

PRESBYTERY OF SCIOTO VALLEY
Commission for Congregational Life

POLICY FOR GRACIOUS SEPARATION OF CONGREGATIONS
FROM THE PRESBYTERY OF SCIOTO VALLEY

Approved by the Presbytery

November 15, 2011

Addendum Added May 15, 2012

Revised September 5, 2018

Approved November 27, 2018

Introduction

As Christians, as the Church, we embody Christ in the here and now. We celebrate Christ's resurrection. We rejoice in the living, Triune God. Our hands, our hearts, our minds, and our spirits become the vessels, the instruments, that God calls and uses to share God's blessings and love with each other and the whole of creation.

"On the contrary, the members of the body that seem to be weaker are indispensable and those members of the body that we think less honorable we clothe with greater honor, and our less respectable members are treated with greater respect; whereas our more respectable members do not need this. But God has so arranged the body, giving the greater honor to the inferior member that there may be no dissension with the body, but the members may have the same care for one another. If one member suffers, all suffer together with it; if one member is honored, all rejoice together with it. Now you are the body of Christ and individually members of it." (1 Cor. 12:22-27)

"Now there are varieties of gifts, but the same Spirit, and there are varieties of services, but the same Lord; and there are varieties of activities, but is the same God who activates all of them in everyone. To each is given the manifestation of the Spirit for the common good." (1 Cor. 12:4-7)

When disagreement, sometimes vehement, pulls at the community, God is still with us. As God's children, we are gathered up and asked to extend forgiveness and strive for reconciliation. We are to share with one another the gift of grace, which we have been so generously and freely given. We are to turn the other cheek. The merciful and the peacemakers will be and are blessed.

We, individually and corporately, stand in the need of grace. Differences that are untended can become chasms that divide us. As Presbyterians, we have struggled for decades with certain theological and biblical teachings, and we realize that persons of strong faith and understanding can differ in their understandings of Scripture and in ministry practice. These differences can divide us. We hope that what we hold in common—namely, faith in the living God, Father, Son, and Spirit; Creator, Redeemer,

and Sustainer; a deep and rich shared history; and a dedication to the great ends of the church—will sustain us in communion with one another. We have much to learn from one another. The Spirit is always at work within us, calling us to listen in all humility to one another. We fervently pray to sustain the connectional nature of the faith community called the Presbyterian Church (U.S.A.). *“With God, all things are possible.”* (Matthew 19:26)

If a congregation of the Presbyterian Church (U.S.A.) desires to leave the denomination, God weeps for and with us as the body of Christ. The body’s gifts are separated from each other; both the congregation and the denomination suffer the loss. To reconcile and to heal is our deepest hope and prayer.

Being members of the Presbyterian Church (U.S.A.) and brothers and sisters in Christ, we are called to reconciliation and unity. A congregation’s request to separate from a presbytery and denomination is of great import and must be considered with compassion, thoughtfulness, and prayer. Our hope is that there may be a way to continue together. We in the Presbytery of Scioto Valley stand with open hands and hearts, always ready to seek a path to reconciliation.

Together, we are the body of Christ; we are God’s Church; we are the instruments of the Holy Spirit. As a presbytery, we pray for unity, but commit ourselves to working with our congregations through any separation in the name of the God, who so graciously loves us and gives the gift of life to us as a denomination, as churches, and as individuals.

Gracious separation requires mutual good faith and recognition of the constitutional principles that bind a congregation to its presbytery. Taking unilateral actions to separate a congregation from its presbytery violates an officer’s ordination vows and is inconsistent with the invocation of this policy. All actions of members, sessions, and presbyteries shall conform to the Constitution of the Presbyterian Church (U.S.A.). Accordingly, nothing in this document attempts to limit or supersede the Constitution. The *Book of Order* provides the guiding principles under which we operate.

Guiding Principles

- Our denomination is a connectional church. The particular congregations of the Presbyterian Church (U.S.A.) wherever they are, taken collectively, constitute one church, called the church. [F-3.0201]
- Powers not mentioned in the Constitution are reserved to the presbyteries. [F-3.0209]
- Presbyteries have the authority to divide, dismiss, or dissolve congregations. [G-3.0303]

- The presbytery can dismiss a congregation only to another Reformed body. According to Item 07-13, approved by the 218th General Assembly (2008), the dismissing presbytery must determine that the organization of the receiving presbytery is conformed to the doctrines and order of the Presbyterian Church (U.S.A.). The presbytery may not delegate this task. Presbyteries should consider such questions as whether the receiving presbytery is
 - doctrinally consistent with the essentials of Reformed theology as understood by the presbytery;
 - governed by a polity that is consistent in form and structure with that of the Presbyterian Church (U.S.A.);
 - of sufficient permanence to offer reasonable assurance that the congregation is not being dismissed to de facto independence.
- When a congregation is interested in exploring dismissal to another Reformed body, there is often a division in the congregation that may have developed over a period of years. The *Book of Order* addresses the issue of the property of a congregation in schism:

