
continued and constructive dialogue, the session and the team will establish a
mutually agreeable timeline of talks to be held and proceed to engage in such
dialogue.

• In its dialogue with the church session and/or congregation, the team will share
implications for a church considering leaving the PC (USA). The PET will
discuss with all minister members the likely impacts 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.

• The best goal of presbytery team conversations with congregations when there is
a group that desires to remain within the PC (USA) and a group that desires to be
dismissed to another Reformed body, is to discuss financial, property and other
issues that will enable both members of congregations (groups) to be as healthy as
possible in the aftermath of separation. If after a period of dialogue, the PET and
the leadership of the congregation are not able to establish a process for
reconciliation, the PET and the leaders of the congregation will begin the process
of negotiation of the terms of dismissal, and the validation of the true desire of the
members of the congregation with regards to denominational affiliation.

VI. PROCESS FOR A CONGREGATION TO REQUEST DISMISSAL

A. Negotiation of terms of dismissal

The dismissal of a church from the Presbytery will be a traumatic event in the life of the
congregation and the Presbytery. The actions of the Presbytery shall be truly focused on
the preservation and even the advancement of ministry through the process of negotiation
and after the congregation is dismissed. The PET will engage with a Special Committee
of the Congregation (SCC), selected by the Session of the congregation, to negotiate the
terms of dismissal. It is expected that once the process has reached this stage, the
negotiations should be able to progress relatively quickly and be able to be completed
within 60 days.

B. Terms for release to another body
Consistent with PC(USA) polity and General Assembly actions taken in Anderson v. Synod of Florida, congregations seeking dismissal from the Presbytery may only be dismissed with their property to another reformed body recognized by the PC(USA). It cannot be dismissed to “independency.” Consistent with Strong & Bagby vs. Synod of Mid South, congregations can only be dismissed by the formal action of the Presbytery.

C. Policy for releasing claims to property

1. If a church seeking dismissal has outstanding loans to the Synod or other PC(USA) body, before the actual transfer of title occurs, the loans must be paid back or transferred to another creditor as part of the loan being repaid. Since the church being dismissed will no longer be under the authority of PC(USA), the denomination body that holds the loan should not be placed in the position of being exposed to loss without having a position of oversight of the church, or having the Presbytery being able to act as a guarantor of the loan. This repayment does not have to made before the Presbytery acts on the request to dismiss, but must be made within 90 days of the Presbytery vote to dismiss. If the PET does not believe a viable plan for repayment exists, the PET shall recommend to the SCC that the process be put on hold before the congregational vote until a viable plan to repay the loan is established.

2. Prior to the Presbytery voting on the dismissal, the SCC shall provide the PET details regarding to whom the church property shall be transferred, such that the appropriate legal documentation can be prepared. Such transfer should occur no later than 90 days of the vote taken by Presbytery to dismiss.

VII. STATUS OF MINISTER MEMBERS OF PRESBYTERY

1. If a congregation is dismissed by Presbytery, one of the paramount concerns of this process is to assure that the rights and status of minister members are considered and handled properly.

2. Ministers may request transfer to the Reformed body to which the congregation is requesting dismissal, or they may remain as members of Presbytery. Transfers may be requested concurrently with the congregation’s request or they may occur separately. If transfer is not requested concurrently, the minister will be placed on inactive status by Presbytery, which will allow the minister to continue to seek calls within the Presbyterian Church (U.S.A.), or to become a member-at-large if their call at the church ends.

3. Transfers to another reformed body will normally be approved, unless the minister member is subject of pending judicial or investigative action. Members under discipline of the Presbytery may not be transferred until the administrative process is complete and any required remedial actions completed. At that point the transfer may be completed, but a record of IC or PJC must be transmitted to the other body prior to the transfer being requested so proper disclosure on any issue can occur.
VIII. STATUS OF MEMBERS OF THE CONGREGATION BEING DISMISSED

It is important that, throughout the dismissal process, both the SCC and PET communicate carefully so that divisiveness is minimized between those in the congregation who wish to withdraw and those members who want to remain in the Presbyterian Church (U.S.A.). After formal voting by the congregation and Presbytery has been completed, all members will be contacted regarding their membership status. Members being dismissed who serve on Presbytery committees will have their terms end officially on the day Presbytery votes to dismiss the congregation. However, the Presbytery will always welcome former elder Commissioners’ participation at Presbytery meetings as a way of continuing shared ministries and mission in the community, although such participation will be as visitors.

IX. 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 liaison from the Committee on Preparation for Ministry (CPM), 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 within Presbytery and/or the Presbyterian Church (U.S.A.). If transfer to another congregation within Presbytery/the Presbyterian Church (U.S.A.) is requested, PET and the CPM liaison will assist the member in seeking a waiver of the usual six-month requirement for church membership in order to maintain care status.

