

Presbytery of Yukon



Discernment Process

Approved as amended by Presbytery October 2011
(Updated May 2012)
(Revised September 2014)

CHARGE

Recognizing the need for a process to be used whenever a particular church desires to withdraw from Presbytery, Council directed that a task force be formed to accomplish that task. Rev. Henry Woodall, Stated Clerk Sharon Rayt, and Elders Molly Pederson, Jim Anderson and Lee Jordan were named to the task force.

Presbytery of Yukon Discernment Process

We believe that God has a mission and the church is formed to do God's mission. In the Presbyterian Church (USA), it is the presbytery that is tasked with deciding what kinds of ministries to organize in different regions in response to what God is doing in a local region. This task includes (but is not limited to) forming, closing, or dismissing congregations. In discerning God's will in this, the presbytery will seek the partnership of the local church and leadership to help and form its work.

As our Book of Order states, closing or dismissing churches from the presbytery and from the PC(USA) must be an act of the presbytery and not of the local congregation. However, determining when to close or to dismiss a church requires a process of discernment that seeks first and foremost, to know the will of God for the future of the ministry. Discernment is a work of prayer, open hearts and minds, knowledge of the local context, knowledge of the people in the congregation and a seeking of God's leading within the presbytery and congregation.

This process seeks to bring the congregation and the presbytery together as brothers and sisters in Christ to discern God's will together, and to move forward as graciously as possible. We believe that this can help us to truly face our differences and to seek resolution in a way that continues to demonstrate God's holiness and grace as well as the peace, unity and purity of the church.

No congregation without a called pastor shall enter into this process. (The discernment process conflicts with the goals of interim ministry, which include strengthening ties to the Presbytery.)

When a majority of a congregation seeks dismissal from the PC(USA), the presbytery has important fiduciary duties under the trust clause of the constitution [G-4.0203], which states that all property, real or personal, held under any title, is held in trust for the mission of the PC(USA). In October 2012, the General Assembly Permanent Judicial Commission issued a ruling, *Tom et al vs. Presbytery of San Francisco* [GAPJC Remedial Case 221-03], which included specific requirements for presbyteries regarding the disposition of property connected to a dismissed congregation.

While the Discernment Process is designed to "move forward as graciously as possible," the constitution requires the Presbytery to consider the broader church "as a communion of saints across time, with responsibilities both to those who came before and those who will follow," [Tom decision].

The process is in two parts:

First, a pastoral concern for the needs of the congregation leads to the question of whether the majority of members wish to seek dismissal from the PC(USA) to another reformed denomination. This part of the process will be managed by the Discernment Team.

Second, if the majority of members choose to seek dismissal from the PC(USA) to another reformed denomination, practical questions regarding the terms of dismissal and the disposition of property must be addressed. This part of the process will be managed by the Negotiation Team.

Partners and their Roles

Presbytery	Prays and listens for God's leading. Initiates the process. Holds the sole authority to dismiss a congregation [G-4.207].
Committee On Ministry	Prays and listens for God's leading. Appoints two thirds of the membership of the Discernment Team, from which the Moderator would be elected. Receives reports from the Discernment Team, and reports to Presbytery on the process. Appoints two thirds of the membership of the Negotiation Team, if needed, from which the Moderator would be elected. Receives reports from the Negotiation Team, and reports to Presbytery on the process.
Session	Prays and listens for God's leading. Appoints one third of the Discernment Team from the active members of the church giving full representation to the issues at hand. Calls gatherings of the congregation to assist in this process. Receives reports from and share their reflections with the Discernment Team. If a decision is made to request dismissal, appoints one third of the Negotiation Team.
Pastor	Prays and listens for God's leading. Attends meetings of the Discernment Team, if invited by the Moderator, with voice but not vote. Pastoral staff remains neutral.
Congregation	Prays and listens for God's leading. Attends, discusses, shares, and learns from the congregational gatherings. Continues to work with the session and pastor.
Discernment Team	Prays and listens for God's leading. Leads the process, meeting as needed. Designates a moderator for the congregational gatherings. Discerns the will of the congregation. Reports their findings to session and COM. Is available to the Presbytery and its committees.
Negotiation Team	Prays and listens for God's leading. Lists and reports to the Presbytery all real property, personal property, assets, and debts associated with the congregation.

