

GRACIOUS SEPARATION POLICY

Adopted September 18, 2012
[Minutes, pp. 20914, 20919-931]

PRESBYTERY OF CHICAGO POLICY FOR GRACIOUS SEPARATION

Preamble

“Therefore, encourage one another and build up each other, as indeed you are doing”
(*1 Thessalonians 5:11*).

The Presbytery of Chicago (Presbytery) recognizes that we live in a complex and changing world. We therefore seek to serve the Lord by supporting, building up, and celebrating our common ministry with fellow disciples of Jesus Christ. Our work is best accomplished as we strive to exemplify the grace of our Lord Jesus Christ, the love of God, and the fellowship of the Holy Spirit with our brothers and sisters in Christ, remembering the counsel of Paul to “love another with mutual affection; outdo one another in showing honor” (*Romans 12:10*).

The Presbytery is committed to walking alongside pastors, sessions, and congregations that are considering or seeking dismissal from the Presbyterian Church (U.S.A.) (PCUSA). No matter the outcome, the Presbytery is determined to create a gracious context and process in which the will of God is sought for the life, ministry, and calling of the particular congregation. The Presbytery commits itself and invites all congregations within it to pursue God’s mission with a graciousness befitting those who claim Christ as Lord.

I. Introduction

The 218th General Assembly (2008) of the PCUSA approved Commissioners’ Resolution Item 04-28 which urged (quoting the then-current Book of Order):

“that presbyteries and synods develop and make available to lower governing bodies and local congregations a process that exercises the responsibility and power ‘to divide, dismiss, or dissolve churches in consultation with their members’ (Book of Order, G-11.0103i) with consistency, pastoral responsibility, accountability, gracious witness, openness, and transparency. Believing that trying to exercise this responsibility and power through litigation is deadly to the cause of Christ, impacting the local church, other parts of the Body of Christ and ecumenical relationships, and our witness to Christ in the world around us, the General Assembly urges congregations considering leaving the denomination, presbyteries and synods to implement a process using the following principles:

- *Consistency*: The local authority delegated to presbyteries is guided and shaped by our shared faith, service, and witness to Jesus Christ.
- *Pastoral Responsibility*: The requirement in G-11.0103i to consult with the members of a church seeking dismissal highlights the presbytery’s pastoral responsibility, which must not be submerged beneath other responsibilities.
- *Accountability*: For a governing body, accountability rightly dictates fiduciary and connectional concerns, raising general issues of property (G-8.0000) and specific issues of schism within a congregation (G-8.0600). But, full accountability also requires preeminent concern with ‘caring for the flock.’

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- *Gracious Witness*: ... Scripture and the Holy Spirit require a gracious witness from us rather than a harsh legalism.
- *Openness and Transparency*: Early, open communication and transparency about principles and process of dismissal necessarily serve truth, order, and goodness, and work against seeking civil litigation as a solution.”

This policy establishes principles for discernment in situations where withdrawal from the PCUSA is being considered. Each situation will be uniquely addressed on its own merits, using the principles set forth in this policy. This policy is expressly subject to all existing provisions of the *Book of Order*. No statement herein may be interpreted to contradict any specific provision of the *Book of Order*. Further, in the event that the principles stated in this policy are not being followed, Presbytery may invoke other *Book of Order* processes as needed.

II. Statement of Values of the Presbytery of Chicago

The Presbytery’s overarching value is the mission of Jesus Christ. This mission leads us to several values in cases of discord within the body of Christ:

A. Unity

The congregations and members of the Presbytery seek to uphold one another and to respect each other’s integrity, even as we acknowledge significant differences in our views of what the Bible teaches about a number of issues. We affirm the freedom of conscience of each member of the body of Christ. We desire to encourage peace and unity, while minimizing confrontation between our congregations and members, as we seek together to find and represent the will of Christ. In all that we do, it is our prayer to strive to be a church modeled on the body of Christ, a church made up of many different parts, all of which are necessary for its mission to the world (F-1.0301). Our spiritual unity is derived from the grace of the Lord Jesus Christ, the love of God, and the fellowship of the Holy Spirit.

B. Freedom of Conscience and Mutual Forbearance

Presbyterians have always celebrated and recognized significant differences of opinion on issues that matter. This ethos is currently noted in the historic language found at F-3.0105: “We also believe that there are truths and forms with respect to which men of good characters and principles may differ. And in all these we think it the duty both of private Christians and societies to exercise mutual forbearance toward each other.” Our covenant demands that we strive to work together in peace and unity, even in the midst of our diversity. “I urge you to live a life worthy of the calling you have received. Be completely humble and gentle; be patient, bearing with one another in love. Make every effort to keep the unity of the Spirit through the bond of peace” (*Ephesians 4:1b-3*). The duty is always to attempt to bring the estranged member back into the covenant community, and we promise to carry out that duty in our ordination vows.

