

**Gracious Separation of Congregations  
Adopted by the Presbytery of San Diego  
April 18, 2009**

**Introduction:**

We, the Presbytery of San Diego (hereinafter “Presbytery”), are aware that within congregations of the Presbyterian Church (U.S.A.) (hereinafter “PC(USA)”) there may be members and leaders with varying degrees of dissatisfaction, disaffection and discontent. Across our congregations there is a continuum of anxiety and confusion regarding the future of the church (local) and Church (denomination). The result may be different levels of response, support and action from the appropriate body of jurisdiction. The possible levels of discontent can be expressed in the following ways:

- I. A congregation and/or its leadership may indicate concern about their relationship with the denomination;
- II. A congregation and/or its leadership may indicate concern about the implications of Chapter VIII of the *Book of Order* (*BoO*) regarding the church property;
- III. A congregation and/or its leadership may indicate that it is considering the option of withdrawal from the PC(USA); or
- IV. A congregation and/or its leadership has initiated specific, concrete action to withdraw and/or is engaging in civil action regarding property matters.

**In the case of levels I–III the Presbytery will normally make use of the existing options of the Committee on Ministry as set forth at *BoO* G-14.052j. The establishment of Response Teams by the COM will be the normal pattern of response.**

1. Individual members of a particular church may at any time move their membership to another Reformed denomination, whether by reason of convenience, conscience, or indifference. (*BoO* G-10.0302b(1)–(4). [Note: all Book of Order citations are to the 2007–2009 edition.]
2. A congregation may be dismissed only by the governing body of original jurisdiction (*i.e.*, the presbytery of which it is a member) and in consultation with receiving denomination’s highest governing body. (*BoO* G-15.0203a and b; G-11.030i).
3. Congregations wishing to be so dismissed shall follow these steps:
  - a. The session shall meet with the Committee on Ministry (COM). (*BoO* G-11.0500a, i, and j)
  - b. The minister and clerk of session shall request in writing the church’s desire to leave the PC(USA) with attendant rationale and the signatures of the supporting session members.
  - c. The Committee on Ministries Response Team shall meet with the session of the discontent congregation.
  - d. The session shall call a congregational meeting, to be held no earlier than one month following its meeting with the Committee on Ministry and in accordance with *BoO* (G-7.0302b and c; G-7.0303a(1) and b). At least 50% of the active

membership must be present. Representatives of the COM and Presbytery staff must be present and have the privilege of the floor. The question to be discussed is: "Shall the \_\_\_\_\_ Presbyterian Church request San Diego Presbytery to dismiss it to \_\_\_\_\_?" Ample time shall be given to both those who favor and those who oppose such an action to discuss the possible action. No vote of any kind will be taken at this meeting.

- e. The session, no sooner than three (3) months and no later than six (6) months after the first meeting, may call a second congregational meeting. If called, at least 30-days notice shall be mailed to all the active members of the congregation in advance of the meeting and shall include the nature and purpose of that meeting. At least 67% of the members on the active roll must be present. Due diligence will be exercised to ensure that only those eligible to vote are allowed to do so. The question to be put before the congregation is: "Shall the \_\_\_\_\_ Presbyterian Church request San Diego Presbytery to dismiss it to \_\_\_\_\_?" Ample time shall be provided for those on both sides of the question to speak. Representatives appointed by the Presbytery (Committee on Ministry and staff acting on its behalf) shall have the privilege of the floor. Following discussion and prayer, a secret written ballot shall be taken on the motion. The choices being, "Request Dismissal," "Do Not Request Dismissal," or "Abstain." If three-quarters ( $\frac{3}{4}$ ) of the active members present and voting favor dismissal, the request shall go to the Presbytery. If at least one member, present and voting, contests the regularity of the second meeting, he/she may send the details of the allegations to the Stated Clerk of the Presbytery, who shall then convene the Permanent Judicial Commission (PJC) for the purpose of rendering a decision (*BoO\_D-6.0000*, "Remedial Process").
- f. At the meeting of Presbytery, which may be either a stated or called meeting, it will consider a request for dismissal; the Presbytery shall:
- hear from members of the congregation requesting dismissal
  - hear from members of the congregation opposing dismissal
  - hear from the PJC if any irregularity has been alleged and, if so, its findings and recommendations
  - hear from representatives appointed by Presbytery (COM Response Team) who were present at the second congregational meeting and who may have a recommendation to present to the Presbytery
  - be informed of any financial contributions or obligations related to this congregation through its relationship with any governing body of the PC(USA)
  - hear whether the denomination to which this church wishes to be dismissed is in conformity with the *BoO* for a denomination to which we may dismiss a congregation and whether we have met all of our obligations in such dismissal. (*BoO G-15.0201*, *G-15.0202a* and *b*)
  - be informed of how this congregation's dismissal would affect the mission and ministry of this Presbytery.

After discussion and prayer, the Presbytery shall vote by secret written ballot on this question, "Shall the \_\_\_\_\_ Presbyterian Church be dismissed to

\_\_\_\_\_ subject to meeting any financial obligations appropriate to this action?"  
The votes cast must be "yes," "no," or "abstain."