Recommends to the Presbytery the dismissal of the congregation (and, if appropriate, teaching elders), pending reception by another reformed denomination, with specifics.

Recommends to the Presbytery terms for the disposition of all real property, personal property, assets, and debts associated with the congregation.

Ensures that Presbytery is protected from resulting liability.

Requests presbytery to appoint an administrative commission to arrange a worship service to celebrate ministry together.

Is available to the Presbytery and its committees.

Discernment Team Process

1. Preparing for the first congregational gathering and developing the Discernment Team
 - a. The Discernment Team will need to gather information before meeting with the congregation, do some development and group building on its own, and meet with the session.
 - b. A list of questions and information to gather is included in Appendix 2 to this process.
 - c. The Committee on Ministry will be responsible for orientation and training for the entire Discernment Team.
2. A gathering of the congregation is called. The primary purposes of this meeting are to share what the Discernment Team has already learned, to listen to the congregation, and to then share what options seem to be appropriate at this time.
3. A season of prayer and discernment will be taken after the first gathering.
4. A second gathering is called. This gathering is to respond to questions that arose at the first gathering and to further seek the future of the mission within this church.
5. A season of prayer and discernment will be taken after the second gathering.
6. A poll of the congregation will be taken striving to hear from as many as possible. All of the active members of the congregation will be polled. For the polling to be considered by the presbytery a majority of the active members must respond to the poll.
7. The Discernment Team reports its findings to the Committee on Ministry and to the session.
8. The Committee on Ministry determines the continuing PC(USA) church (true church).
9. If it is determined that a majority wish to stay, then the session will work with the minority in helping them discern whether remaining a part of this particular church, transferring to another congregation or resigning their membership will best serve God's ministry. The Discernment Team may continue to work with the session and congregation as it chooses.
10. If a majority wish to be dismissed: the work of the Discernment Team will be complete, and a separate Negotiation Team will be created.

Negotiation Team Process

11. If the Discernment Team finds that the majority of the congregation wishes to be dismissed from the PC(USA), a separate Negotiation Team will be created. Members of the Discernment Team may be chosen to serve on the Negotiation Team.
12. The Presbytery will appoint two thirds of the members of the Negotiation Team, one of whom is a current member of the Presbytery's board of trustees. The session of the congregation wishing to be dismissed will appoint one third of the members of the Negotiation Team.
13. The Negotiation Team is charged to recommend the terms and conditions of dismissal, subject to approval of the Presbytery leadership team, and further subject to approval of the Presbytery at a stated meeting of the Presbytery.
14. The leaving parties do not receive the building and assets, but may possibly negotiate the purchase of the building and assets with the Presbytery [G-4.0203].
15. Payments for per capita or mission obligations are not satisfactory substitutes for the separate evaluation of the value of the property held in trust.
16. The Negotiation Team shall retain "specialized expertise" in property and legal matters relating to any transfer of the building and assets used by the congregation. The Negotiation Team may need to co-opt people to help with specialized expertise such as conflict resolution or legal matters. Co-opted members will have voice but not vote.
17. The Negotiation team will be concerned for the interests of all sides but especially for those who voted in the minority. Do they wish to remain in the congregation even though it may be leaving the denomination? Do they wish to stay in a PC(USA) congregation and how can that be accomplished?
18. The church being dismissed shall provide the Negotiation Team with a list of members whose membership is not being transferred to the new denomination, in order to provide for the pastoral care and congregational life of those members not wishing to depart the PC(USA).
19. Once a recommendation for terms of dismissal of the congregation and of disposition of property is reached by the Negotiation Team, a congregational gathering is called to poll the congregation on its willingness to accept the recommendation. Again this polling will not be passed on to the presbytery unless a majority of the active membership responds.
20. The Negotiation Team reports the recommendation to the Committee on Ministry.
21. Final authority for dismissal of any congregation rests with the Presbytery. The Negotiation Team has advisory powers only. Any agreement or other obligation binding upon the Presbytery must be approved by the Leadership Team before presentation to the Presbytery