If there is a schism within the membership of a congregation and the presbytery is unable to effect a reconciliation or a division into separate congregations within the Presbyterian Church (U.S.A.), the presbytery shall determine if one of the factions is entitled to the property because it is identified by the presbytery as the true church within the Presbyterian Church (U.S.A.). This determination does not depend upon which faction received the majority vote within the congregation at the time of the schism. [G-4.0207]

 - Before considering dismissal, the presbytery must determine whether a loyalist faction exists that is “sufficient in [number] and dedication to continue a church in its connectional relationship within this denomination.” (*Strong and Bagby v Synod of Mid-South, PCUS, 1976, pp. 92-99*)
 - “Furthermore, the assumption that only loyalist minorities of directly affected congregations have interests requiring protection in this context is also wide of the mark.” (*Strong and Bagby v Synod of Mid-South, PCUS, 1976, pp. 92-99*)
- All church property is held in trust for the use and benefit of the Presbyterian Church (U.S.A.) (the Trust Clause). [G-4.0203]
 - The Trust Clause “requires an individual determination of the facts and circumstances related to dismissal of any church rather than a set formula.” (*NYC Presbytery v. McGee et al, GA PJC 221-08, 2014*)
 - When considering dismissal, “an ‘individual assessment and valuation of the church’s unique situation, finances, history, spiritual needs and

financial needs” is required. (*NYC Presbytery v. McGee et al, GA PJC 221-08, 2014*)

- When considering dismissal, the witness of the Presbyterian Church (U.S.A.) in the community must be considered. The presbytery may choose to retain the property for the use and benefit of the Presbyterian Church (U.S.A.) and its continuing ministry in the community.
- A congregation must have written permission from the presbytery
 - To sell or encumber any of its property.
 - To lease any property for more than five years. [G-4.0206]
- It is the duty of the presbytery, each congregation, and each Presbyterian to follow the biblical model of conciliation and mediation rather than seek judicial solutions to church disagreements. [D-1.0103]

Additional Guidance

Presbyteries are required to consider questions concerning church property in light of the unique circumstances of each situation. They are called to use good judgment and all appropriate resources to the glory of God.

- All property (including real and personal property, accounts, and investments) held by congregations or by the presbytery is held in trust for the use and benefit of the Presbyterian Church (U.S.A.). The presbytery cannot ignore, abdicate, or delegate its stewardship responsibilities. The presbytery has the sole discretion to determine the terms and conditions of dismissal, should that be necessary.
- A congregation that seeks to utilize this policy acknowledges that it is subject to the Constitution of the Presbyterian Church (U.S.A.), including the Trust Clause, unless and until it is dismissed by the presbytery.
- Any attempt to modify a congregation’s articles of incorporation, bylaws, regulations, or deeds to facilitate actions that are contrary to the Constitution shall disqualify a congregation from using this policy to gain dismissal to another Reformed body.
- Neither a session nor a congregation may act unilaterally to separate from the presbytery or the denomination. Yet, the Constitution allows a proper request to explore dismissal. Any actions taken by a session or congregation to vote to withdraw from the Presbyterian Church (U.S.A.) are out of order unless requested by the presbytery. Although a congregation or session may engage in a discernment process to determine whether its members wish to discuss requesting dismissal to another Reformed body, such discernment must be accompanied by a clear communication that neither the session nor the congregation may act unilaterally to separate from the presbytery or the

denomination. If a session determines that a significant portion of the congregation is interested in further exploring dismissal, the presbytery shall be advised and shall be permitted to participate in the discernment process from that point forward.

- Only the presbytery has the authority to dismiss one of its congregations to another Reformed body. The presbytery will not dismiss a congregation to a Reformed body that does not acknowledge that only the presbytery has the power to dismiss a congregation to it.
- Before any actions are considered, the presbytery must consult with the leadership and membership of the congregation and assist in presenting information that is true, fair, and balanced.
- In the case of a schism within the congregation, the presbytery may consider dividing the congregation. This division would allow one of the resulting congregations to remain a congregation of the Presbyterian Church (U.S.A.) and the other one to be dismissed to another Reformed body. An appropriate division of property would be part of the plan for dividing the congregation.
- It is the responsibility of everyone to seek a peaceful resolution of all differences and to achieve reconciliation where possible. These actions further the six “Great Ends of the Church” [F-1.0304]. Civil litigation will be avoided unless it is deemed to be the only way to defend the Constitution.

