

A PROCESS FOR CONGREGATIONS CONSIDERING LEAVING THE PCUSA

Preamble

The mission of the Presbytery of the Cascades is to serve God by nurturing, supporting, and celebrating our common ministries. 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 the Cascades and the Presbyterian Church (U.S.A.). The Presbytery desires to create a gracious process that is simple in administration. Our first goal is reconciliation. A conversation 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 conversation 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.

Conversation 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 Conversation Team by the appropriate Committee on Ministry.

The purpose of the Conversation Team will be as follows:

1. 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 conflict and identifying steps toward reconciliation.
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 church, 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 is refused by the leadership of the congregation or by the congregation itself, 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 Conversation 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, 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:

- 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.
 - Be approved by secret ballot at a duly called congregational meeting where representatives 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.
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: G9.0408, G11.0103s, and others).

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APPENDIX 1

IF A PRESBYTERIAN CONGREGATION SHOULD CHOOSE TO LEAVE THE PCUSA ISSUES FOR CONSIDERATION

- In the historic language found in G-1.0300, 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” (G-4.0301e). 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-8.0201) that “all property held by or for a particular church ... is held in trust ... for the use and benefit of the Presbyterian Church (U.S.A.)” and an earlier explication of that “trust clause” provision has been affirmed by The Oregon Supreme Court. “Property” is considered to be both real and “personal” property held by a particular church, including church records, financial assets, and intangible assets. 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 mission and governance of the church throughout its geographical district” (G-11.0103) 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-8.000.”

- A presbytery has authority to divide, dismiss, or dissolve a congregation (G-11.0103i). A congregation may be released from the PCUSA to another reformed denomination, but it may not be released to independent status.
- Practical Considerations:

Tax Status: A congregation which ceases to be a PCUSA church 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.

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).

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

APPENDIX 2

IF A PRESBYTERIAN MINISTER SHOULD CHOOSE TO LEAVE THE PCUSA ISSUES FOR CONSIDERATION

- A Presbyterian minister 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 permissible for a Presbyterian minister to be granted permission to labor outside the bounds of the Presbytery or beyond the jurisdiction of the church, as in temporary service in another denomination (G-11.0411), it is made specific that "when a minister of this church continues or accepts membership of

any character in another denomination, except as provided in G-11.0411, the 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" (G-11.0416).

- 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-6.0502), 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 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.]

Pension: A Presbyterian minister's pension benefits are "vested," 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 increases once pension credits are vested.

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.

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.

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.