- membership for final approval; any such agreement or obligation must be signed by the Presbytery, not the Negotiation Team.
22. Dismissal of a church from the PC(USA) substantially affects at least two constituencies: the church being dismissed, and the remaining churches in the Presbytery of Yukon. Dismissal from the PC(USA) is a major decision; it should not be rushed without full consideration of its impact on both of the aforementioned constituencies.
- a. Notice of the terms and conditions of dismissal of any church from the denomination shall be given to all remaining churches within the Presbytery, and all members of Presbytery, with a copy of the dismissal agreement including the disposition of property (or detailed summary thereof) attached to the notice.
 - b. The Presbytery will not vote upon the dismissal or dismissal agreement until not less than sixty days after such notice to the remaining churches and all members of Presbytery.
23. The vote shall be scheduled at a stated meeting of the Presbytery of Yukon. In order to maintain the trust and integrity of the process, the motion before Presbytery shall be a yes or no vote, without amendment or modification. Renegotiation of the terms of dismissal through the use of amendments on the floor would essentially invalidate months of work with the congregation, and destroy any trust built between the Presbytery and the congregation. In the case of a negative vote of presbytery, continued dialogue will be sought.
24. Presbytery shall dismiss a congregation only with the condition “pending reception into another reformed denomination.”
25. The effective date of dismissal, and the reception of the congregation into another reformed denomination, shall be no sooner than ninety days after the Presbytery’s action to dismiss. (According to the Rules of Discipline, any commissioner attending a Presbytery meeting at which the Presbytery voted to dismiss has thirty days to file a request for a stay of enforcement and ninety days to file a remedial complaint against Presbytery.)
26. When an agreement is reached, it should be celebrated. The Presbytery shall name an Administrative Commission to work with the congregation to offer a final worship service of commissioning, to celebrate our common life in Jesus Christ, and to pray for the effectiveness and well-being of both the congregation and the presbytery.

APPENDICES:

- 1-Polity Considerations
- 2-Questions to be explored
- 3-Implications of Withdrawal
- 4-Scriptural References
- 5-Guidelines for Response to Media Inquiries

APPENDIX 1

PC(USA) POLITY CONSIDERATIONS

Presbyteries and congregations cannot take lightly a request for discernment that could lead to withdrawal. As Christians, we understand that we are joined together by God into a covenant community. Brothers and sisters in Christ have lived together in formal covenantal communion and leaving is breaking that covenant. Recognizing that union churches are joint witnesses subject to the constitution of each denomination involved, dialogue shall take into consideration the polity of each denomination and the union church's by-laws.

Under the Process, Gatherings of the congregation shall be noticed to the entire roll of active members and will be led by the designated Discernment Team Moderator. Gatherings are not congregational meetings and are informational in nature. (Book of Order Section G-1.0503, *Business Proper to Congregational Meetings*, limits business that can be considered at Congregational Meetings.)

The decision to release a congregation to another denomination lies with the presbytery and not with the congregation. The Book of Order (G-3.0301) states:

The presbytery has the responsibility and power to: b. *provide that the Word of God may be truly preached and heard*. This responsibility shall include organizing, receiving, merging, dismissing, and dissolving congregations in consultation with their members...

Further, in G-3.0303, *Relations with Sessions*, the Book of Order provides in sub-paragraph b, that the presbytery has the authority to "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..."

