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Currently approved working process for COM (August, 2011)
Presbytery of Southern Kansas

Process for Congregations Considering Leaving the Presbyterian Church (USA)

(First reading for the September 20th, 2011 meeting of the Presbytery of Southern Kansas)

Preamble

The mission of the Presbytery of Southern Kansas is to be a community of faith under the lordship of Jesus Christ. We are called, by the grace of God, to lead, nurture, serve, represent, support and encourage our congregations. Even in times of conflict, we seek to uphold one another, respecting each other's integrity as we perceive the Biblical basis and Christian credibility of varied perspectives. It is the Presbytery's desire to encourage peace and unity while minimizing confrontation between and among its congregations and members as we seek together to find and represent the will of Christ. In all that we do, it is our prayer that they will know we are Christians by our love.

These policies relate to congregations which may seek to withdraw from the Presbytery of Southern Kansas and the Presbyterian Church (USA). The Presbytery desires to create a gracious process that is simple in administration. Our first goal is reconciliation. A listening team will meet with the session and congregation to discern the situation and provide a nurturing, healing presence. If efforts to reconcile differences seem unsuccessful, the listening team may recommend that the Presbytery Council form a resolution team to work with the congregation, either to continue the relationship with the Presbytery or to prepare a mutually satisfactory separation. If there is to be a separation, the resolution team will join the congregation in addressing such practical matters as pastor relationships to Presbytery, pensions, assets and liabilities including debt liquidation, and corporate status. When necessary, the resolution team may recommend that the Presbytery appoint an administrative commission to act for the Presbytery in delegated matters that address the specific situation of the congregation. The Presbytery itself is the only body empowered to approve a congregation's dissolution or withdrawal.

With believers in every time and place, we rejoice that nothing in life or in death can separate us from the love of God in Christ Jesus our Lord.

Listening Team

When the leadership of the Presbytery becomes aware, either through formal congregational action or through informal contacts with church leaders or members, that a congregation is in serious disagreement with the denomination, visitation will be offered to the congregation of a Listening Team by the appropriate Committee on Ministry.

The purpose of the Listening Team will be as follows:

1. To engage either the Session or the congregation as a whole, as circumstances dictate, in a time of prayer and conversation aimed at understanding the essence of the conflict and identifying steps forward.
2. If the team determines that progress can be made toward reconciliation through continued and constructive dialogue, the team will engage in such dialogue.

3. In its dialogue with the Session, the team will share matters for consideration with respect to implications for a church considering leaving the PCUSA and implications for the impact on the status of the Presbyterian minister of such church.

If, after dialogue, unresolved issues and concerns remain, the Committee on Ministry will recommend that Presbytery Council create a Resolution Team to work with the church.

If the offered visit from the Listening Team is refused by the Session, Presbytery Council will immediately recommend to Presbytery the formation of an Administrative Commission with authority to act for Presbytery in matters delegated to the Administrative Commission.

Resolution Team

1. If the Listening Team determines that its discourse with the church still leaves open issues and concerns, a Resolution Team established by Presbytery Council shall work with the church to achieve a mutually agreeable resolution.
2. Working in good faith toward a mutually agreeable resolution means that the Resolution Team as a representative of Presbytery and the congregation's clergy and officers:
 - a. Are open and honest in all their dealings with each other;
 - b. Provide all requested relevant information and documents to each other on a timely basis;
 - c. 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 PCUSA church; and
 - d. That the congregation's clergy and officers refrain from any unauthorized unilateral changes in the way their assets are held or managed.
3. A mutually agreeable resolution may result in clarification or mediation of the church's connectional relationship to the Presbytery within the limits of the *Book of Order* and other binding requirements existent throughout the PCUSA and the Presbytery.

Or the mutually agreeable resolution may result in a recommendation to Presbytery that the congregation be separated from the Presbytery, be divided, dissolved, **dismissed or** be transferred to another Reformed denomination within the framework of the applicable Presbyterian requirements with due regard for the rights of and obligations of all interested parties.

Such a resolution shall:

- a. Specify how the separation will affect assets, liabilities, including debt liquidations, pension, corporate, and other interests of the parties (including any group within the congregation which wishes to remain within the Presbytery) as well as the processes and procedures for the church to join another Presbytery or a Reformed denomination.
- b. Be approved by secret ballot at a duly called congregational meeting where representatives appointed by the Council of the Presbytery were present and given permission to speak and at least 50% of the members on the active roll were present and casting ballots. This should be relatively easy for some smaller congregations,

but impractical for other larger ones and the Resolution Team may negotiate a more practical number if 50% is deemed unreasonable for any church.

4. If the Resolution Team determines that a congregation will not work in good faith according to these criteria or that a mutually agreeable resolution cannot be reached, it will recommend to Presbytery that an Administrative Commission be formed (*Book of Order*: G-3.0109).

If a Presbyterian Congregation Should Choose to Leave the PCUSA Issues for Consideration

- In the historic language found in (F-3.0101), it is clear that our form of government respects the right of individual conscience and “the rights of private judgment, in all matters that respect religion, as universal and unalienable.” It is recognized also that Presbyterians may differ in their opinions. In matters of differences of opinion, “a majority shall govern” (F-3.0205). Dissents and protests and proposals for change are permissible, but defiance and schism are not permitted.
- If a congregation seeks to leave the PCUSA, it is to be determined by the Presbytery if the decision truly and accurately reflects the will of the majority of the members of the congregation and if so, whether there is a “loyal minority” of Presbyterians who do not choose to withdraw.
- It is clear by the PCUSA Constitution (G-4.0203) that “All property held by or for a Congregation... is held in trust ... nevertheless for the use and benefit of the Presbyterian Church (USA)” The name of a PCUSA congregation may not be continued to be used by a congregation which has withdrawn from the denomination without the permission of a Presbytery.
- A Presbytery has authority and responsibility for “the government of the church throughout its district” (G-3.0301) and has the power to divide, dismiss, or dissolve churches in consultation with their members and to consider and act upon requests from congregations for permission to take the actions regarding real property as described in G-4.0206.”
- A Presbytery has authority to divide, dismiss, or dissolve a congregation (G-3.0303b).
- Mitigation of financial impact on mission and ministry of the Presbytery.
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 on that congregation’s ministry, it is also important for the congregation to act in 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. This comes in two forms: per capita giving and mission giving. The dismissal of the church shall not be conditioned on these payments being made, as they are intended to be voluntary contributions driven by this reciprocal concern for ministry.