X. GOAL OF THE NEGOTIATIONS BETWEEN THE PRESBYTERY AND CONGREGATION

Just as this process is designed to aid in Presbytery’s ability to respectfully deal with the congregation’s desire to be dismissed, and to have that happen in a way that minimizes the impact to that congregation’s ministry, it is also important for the congregation to act in such a way as to minimize the impact on the mission and ministry of the Presbytery. Recognizing that the Presbytery’s ability to sustain ministry is related to its financial health, it is assumed that the congregation that is being dismissed would want to minimize the financial impact of its departure on Presbytery.

XI. NEGOTIATION OF TERMS OF WITHDRAWAL

The decision of whether or not to release the Presbytery’s claim to property used by a particular congregation will be made by the Presbytery, bearing in mind its responsibility to deploy assets of people, real estate and financial resources for the furtherance of the mission of the Presbyterian Church (U.S.A.) within its bounds and the need of the church to carry on its mission for the cause of Christ. Therefore, if the congregation is seeking to withdraw and retain its real property, the PET and SCC will negotiate terms whereby
Presbytery will gift the property to the congregation in exchange for an agreed compensation. These terms should reflect the mission strategy of Presbytery and should, to the greatest extent possible, facilitate successful ongoing ministry by both the Presbytery and the congregation. Thus, the Presbytery Evaluation Team (PET) and the Special Committee of the Congregation (SCC) will negotiate the terms of Dismissal, each giving particular attention to the needs of the other.

XII. VALIDATION OF CONGREGATION’S DESIRE AND DISCERNMENT TO REQUEST DISMISSAL

After the PET and the congregation’s SCC have met and negotiated the terms of dismissal, the next step in the process is to validate the congregation’s desire for dismissal, and to ascertain the congregation’s unity in that decision. That validation must be performed through a congregational vote. While the quorum for congregational meetings is set by the Book of Order and by the bylaws of particular congregations, the PET should expect at least 50% of the active members of the congregation be in attendance for a congregational meeting where the vote to accept the terms of the dismissal agreement are voted on and thereby voting to leave the PC(USA). This should be relatively easy for a smaller congregation, but may be impractical for a larger one, and the PET can negotiate a more practical number if 50% is deemed unreasonable. Such a called meeting of the congregation must be noticed at least 30 days in advance, and every action should be taken to maximize the participation of the congregation in this meeting. It is also expected that representatives of the PET would have an opportunity to address the congregation and be able to discuss specific issues that would enable the congregation to make an informed decision based on the facts of the situation and prayerful discernment. If the results of the vote to request dismissal and to accept the terms of the negotiated agreement is 75% or greater, the dismissal request is considered validated and, and then will be scheduled for a vote at an upcoming Presbytery meeting.

XIII. PROCESS FOR THE PRESBYTERY TO VOTE TO DISMISS A CONGREGATION

A. Procedure for Vote of Presbytery on Settlement Agreement

1. Once the congregation has formally voted to request dismissal from Presbytery/the Presbyterian Church (U.S.A.) and has accepted the terms of the negotiated agreement for dismissal, Presbytery will vote on accepting the terms of the agreement and dismissing the congregation to another Reformed body. The written record of dismissal terms proposed by the congregation, written counter-proposals by the PET, and the written settlement agreement including the mission strategy and impact study and Trust Clause considerations, will be made available to all members of Presbytery for their review well in advance of the meeting at which the Presbytery vote will be taken.
2. 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 PET and the congregation. Therefore, the proposal should be presented as a whole, with the understanding that the final agreement has been reached by good faith negotiations between the PET and the 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 and debate.

3. It should be assumed that if Presbytery then votes down the proposed dismissal of the congregation on the terms that have been negotiated, the outcome may be initiation of civil litigation regarding ownership of the property. It is our prayer that, by all parties’ committing to follow the above process in good faith, we can resolve our differences reasonably and civilly, without resorting to litigation.

B. Determination of Members’ Desire for Transfer

Within 30 days of the Presbytery’s vote approving dismissal of the congregation to another reformed body, Presbytery will prepare a letter to members of the church informing them of their option to be dismissed with the congregation or to remain in the Presbyterian Church (U.S.A.) by transferring their membership to another congregation in the area. The church will mail the letter to all active members of the congregation promptly and will bear all costs associated with this mailing. The letter will direct that responses are to be returned to Presbytery. The Presbytery will then ensure that contact is made with those members wishing to remain in the Presbyterian Church (U.S.A.) and that they are assisted in joining a new congregation of their choice.

C. Completing the Dismissal

Recognizing that the departure of valued colleagues in ministry will be a matter of pain for all parties, it is appropriate for the Presbytery to hold a service of worship giving thanks for prior shared ministry and prayers for the ongoing witness of both the departing congregation and of all the other congregations in the Presbytery and the Presbyterian Church (U.S.A.).