Basically, there are four options for people who find themselves disaffected. Members could:

1. Work with the session and the rest of the denomination to clarify their stance, but stay in the denomination;
2. Individually withdraw their membership from the church and join a church in another denomination;
3. Individually withdraw their membership from the church and gather with others to form another congregation.
4. Ask the other members of the congregation to join them in requesting Presbytery to dismiss their congregation to another Reformed denomination that is "in correspondence" with the PC(USA). (A presbytery is not authorized to dismiss a

congregation to a denomination from some other theological background.) Among other Reformed denominations are Reformed Church in America, Evangelical Presbyterian Church, Presbyterian Church in America, Orthodox Presbyterian Church, Christian Reformed Church, Evangelical Lutheran Church in America, and United Church of Christ.

God's people have always struggled to discern the truth, often questioning others' beliefs. As Paul exhorted the believers of Rome, "Therefore let us stop passing judgment on one another. Instead, make up your mind not to put any stumbling block or obstacle in your brother's way."

G-4.0203 of the *Book of Order* states:

All property held by or for a particular church, a presbytery, a synod, the General Assembly, or the Presbyterian Church (U.S.A.), whether legal title is lodged in a corporation, a trustee or trustees, or an unincorporated association, and whether the property is used in programs of a particular church or of a more inclusive governing body or retained for the production of income, is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A).

General Assembly GAPJC Decision: *Tom et al v. Presbytery of San Francisco*:

. . . When a congregation seeks dismissal under G-11.0103i (now G-3.0301a), it is the responsibility of the presbytery to fulfill its fiduciary duty under the Trust Clause. This fiduciary duty requires that the presbytery exercise due diligence regarding the value of the property of the congregation seeking dismissal. Due diligence, of necessity, includes not only an evaluation of the spiritual needs of the congregation and its circumstances but also financial analysis of the value of the property at stake. Payments for per capita or mission obligations are not satisfactory substitutes for the separate evaluation of the value of the property held in trust.

PJC (2012, 221-03 *Tom et. al. vs. Presbytery of San Francisco*)

***Advisory Opinion: The Trust Clause and Gracious Separation* states:**

Presbyterian congregations emerge from the collective gifts of God's people and often include direct gifts from individuals, other congregations, presbyteries, synods, and the General Assembly. These gifts are not regarded as given for a single generation, but are held in trust for this generation and for future generations to come. Indeed, "the Trust Clause reflects our understanding of the church as a communion of saints across time, with responsibilities both to those who came before and those who will follow. When a congregation seeks to leave the Presbyterian Church (U.S.A.), it is breaking what is often a significant historic relationship; it is also departing from a fellowship in which its officers have participated, by whose polity they have pledged to be governed, and with which many members may feel bonds of affection." Accordingly, the idea of holding property in trust has long been a part of the Presbyterian theology as well as a practice recognized by the U.S. Supreme Court (*Watson v. Jones*, 80 U.S. (13 Wall.) 679 (1872)).

APPENDIX 2

QUESTIONS TO BE CONSIDERED WHEN A CONGREGATION CONSIDERS WITHDRAWAL

- 1 Outstanding loans, mortgages and other obligations of the congregation
- 2 Ownership of property
- 3 Name of the congregation
- 4 Pastoral status, retirement matters, severance pay
- 5 Status of employees and any vested benefits/obligations
- 6 Corporate status
- 7 Tax obligations, both property and payroll
- 8 Denomination the congregation desires to be dismissed to
- 9 Considerations/interests of members who wish to remain with PC(USA)
- 10 Insurance Coverage

MATERIAL TO BE GATHERED

- 1 List of Active Members, with mailing addresses
- 2 List of members not being dismissed to another denomination, with mailing addresses.
- 3 Outstanding mortgages and loans
- 4 Inventory of real and personal property
 - a. This requires reliable evidence of the market value of real property and significant items of personal property, preferably by appraisals performed by professional, third-party appraisers. Tax assessments are not sufficient. Appraisal fees will be paid by the congregation being dismissed, should it desire to purchase the property.
- 5 Pastor and staff retirement or other benefit obligations
- 6 Local and property tax amounts and status

APPENDIX 3

IMPLICATIONS OF WITHDRAWAL

Among the many things to be considered by congregations discerning withdrawal from the PC(USA) are the following: Our process remains open to all possibilities and options. This list is for information and is not a check-list. Each should be given thorough exploration and answered after prayer to seek the will of God.