Through our theology we understand that “Presbyters are not simply to reflect the will of the people, but rather to seek together to find and represent the will of Christ. Decisions shall be reached in councils by vote, following opportunity for discussion and discernment, and a majority shall govern” (F-3.0204 and F-3.0205). At the same time, the church is committed to being open to voices sharing minority opinions. At some points in our history, minority views eventually became those of the majority. Thus, the Constitution of the PCUSA recognizes “The

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church reformed, always to be reformed according to the Word of God' in the power of the Spirit" (F-2.02).

There are also times when members find it impossible to go along with the majority. The Presbytery encourages all presbyters and congregations to "concur with or passively submit" to the vote and wisdom of the majority (footnote to G-2.0105). If their consciences will permit neither, the Presbytery will be generous in allowing congregations and presbyters with strong issues of conscience to pursue peaceable withdrawal through dismissal to another denomination that is doctrinally consistent with the essentials of Reformed theology as understood by the Presbytery and governed by polity that is consistent in form and structure with that of the PCUSA (*Minutes*, 2008, pp. 15, 545).

C. Dialogue and Reconciliation

The goal of this Presbytery will always be reconciliation and continued engagement in relationship for all congregations within the Presbytery, without the threat of isolation, estrangement, or blame. The Presbytery is to be a servant to the congregations God has entrusted to us, encouraging and supporting them toward becoming healthy, growing congregations. This is especially true for those congregations for whom the bonds of unity are stretched and ecclesiastical connections are frayed over issues of conscience to the point of considering disaffiliation.

"There is no fear in love, but perfect love casts out fear. For fear has to do with punishment, and whoever fears has not reached perfection in love" (*1 John 4:18*).

The Presbytery's commitment to this passage in how we dialogue with each other means that we are committed to engage the leaders of a congregation, or the congregation as a whole, without threat of punishment. It is likewise incumbent upon the leaders of congregations wrestling with issues of conscience to share their concerns with Presbytery leadership in a timely manner, being assured that the response will not be hostile, but instead one of prayerful dialogue and a commitment to act in love and in the best interests of the congregation as well as the Presbytery's mission.

Dialogue recognizes that our Reformed tradition includes broad historical differences between the great doctrines and themes of the church, and the specific theories and models which different communities have found useful in seeking to understand those doctrines in the practice of their faith. A Reformed stance allows room for a variety of legitimate perspectives and valid models of "essentials" that allow an understanding of underlying mysteries. Graciousness on both sides acknowledges this validity and seeks to honor rather than to demonize one another.

III. The Property Trust Clause

According to Section G-4.0203 of the *Book of Order*:

"All property held by or for a congregation, 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 congregation or of a higher council or retained for the production of income, is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.)."

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The Property Trust Clause (Trust Clause) is intended to evidence the interconnected relationship existing between the PCUSA and its congregations, as well as our unity in the covenant of common mission. Presbytery, as a corporate organization of the body, is responsible for ensuring ministry in its geographical area by guiding and coordinating the work of the congregations within its bounds in order to maximize their strength for effective witness to the broader community. Presbytery, therefore, has an inherent interest in the location and facilities of its member congregations to further this mission.

Under the Trust Clause, a particular congregation's property, including but not limited to land, buildings, and fixtures, is held in trust for the PCUSA. The congregation cannot sell, lease, or encumber it without the permission of Presbytery, nor can it take property with it to another denomination unless Presbytery voluntarily releases its claim upon the property. A congregation's financial and all other assets are also understood to be covered by the Trust Clause.

The Trust Clause also 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 PCUSA, 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. This policy therefore cautions any congregation seeking to separate from the PCUSA to consider its actions carefully.

The Trust Clause should not be used as a weapon to threaten civil action against a congregation. In considering enforcement of the provisions of the Trust Clause, it is important that Presbytery and its member congregations act graciously to one another. Scripture calls us to seek in all humility to resolve our disagreements and avoid the harm that is done to the Gospel and Christ's body when Christians resort to civil litigation and public disputes over property.

Presbytery will not preemptively initiate civil litigation based on the Trust Clause. If a congregation initiates civil action, the Presbytery may take legal action to defend its mission strategy for the Presbytery.

The Presbytery is committed to following the process described below. In the event the process breaks down, however, the Presbytery Assembly may appoint an administrative commission with the power of original jurisdiction to act on behalf of the Presbytery.