Through the process of negotiation between Presbytery and the congregation the parties

are encouraged to reach an agreement that will help lead to the health of both parties. An example could be seen in the following where the congregation agrees to a declining per capita and mission contribution over the span of 5 years so that the Presbytery can adequately adjust to a smaller base of per capita and mission contributions. The first year after the dismissal is granted, the contribution should be 80% of the last per capita payment the church made before it's dismissal, followed by 60% the following year, followed by 40% the following year, followed by 20% the following year, and nothing in year 5. Per capita and mission contribution is not a requirement for dismissal, but rather a tangible partnership in the greater ministry of the larger church.

The congregation may want this contribution targeted at ministries that the congregation has previously supported. It may even be the case that the ministry integration is such that declining contributions would not be necessary and that the congregation may want to continue to support these ministries at the 100% level or more over a long period of time. This is completely consistent with the goal of remaining in fellowship and continuing to serve together even after the dismissal is complete, just as many PC(USA) churches work closely with non PC(USA) churches on mission today.

- Practical Considerations:

- a. Tax Status: A congregation which ceases to be a PCUSA is no longer included in the PCUSA's "group revenue ruling" by which a Presbyterian congregation is granted 501(c)(3) non-profit tax-exempt status. Such status is required not only for exemption from tax payments to state and federal authorities and the filing of certain tax forms, but is required also for real estate tax exemption, for U. S. Postal Service bulk mailing permits, for grant-making foundations, and for the receipt of many forms of grants and bequests. Gifts to a church which does not have valid tax-exempt status may not be claimed as charitable contributions. Legal and other services will be needed to secure new 501(c)(3) status.

- b. Corporate Status: A congregation which ceases to be a PCUSA church will need to revise its corporate status (which may require the filing of new articles of incorporation and bylaws).

- c. Insurance: Since many PCUSA congregations have property and liability insurance which is available only to PCUSA congregations, new insurance provisions may need to be made, and it is an unwise congregation which is uninsured for even a minute.

- d. Any individual currently in either the inquiry or candidacy phase of Preparation for Ministry whose church of membership leaves the PCUSA will be assisted by the Presbytery CPM to become a member of another church in the Presbytery and be under the care of that church's session for the remainder of their Preparation for Ministry process. The G-2.0602 six month church membership requirement will be waived under this circumstance with no re-application needed..

If a Presbyterian Minister Should Choose to Leave the PCUSA Issues for Consideration

a A Presbyterian minister (teaching elder) of the PCUSA is under the ecclesiastical authority of a Presbytery. A Presbyterian minister's ecclesiastical status is to be determined and approved by a Presbytery and may not be "independent" of a Presbytery.

- A Presbyterian minister's employment by a particular church may be only by a three-way contractual agreement between a minister, a congregation, and a Presbytery (in cases of called-and-installed pastoral relationships) or between a minister, a session, and a Presbytery (in cases of temporary pastoral relationships). The concurrence of all three bodies is required for an official pastoral relationship to exist.

• While it is possible for a Presbyterian minister to labor outside the bounds of the Presbytery or beyond the jurisdiction of the church, as in temporary service in another denomination, it is made specific that when a minister of this church continues or accepts membership of any character in another denomination, except as provided by the Constitution in the *Book of Order*, Presbytery shall record the fact, delete the minister's name from the roll, and take such other action of an administrative character as may be required by the Constitution.

• If a Presbyterian minister, "after consultation and notice, persists in a work disapproved by the governing body having jurisdiction, the governing body may presume that the officer has renounced the jurisdiction of this church" (G-2.0509), and the governing body may remove the minister from the roll of the governing body. The 2004 General Assembly adopted specific procedures regarding the implementation of the provisions of the former (G-6.0502), but it is a Presbytery alone which has authority in matters regarding the membership of ministers.

- Practical Considerations:

[A minister considering departure from the PCUSA is advised to consult, with the advice of counsel encouraged, the provisions of the Board of Pensions plan (which are available at <http://pensions.org/library/publications/rules.htm>) and to consult also with legal and tax professionals regarding the special tax issues which relate to clergypersons.]

- a A Presbyterian minister's pension benefits are "vested," from day one, and a member (or survivor of a member) of the Presbyterian Board of Pensions' plan has a non-Forfeitable right to receive a retirement pension based on contributions and accrued increases.
- b Medical Insurance/Death-and-Disability: The Board of Pensions' major medical plan and death-and-disability provisions require active participation in the plan, and participation is not available to ministers who are not on the roll of a Presbytery. A member may be eligible to purchase continuation of medical benefits for a limited duration. Life (death) insurance and disability insurance policies are available commercially at varying rates.
- c. Tax Issues: A Presbyterian minister is entitled to certain income-tax benefits and provisions due to his/her ecclesiastical status in the PCUSA. An "independent" minister may or may not be entitled to such benefits and provisions.

- d. Insurance: A minister no longer serving a PCUSA congregation or no longer on the roll of the PCUSA should make arrangements for professional liability insurance coverage if continuing to engage in professional ministry.