1. There will be considerable impact on relationships within the congregation and throughout the Presbytery. Leaving the denomination sets aside an existing covenant relationship.
2. It is likely there will be divisions in the congregation as people come to different conclusions as to what course should be taken.
3. There will likely be people who feel they must leave the congregation.
4. Those who wish to remain members of the PC(USA) could be in a position of losing their church home or losing their denomination.
5. If the congregation withdraws from the denomination and current elders and deacons remain members of the congregation, they will lose their ordination.
6. There could be significant fiscal impact if the congregation declines in membership
7. The Presbytery of Yukon is committed to graciousness in the midst of the discernment processes. This, however, does not preclude possible negotiated consequences or costs to congregations choosing to leave.
8. The impact on the Presbytery and its constituent congregations will be significant. Congregations considering withdrawal should ask themselves, "Given our covenant relationship, what are our obligations relationally, theologically, and financially?"
9. Congregations wishing to withdraw can only be dismissed to another Reformed body (as defined by vote of Presbytery). No congregation may be dismissed to independent status.
10. Dismissal to denominations such as the Evangelical Presbyterian Church may mean the leadership and ordination of women will be understood as "non-essential" and therefore optional.
11. The congregation needs to understand that all church property, real and personal, however titled, is held in trust for the use and benefit of the PC(USA). The Presbytery shall take into

account the value of the property and consider PC(USA)'s use and benefit of the property in every decision concerning any disposition of the property.

12. Any time there is division it impacts our witness to the broader community.

THIS APPENDIX DRAWS HEAVILY ON A SIMILAR DOCUMENT OF THE PRESBYTERY OF OLYMPIA

APPENDIX 4

SCRIPTURAL REFERENCES

You may find these references helpful as you prayerfully consider this important issue.

1Timothy 2:8 ⁸ Therefore I want the men everywhere to pray, lifting up holy hands without anger or disputing.

Romans 8:26 & 27 ²⁶ In certain ways we are weak, but the Spirit is here to help us. For example, when we don't know what to pray for, the Spirit prays for us in ways that cannot be put into words. ²⁷ All of our thoughts are known to God. He can understand what is in the mind of the Spirit, as the Spirit prays for God's people.

Psalms 119:129-135 ¹²⁹ Your teachings are wonderful, and I respect them all. ¹³⁰ Understanding your word brings light to the minds of ordinary people. ¹³¹ I honestly want to know everything you teach. ¹³² Think about me and be kind, just as you are to everyone who loves your name. ¹³³ Keep your promise and don't let me stumble or let sin control my life. ¹³⁴ Protect me from abuse, so I can obey your laws. ¹³⁵ Smile on me, your servant, and teach me your laws.

Proverbs 16:1-2 ¹ We humans make plans, but the Lord has the final word. ² We may think we know what is right, but the Lord is the judge of our motives.

Romans 14:19 ¹⁹ Let us therefore make every effort to do what leads to peace and to mutual edification.

Romans 8:14 ¹⁴ For those who are led by the Spirit of God are the children of God.

Daniel 11:32 ³² With flattery he will corrupt those who have violated the covenant, but the people who know their God will firmly resist him.

12 Corinthians 11:19 ¹⁹ No doubt there have to be differences among you to show which of you have God's approval.

Acts 15:2 ² This brought Paul and Barnabas into sharp dispute and debate with them. So Paul and Barnabas were appointed, along with some other believers, to go up to Jerusalem to see the apostles and elders about this question.

1Timothy 6:3-5 ³ If anyone teaches otherwise and does not agree to the sound instruction of our Lord Jesus Christ and to godly teaching, ⁴ they are conceited and understand nothing. They have an unhealthy interest in controversies and quarrels about words that result in envy, strife, malicious talk, evil suspicions ⁵ and constant friction between people of corrupt mind, who have been robbed of the truth and who think that godliness is a means to financial gain.

