

Gracious

Discernment, Dismissal, & Transfer Process For the Presbytery of Riverside

I. Preamble

Biblical and Theological Foundations

Jesus, in his pastoral prayer for his disciples, prayed,

“I ask not only on behalf of these, but also on behalf of those who will believe in me through their word, that they may all be one. As you, Father, are in me and I am in you, may they also be in us, so that the world may believe that you have sent me. The glory that you have given me I have given them, so that they may be one, as we are one, I in them and you in me, that they may become completely one, so that the world may know that you have sent me and have loved them even as you have loved me. John 17: 20-23

Jesus’ pastoral prayer for his disciples includes a plea not simply for unity but for the kind of oneness Jesus knew in relationship to God.

The Apostle Paul wrote,

“I, therefore, the prisoner in the Lord, 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. Ephesians 4: 1-3

In his letters to the churches, Paul addressed the conflict present in many of these fledgling congregations. He repeatedly appealed for mutual forbearance and unity within the Body of Christ.

Despite earnest appeals for unity, the Presbyterian Church was born out of conflict over the beliefs and practices of the Roman Catholic Church. Through the years, the Church splintered as pastors and church members differed over a host of issues, including their understanding of faith, interpretation of scripture, political ideologies and social differences. Regrettably, the church on earth has never been fully “one.” Nonetheless, along with other denominations, the PCUSA is an integral part of the Body of Christ and exists to serve the Kingdom of God as expressed through the Great Ends of the Church.

- The Proclamation of the Gospel for the salvation of humankind;
- The shelter, nurture, and spiritual fellowship of the children of God;
- The maintenance of divine worship;
- The preservation of the truth;
- The promotion of social righteousness; and
- The exhibition of the Kingdom of Heaven to the world

Bearing in mind these Great Ends of the Church, the Presbytery of Riverside engages the following process of discernment dismissal transfer in a cooperative spirit between the congregation and the presbytery and commits to fair and just negotiations.

This process is informed by the concerns, challenges and struggles of the congregation, its leaders, and denominational issues surrounding a congregation's desire to disaffiliate from the Presbytery of Riverside and/or the PCUSA. The Presbytery of Riverside will consider separately the concerns of each congregation pondering the alternatives.

All persons, teams, and councils are expected to work toward a resolution that is fair, just and gracious for everyone. It is hoped that healing may result from prayerful use of this process. If it is discerned that a congregation should be dismissed from the Presbytery of Riverside and/or the PCUSA, the accompanying Discernment Dismissal Transfer Process anticipates and expects all persons and entities involved will demonstrate integrity in negotiating the terms and conditions for dismissal.

II. Discernment

Process of Discernment for Sessions Considering Departure from the Presbytery of Riverside

1. When the Presbytery of Riverside (the Presbytery) through direct or indirect communication learns a congregation is considering dismissal from the Presbytery and/or the PCUSA, a Discernment Team of no fewer than three persons will be appointed by the Moderator of the Presbytery to meet with the pastor and session. Suggestions for the composition of this team include: the Moderator or his/her designee, a representative from the Committee on Ministry, a representative from the Evangelism, Mission, and Advocacy Team. The Moderator of the Presbytery will appoint a moderator of the Discernment Team. The Executive Presbyter and Stated Clerk will be ex-officio members of the team without vote.

2. The Discernment Team will hold an initial meeting with the pastor and session to pray with them and explore their reasons for wanting to disaffiliate from the Presbytery and/or the PCUSA, and to make an initial assessment as to the appropriateness of a shorter process (Process A¹) or lengthier process of discernment (Process B²). The Discernment Team will report findings to the Vision Coordinating Team and the Session. The session will appoint three or four additional members of the congregation prior to the second meeting with the Discernment Team (in step 5). The session and Discernment Team may schedule additional meetings as needed.

The Discernment Team will consider the following groups of questions when working through this part of the process:

¹ See Appendix B below

² See Appendix C below

- How have the teaching and ruling elders of the congregation been informed of the presenting issues, and what are their sources of ongoing information? How did the topic of potential dismissal from the Presbytery and/or the PCUSA arise? What resources have been supplied to the session and congregation, and by whom?
- To what extent is the congregation united in its direction? What evidences are in the congregation of unity and/or division in the church's direction? If there are members in disagreement with the majority, what opportunities are being offered by the Session and pastor for their voices to be heard? Can you describe why any members have left the congregation over this current issue? What provisions have been made for these members to join or form a PCUSA congregation or Worshiping Community nearby?
- What is the geographical location of this congregation? How strategic is this location to the mission of Presbytery? What opportunities exist in this geographic area of the Presbytery to develop a new PCUSA congregation?
- What financial and property resources have the Presbytery and the PCUSA invested in the development of this congregation? Are there outstanding loans to the denomination or to commercial lenders?
- Describe the degree of support of the ministries and mission of the Presbytery and the PCUSA through per capita and mission giving. If per capita and/or mission support has been reduced or not paid, what are the circumstances that led to the change? How have members been involved in the Presbytery?
- How does the session understand the common trust regarding PCUSA property?
- On what grounds does the session believe the congregation will be able to better serve God's Kingdom and accomplish the Great Ends of the Church outside the Presbytery and/or the PCUSA?
- What conversations, if any, have teaching elder(s), Clerk of Session, or other ruling elders entered into with a receiving presbytery and/or other reformed body.

3. The Discernment Team in coordination with the Session will send a letter to the members of the congregation explaining the discernment process and will also include contact information for all members of the Discernment Team and the Session

4. (Process A): The session will schedule three congregational forums (at least 3 weeks apart) to entertain the issue of dismissal, which will include discussion of alternate reformed bodies and/or presbyteries with which the congregation might affiliate.

(Process B): The session will schedule three congregational forums for the session and the Discernment Team to have conversations with the congregation and share information regarding the discernment/dismissal/transfer process.

- Meetings will be widely promoted to all members by means effective for each congregation (at least 2 consecutive Sundays' announcements). The Book of Order guidelines for congregational meetings will apply to all forums.
- The Discernment Team and the Session will determine the format and leadership of the Congregational Forums?
- No official congregational business is to be conducted & no congregational votes taken.
- The Discernment Team members will be invited to attend. Other guests may attend as invited by the session or Discernment Team to answer anticipated questions.
- The Discernment Team will keep a general record of the meetings: their content, spirit, mood, and character, with an eye toward healthy discussions.

5. Members of the Discernment Team will meet individually with the teaching elder(s), discussing the following questions:

- How are you feeling personally about dismissal?
- How is your decision affected by loyalty to present staff and/or the present congregation?
- What are your thoughts about the fairness and openness of this process, and how have dissenting opinions been addressed?
- Would you prefer to stay with the Presbytery and/or the PCUSA if the congregation were to be dismissed?
- As a teaching elder what kind of leadership are you exercising in the midst of this process?

6. The second meeting of the Discernment Team with the session will be for the purpose of evaluating the congregational forums. The Discernment Team will make a report to the Vision Coordinating Team and the session.

7. The session will meet for a prayer retreat, at least three hours in length, to seek God's guidance. At the conclusion, the session may determine to continue with the Discernment Dismissal Transfer Process, to end the process, or to engage in further exploration with the Discernment Team.

8. (Process B): The session will schedule two congregational forums to discuss alternative reformed bodies or presbyteries to which the congregation might be dismissed. The Discernment Team will be invited to attend.

9. (Process B): Hold two Congregational Forums using guidelines contained in item 4 above.

10. The session's decision to proceed with dismissal from the Presbytery and/or PCUSA will be determined by secret ballot at a called session meeting. The tally of the vote of the Session will be communicated in writing to the Stated Clerk of the Presbytery. If the vote is not unanimous, the Discernment Team will determine with the session whether to proceed to the next step.

11. The third required meeting of the Discernment Team and session will be for the purpose of discussing real terms of dismissal, including the choice of the Reformed Body or presbytery to which the congregation would eventually be released. The tax exempt status of the congregation and the creation of new corporate records and possible name change of the congregation will be addressed in the settlement agreement. The clerk of session communicates with the appropriate official(s) of the Reformed Body or presbytery to which the congregation would be released, to determine necessary actions to be taken, and to determine whether it is possible to proceed. The Discernment Team makes a report to the Vision Coordinating Team and the session, including whether or not to recommend that the congregation make an advisory vote.

III. Dismissal

Process for Dismissal of a Congregation from the Presbytery of Riverside

Upon completion of the *Process of Discernment for Sessions Considering Departure from the Presbytery of Riverside*, the session, the congregation, and the Presbytery will be guided by the following process.

CONGREGATIONAL MEETING AND VOTING GUIDELINES

1. The Discernment Team will be present for meetings of the session and congregation at which decisions regarding dismissal are considered.

2. At the request of the Presbytery, the session will call a meeting of the congregation for the purpose of considering a vote to request that the Presbytery dismiss the congregation. Sufficient advance notice for the meeting (normally 30 days) will be given through written letter to each member on the roll of the congregation as well as through Sunday worship announcements and other forms of communication utilized by the congregation. Public worship announcements will be made at all worship services between the date of the call and the actual congregational meeting. Members of the Discernment Team will also be invited to attend the meeting.