Process

When the session of a congregation notifies the Commission for Congregational Life or the executive presbyter that the congregation is experiencing schism or is in a state of dissatisfaction so that it is considering separation from the Presbyterian Church (U.S.A.), the Presbytery of Scioto Valley (the Presbytery) will take the following actions:

1. At the request of the Commission for Congregational Life and with the approval of the Presbytery, the moderator of the Presbytery will appoint an administrative commission to work with the congregation. The commission will be charged
 - a. to establish communication with the staff and the congregation,
 - b. to establish communication with other parties having a stake in the future of the congregation,
 - c. to work to understand the congregation’s concerns and actions, and
 - d. to make any recommendations that it deems necessary to the Presbytery for further action.
2. Powers granted to the administrative commission, unless otherwise specified, include the authority
 - a. to convene boards and committees of the congregation, including its session;

- b. to interview pastors, staff, leaders, and members of the congregation;
 - c. to interview other parties having a stake in the future of the congregation;
 - d. to review pertinent church records;
 - e. to call congregational meetings and to provide a moderator and clerk for such meetings;
 - f. to recommend to the Presbytery any action concerning the division or dissolution of the congregation or the dismissal of the congregation to another Reformed body and to recommend an appropriate disposition of all property that the congregation holds in trust for the Presbyterian Church (U.S.A.); and
 - g. to request other powers, as necessary.
3. The commission shall have the authority to consult with presbytery, synod, and General Assembly staff. It may retain legal counsel and consult with appropriate committees and commissions of the Presbytery in order to do its work.
 4. Failure of a congregation, session, or pastor to cooperate fully with the administrative commission shall constitute a rejection of the process of gracious separation.
 5. The commission will usually complete its job in nine months but may petition the Presbytery for additional time.

Dismissing a Congregation

If the Presbytery determines that it will dismiss a congregation to another Reformed body, it must determine the disposition of the property (real and personal) that the congregation holds in trust for the Presbyterian Church (U.S.A.). If the Presbytery has determined that the congregation is in schism and has divided the congregation with the intent of dismissing one of the resulting congregations to another Reformed body, the plan for dividing the congregation will include the details of how to divide the property.

When no viable “true church within the Presbyterian Church (U.S.A.)” [G-4.0207] or continuing ministry of the Presbyterian Church (U.S.A.) in the community exists, the departing congregation will be dismissed with the property that it holds in trust for the Presbyterian Church (U.S.A.), subject to the following conditions:

- The Trust Clause requires all property (including personal property, accounts, and investments held by a congregation) to be for the “use and benefit of the Presbyterian Church (U.S.A.)” The Presbytery is bound by this requirement. Yet, the departing congregation may be overly burdened by paying the Presbyterian Church (U.S.A.) full compensation for the value of the property. In this case, a lesser payment may be appropriate to allow the departing congregation to continue its ministries and missions without undue hardship.

- The Presbytery desires to act graciously toward the departing congregation as it balances various, sometimes conflicting, interests and responsibilities. When the departing congregation will be dismissed with property, the administrative commission will negotiate clear and specific terms. The terms of the agreement will tangibly recognize the congregation's and Presbytery's history of ministry together and will bless one another for their future ministries.

Although every case must be assessed individually, these guidelines will help the administrative commission during its assessment:

- Because congregational records are property of the denomination, the records will be brought up-to-date and relinquished to the Presbytery to be reviewed and retained.
- Consideration will be given to any denominational grants made to the congregation, either to plant the congregation or to further its mission and ministry.
- Denominational loans will be repaid prior to release.
- If the congregation is not current in its payments of per capita, it will reimburse the Presbytery for the per capita that the Presbytery paid on its behalf to the Synod of the Covenant and the Presbyterian Church (U.S.A.) within the last five years.
- Subject to all the previous conditions regarding the terms of the property agreement (including the desire to avoid undue hardship), the following absolute minimums will apply:
 - 5 times the current year's assessed per capita
 - 5% of total assets (cash, investments, property, and equipment)
 - 20% of the prior year's actual offerings

The setting of such minimum terms shall not be interpreted as a standard for compensation upon dismissal and shall in no way relieve the Presbytery from its constitutional obligation to assess reasonable compensation for property held in trust.

- Reasonable terms of payment will be negotiated (such as being paid over three years with a five-year maximum). Those terms must ensure that the departing congregation's payment is properly secured prior to its departure.
- Dismissal will only be made to another Reformed body that recognizes that only the Presbytery can authorize dismissal of a congregation from the Presbyterian Church (U.S.A.). Past actions by a Reformed body in receiving a congregation not properly dismissed by the Presbytery will preclude dismissal to that body absent acts of repentance and compensation by such a Reformed body.

When determining the terms under which it will approve dismissing a congregation to another Reformed body, these minimums in no way bind the Presbytery or attempt to supersede its constitutional obligation to assess the full value of the assets, real and personal, held by the congregation in trust for the Presbyterian Church (U.S.A.).

Conclusion

It is the goal of this policy and of the Presbytery to work with its constituent congregations in peace for the glory of God.

“Where two or three come together in my name, there am I with them.”

– Matthew 18:20