Luke 2:24 ²⁴ A dispute also arose among them as to which of them was considered to be greatest.

Matthew 12:25 ²⁵ Jesus knew their thoughts and said to them, “Every kingdom divided against itself will be ruined, and every city or household divided against itself will not stand.

1Timothy 4:16 ¹⁶ Watch your life and doctrine closely. Persevere in them, because if you do, you will save both yourself and your hearers.

1 Corinthians 1:10-13 ¹⁰ I appeal to you, brothers and sisters, in the name of our Lord Jesus Christ, that all of you agree with one another in what you say and that there be no divisions among you, but that you be perfectly united in mind and thought. ¹¹ My brothers and sisters, some from Chloe’s household have informed me that there are quarrels among you. ¹² What I mean is this: One of you says, “I follow Paul”; another, “I follow Apollos”; another, “I follow Cephas”; still another, “I follow Christ.” ¹³ Is Christ divided? Was Paul crucified for you? Were you baptized in the name of Paul?

Proverbs 25:8 ⁸ do not bring hastily to court, for what will you do in the end if your neighbor puts you to shame?

*My Bible is a guidebook true
That points for me the way,
That gives me courage, hope, and cheer
And guidance for each day. —Anonymous*

APPENDIX 5

GUIDELINES FOR RESPONSE TO MEDIA INQUIRIES

In today's world of competition to get a story and eagerness to top the reporting of others, it can be expected that news organizations will be highly interested in a church involved in discernment. Controversy is considered good news for headline seekers. Although it is perfectly legal to refuse to comment or dodge a question, such a response can be looked upon negatively by the public -- and by people who are struggling with their own decisions.

The discernment process is designed to treat our brothers and sisters in Christ with the utmost compassion and respect. Response to media inquiries should be handled with that idea foremost.

While this policy requires full communication and transparency, the sensitive nature of these matters requires a reminder to all parties that no position can be described until that position is reached and ratified.

An ethical reporter will identify him/herself. Keep in mind that the contact likely will be the result of a complaint from a person with a personal agenda and the reporter may be influenced by that person's position. Anything that is said to or in the presence of a reporter is subject to being reported. It usually will be repeated to someone having an opposite view in order to gain a rebuttal. There is a danger that the exchange will result in a distortion of the facts.

For these reasons, the Presbytery and the Discernment Team should designate a spokesperson to whom all media inquiries should be referred. Under this policy, the Executive Presbyter shall be the designated spokesperson. In the event the EP is not immediately available, the Stated Clerk shall be the alternate referral. The Moderator of the Discernment Team should be notified of the request and, at his/her discretion may inform members of the Discernment Team and/or Session.

A press conference to which all media are invited offers an opportunity for all media outlets to simultaneously hear a prepared statement as well as ask questions and interpret the answers. Questions may be taken, or the spokesperson may state that none will be received "at this time." If the floor is opened to questions, care should be taken to give equal attention to media outlets. Should questioning be prolonged, the spokesperson may cut off further questions by saying, "Last question" before calling on the next questioner. No more questions should be taken after the response to that question. "Exclusive" follow-up interviews should be avoided, even to outlets considered to be friendly.

Until a final decision is reached in any case where withdrawal is under discernment, any statement to the congregation or to the public should emphasize:

- The intent is to prayerfully work together in a cooperative manner to reach a conclusion that protects the children of God;
- The process the Presbytery has adopted is designed to assist those involved to understand both the complexities and the impacts of withdrawal in order for them to reach an informed decision;
- If, after prayer and full debate, a majority of a particular congregation wishes to withdraw, the terms of their departure will be negotiated, subject to agreement by the congregation and the Presbytery;
- Every attempt will be made to reach an amicable conclusion and avoid litigation;
- The goal of the process is to fairly represent the needs of the congregation and all of its members, the Presbytery, and ultimately the will of God.

Discernment Teams and Sessions should discuss dissemination of information by means of Web pages or social media and take steps to ascertain that such information is factual and consistent with policy.