- g. Following the vote, should the congregation's request for dismissal be sustained, it may then petition the Presbytery to receive its former property. No debate shall take place or action taken on this petition at this Presbytery meeting. Debate and action on such a request must be taken at a separate meeting of Presbytery which may be either a stated or called meeting.
- h. The Presbytery will hear from a task force appointed by Presbytery's Council, COM, and the Executive Presbyter detailing any financial arrangements negotiated with the congregation, whether or not a viable continuing congregation loyal to the PC(USA) exists which may make use of the property and what provisions have been made for their care if that should not be the case. After discussion and prayer, the Presbytery shall vote by secret written ballot on the following: "Shall the \_\_\_\_\_ Presbyterian Church, as it is being dismissed to \_\_\_\_\_ be allowed to retain its former property with the following provisions:
  - The following financial arrangements \_\_\_\_\_.
  - The present name of the church may not be used in the future.
  - Original copies of session minutes and other historical documents related to the church's life as a Presbyterian church of the PC(USA), or its predecessors) will be turned over to the Presbytery for transmission to The Presbyterian Historical Foundation.
  - If the congregation separates for any reason from the body or its legal successor to which it is being dismissed within a period of ten years from the date of this Presbytery meeting, \_\_\_\_\_, the property will revert to this Presbytery or its legal successor.

The votes cast shall be "yes," "no," or "abstain,"

4. Failure to follow these guidelines may result in the appointment of an Administrative Commission and assumption of original jurisdiction in accordance with *BoO G-11.0103s*.
5. The intent in any dispute within the life of the church is to achieve reconciliation. To that end, we wish to make clear our intention to continue to seek that goal and to assure any congregation which should separate from us of our continuing prayers for them and a willingness to welcome them back to that part of God's family known as the Presbyterian Church (U.S.A.).

**The IV level of discontent would demand the forming an Administrative Commission to act on behalf of the Presbytery.**

1. If the staff or session of a congregation has initiated specific, concrete action to withdraw from this Presbytery or the PC(USA), without prior consultation with the Presbytery and the initiation of one of the above-described processes for levels I–III, a level IV of discontent shall be deemed to have occurred. Such actions could include, but are not limited to, calling a meeting of members of the congregation to

discuss the church's withdrawal from the denomination or the session voting to move toward membership in another denomination. The Presbytery, at its next stated or called meeting, whichever occurs first, shall elect an administrative commission to address the situation at that church and attempt to modify the church's activities to follow the processes described above for level III. The administrative commission may be granted any authority described in paragraph 2, below.

2. If civil and/or ecclesiastical (judicial) action is taken by leaders of or by a congregation to withdraw from the denomination and/or to challenge BoO Chapter 8, The Church and Its Property, the leaders and/or congregation are choosing to assume an adversarial position in opposition to the Presbytery; any prior actions taken by the Presbytery regarding their future in the denomination or dismissal pursuant to one of the above-described processes shall become null and void. In such situations, the Moderator of the Presbytery has the authority to appoint, in consultation with the Executive Presbyter, an Administrative Commission, with any or all of the following additional powers, with such commission and authority subject to ratification at the next called or stated meeting of the Presbytery, whichever occurs first:
  - a. to determine whether a schism exists within the congregation (*BoO G-8.0601, G-11.0103*);
  - b. to determine which members represent the true church (*BoO G-8.0601*); the Administrative Commission is authorized to utilize whatever legal and constitutional means are necessary to make this determination.
  - c. to make recommendations to the Presbytery to dissolve pastoral relationships; or "...when it finds that the church's mission under the Word imperatively demands it." *BoO G-11.0103o*, the Administrative Commission may dissolve pastoral relationships, *BoO G-9.0503a(4)*; consistent with the provisions of the Constitution regarding such action (including but not limited to *BoO G-6.0501, G-6.0601a* and *G-6.0700, "Renunciation of Jurisdiction"*) and subject to review by the Presbytery.
  - d. to take all legal action necessary to freeze the assets of the church (real, personal and liquid);
  - e. to take all legal action necessary to freeze the membership rolls of the church effective as of the date of the formation of the Administrative Commission;
  - f. to take all legal action necessary to secure the building, vehicles, grounds and other property of the church for the use and benefit of the PC(USA);
  - g. to determine if and when a meeting of the congregation is appropriate for the purpose of voting to withdraw from the PC(USA);
  - h. to call congregational meetings, and provide the moderator and clerk for that meeting and to determine who is an active member entitled to vote;
  - i. to report the results of all congregational votes to the Presbytery and the Presbytery Council;
  - j. to authorize oversight of the church, its ministry and its property to a viable faction of the congregation that has been identified as the true church within the PC(USA) according to the provisions of *G-8.0601*;
  - k. to take all legal action necessary to secure the mailing lists of the church in order to be able to communicate directly with all members and contributors;
  - l. to propose (in the event there is no viable faction of the congregation that has been identified as the "true church" within the PC(USA)) to the Presbytery the

- recommendation for the disposition of the property held by or for the church, and the assumption of the liabilities of the church [this may include, if consistent with the *BoO Form of Government*, a recommendation to dismiss the congregation to another Reformed body, with or without compensation to the Presbytery];
- m. to secure professional counsel as needed, including entering into any necessary contracts for services;
  - n. to engage denominational officials in obtaining assistance in protecting the legal rights of the Presbytery;
  - o. to secure whatever civil interventions may be necessary to protect the interests of the Presbytery;
  - p. to assume original jurisdiction if facts in evidence so warrant such action;
  - q. to dissolve the congregation if facts in evidence so warrant such action; and
  - r. to take all legal and ecclesiastical actions necessary to protect the interests of the Presbytery.