3. A quorum of 66% of current members of the congregation must be present at this meeting. The attendees will be recorded by name.
4. Representatives from the Presbytery will be allowed the privilege of the floor.
5. The congregational vote to request dismissal will be by secret ballot. At least eighty percent (80%) of those present and voting must vote in favor of requesting dismissal in order for the proposal to pass.
6. The congregational vote to request dismissal may include options to divide the congregation, dissolve the congregation, transfer to another presbytery within the PCUSA, or leave the PCUSA to join another Reformed denomination. A congregation will not be dismissed to independent status.
7. If a motion requesting dismissal passes by the requisite majority, then the Discernment Team will continue the dismissal process with the session. In the event the motion does not pass by the requisite majority, then the Discernment Team will meet with the session at a future date to engage in a process of reevaluation and further discernment.
8. Agreement on terms of dismissal by the session and the Vision Coordinating Team, and a letter indicating the intention to receive the congregation from another reformed body or presbytery must be received by the session prior to continuing this dismissal process.

B. MEMBERSHIP CONCERNS

If a motion to dismiss passes by the necessary majority, then:

1. The Discernment Team will make provision for contacting every member of the departing congregation in order to assist the transfer of membership for any persons expressing a desire to maintain membership in a congregation in Riverside Presbytery.
2. Any Inquirers or Candidates having membership in a departing congregation will have the opportunity, with the aid of the Committee on Preparation for Ministry, to transfer their membership to another PCUSA congregation and to have the 6-month requirement of membership in the new church waived, thereby maintaining their status in the inquiry or candidacy process.
3. Any pastor desiring not to depart from the Presbytery with the congregation he/she is serving will be paid by the departing congregation severance pay and benefits. Such payments will commence on the date following the final service of worship mentioned in item 4 of section D below. Severance payments will stop after six months, or the pastor begins a new call, whichever comes first.

C. PROPERTY

1. If the congregation desires to retain its property, the Discernment Team and representatives of appropriate committees of the Presbytery of Riverside will evaluate the

Missional interests of the Presbytery in making recommendations concerning the Presbytery's fiduciary responsibility to the PCUSA. Factors to be taken into consideration include, but are not limited to: the denomination's dollar investment in the congregation, Presbytery's energy investment over the past 20 years, the assessed valuation of the property, and the potential of establishing a new PCUSA congregation in that area.

2. At a minimum, the congregation will be required to pay any unpaid *per capita* for the current year and any unpaid *per capita* in previous years. In addition the congregation will pay *per capita* apportionment to the Presbytery (based on the number of members on the date of the original congregational vote to request dismissal) for the three years following the year in which the decision to depart was made.

3. A final settlement date will be established by which all financial obligations and encumbrances must be paid before title to the property can be released to the departing congregation or receiving presbytery. Also, the agreement will indicate whether payments will be interest-free or will specify the interest rate.

4. If the congregation is departing from the PCUSA, all loans held by the denomination will be paid in full on the final settlement date.

5. If the congregation is transferring to another presbytery, all loans with the PCUSA will be transferred to and secured by the receiving presbytery.

6. The congregation will assume full responsibility for any loans, debts, or encumbrances incurred through commercial institutions or private individuals.

7. In addition to the *per capita* and property payments, the departing congregation will make a onetime contribution to the Mission of the Presbytery of Riverside equal to the average of all mission monies the congregation has given over the previous five years.

8. The departing congregation will be responsible for any and all legal expenses incurred in the process of departing from the Presbytery and/or the PCUSA.

D. ADDITIONAL ITEMS

1. The Discernment Team must be given detailed information about the terms of the pending reception by the entity to which the congregation is departing. The transfer of the congregation will not be presented to the Presbytery until the Stated Clerk of the Presbytery of Riverside has received official notice from the receiving entity.

2. The negotiated settlement will address appropriate disposition of church records, financial assets, and other tangible and intangible assets.

3. The Discernment Team will provide a complete report to the Vision Coordinating Team, which will present the recommendation to Presbytery for the vote.

4. A service of worship will be planned at which the departing church members, the Presbytery and representatives from the receiving entity are invited. The service will

include prayers of confession, petition, and intercession on the part of the congregation and the Presbytery.

Date of Adoption by the Presbytery of Riverside June 9, 2012, revised February 23, 2013

IV. Appendices

Appendix A: Relevant Sections of the New Form of Government

With regard to Presbytery's relationship with Sessions:

G-3.0303 Relations with Sessions

A. Control the location of new congregations and of congregations desiring to move as well as to divide, dismiss, or dissolve congregations in consultation with their members;

B. Counsel with a session concerning reported difficulties within a congregation, including:

(1) Advising the Session as to appropriate actions to be taken to resolve the reported difficulties,

(2) Offering to help as a mediator, and

(3) Acting to correct the difficulties if requested to do so by the session or if the session is unable or unwilling to do so, following the procedural safeguards of the Rules of Discipline;

C. Consider and act upon requests from congregations for permission to take the actions regarding real property as described in **G-4.0206**.

With regard to Church Property:

G-4.0203 Church Property Held in Trust

G-4.0206 Selling, Encumbering, or Leasing Church Property

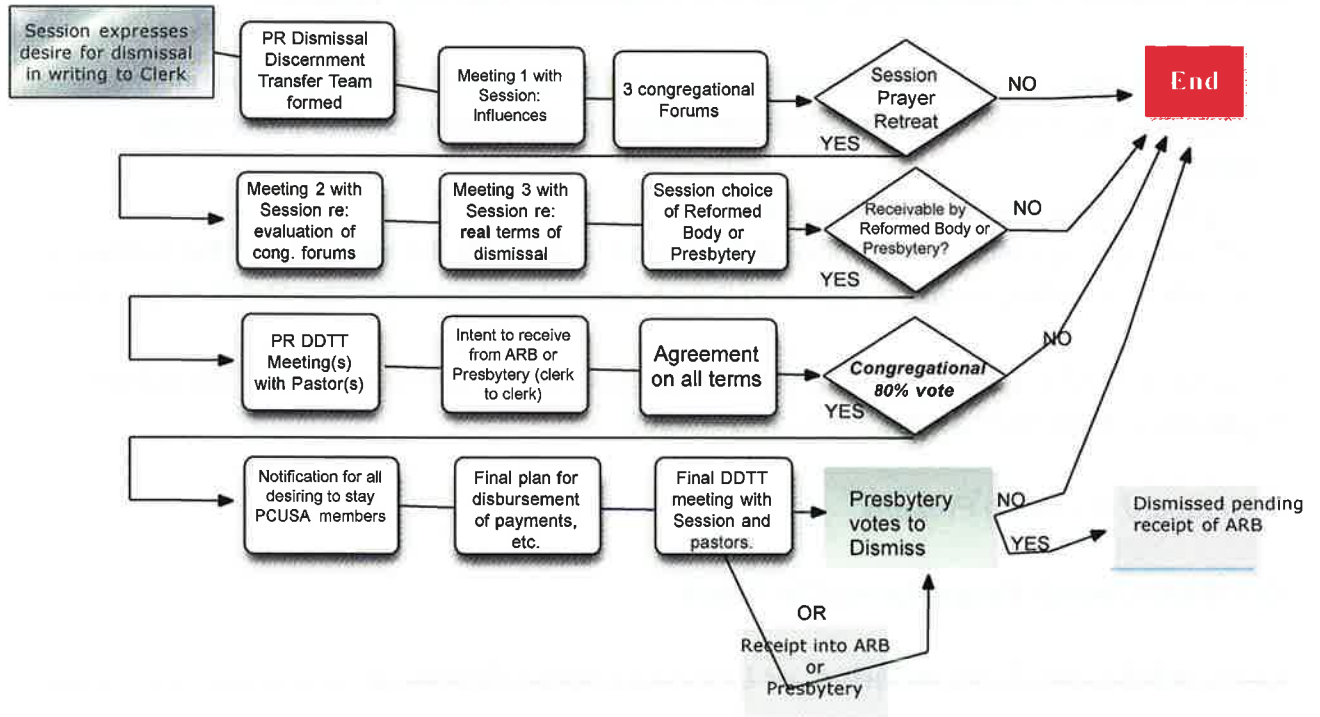
Selling or Encumbering Congregational Property: A congregation will not sell, mortgage, or otherwise encumber any of its real property and it will not acquire real property subject to an encumbrance or condition without the written permission of the presbytery transmitted through the session of the congregation.

G-4.0207 Property of Congregation in Schism

The relationship to the PCUSA of a congregation can be severed only by constitutional action on the part of the presbytery **G-3.0303b**. If there is a schism within the membership of a congregation and the presbytery is unable to effect reconciliation or a division into separate congregations within the PCUSA, the presbytery will determine if one of the factions is entitled to the property because it is identified by the presbytery as the true church within the PCUSA. This determination does not depend upon which faction received the majority vote within the congregation at the time of the schism. **See G-4.0208 for exceptions**

Appendix B: Process A (Shorter)

Discernment, Dismissal, & Transfer Process for the Presbytery of Riverside



Appendix C: Process B (Longer)