IV. Process Concerning Possible Dismissal

A. Guiding Principles

There are times when our unity in Christ is tested and our ability to work together in mission is tried. Even in times of disagreement and conflict we will uphold one another, build up one another, respect one another, and love one another, to the end that the mission of Christ be fulfilled. Together we seek to further the peace, unity, and purity of the church. Thus, when a congregation or a substantial portion of the congregation begins to question its continued participation in the PCUSA, the following questions will be paramount for both the congregation and the Presbytery and will form the center of a shared discernment process:

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- Is God leading this particular congregation toward restoration of fellowship in the PCUSA or to seek separation from the PCUSA?
- If God is leading this congregation toward restoration of fellowship, how can that be accomplished in a way that honors Jesus Christ and strengthens both the congregation and the Presbytery?
- If God is leading this congregation to seek separation, how can that be accomplished in a way that honors Jesus Christ and strengthens both the congregation and the Presbytery?

B. Listening and Understanding Phase

When any member of Presbytery becomes aware, through either formal or informal contacts with congregational leaders or members, that a congregation is considering withdrawal from the PCUSA, this information should be brought immediately to the attention of the Executive Presbyter. The Executive Presbyter, in consultation with the appropriate Presbytery staff and the Commission on Ministry (COM), will appoint two or more persons to contact the moderator of the congregation's Session to determine the nature and seriousness of the congregation's concerns. All teaching elders serving on the staff of the congregation shall be similarly consulted during this phase. The persons appointed by the Executive Presbyter may also serve on the Discernment Team, should a Discernment Team later prove necessary. During this initial inquiry, the congregation's identity will be kept confidential in Presbytery's communication.

The persons appointed to represent Presbytery will seek a time of prayer and conversation focused upon listening, understanding the issues, and identifying potential steps toward reconciliation. Discussions may be held with the pastor(s), congregational leaders, the Session, the congregation and/or small member groups as deemed appropriate. (*More guidance for this listening and understanding phase is available in Appendix A.*)

In the event of media coverage, the Presbytery and the Session will work together to create a media plan, designating who will provide information to the media from the Presbytery and the Session, and committing to work in concert on such contacts in order to maintain a witness to Christ in the world.

C. Discerning Phase

If it appears that reconciliation may not be likely and congregational leadership continues to express a desire to withdraw from the PCUSA, COM and the Session will organize a Discernment Team. The team will be comprised of both teaching and ruling elders representing the Presbytery and the congregation, and may include active members of the congregation who are not ordained. The persons who participated in the listening and understanding phase may be invited to be part of this team. The Discernment Team will attempt to discern God's will for denominational affiliation. The membership of the team will be reported to the Presbytery and the congregation. There will be co-moderators, one elected from the Presbytery representatives and one from the representatives of the congregation. The co-moderators will remain in regular communication with their respective groups.

This phase of continued dialogue and discerning may extend over a number of months, during which the team will attempt to ascertain the extent of support for a dismissal request. This process will include an accurate assessment of the actual active membership of the

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congregation (G-1.0402). If it appears that progress can be made toward reconciliation through continued and constructive dialogue, congregational leadership and the team will establish a mutually agreeable timeline for talks to be held and proceed to engage in such dialogue. (*More guidance for the discerning phase is available in Appendix B.*)

D. Establishing the Negotiating Phase

When the Discernment Team is not able to establish a basis for reconciliation and withdrawal is a clear direction of the congregation, the team will recommend that the process move to a negotiating phase that will address terms for dismissal and formal validation of the congregation's desire to be dismissed.

A written report affirming this direction will be submitted to the COM and the congregation, along with a recommendation about how to proceed with the negotiations. It may be the case that members of the Discernment Team can take a lead role in the negotiations, with both sides effectively working as a single team. Alternatively, it may be necessary to form two distinct teams with minimal overlap between teams involved in negotiations and members of the Discernment Team. In either case, because of the legal and financial issues that may be involved in a negotiated settlement, members of the congregation's finance, property, and personnel committees will need to become involved, as will representatives of similar groups within the Presbytery.

If COM agrees with the recommendation of the Discernment Team, it will request action by the Session and/or congregation and the Presbytery Coordinating Commission (PCC) to appoint persons to a joint or separate Negotiating Team(s), and grant authorization to negotiate on behalf of the Presbytery and congregation. At this point, negotiation of specific terms and a timeline for dismissal can proceed as expeditiously as possible. As the outcome of negotiations may influence a final decision by the Presbytery and/or the congregation about whether to approve a final dismissal, the discernment process can continue simultaneously with negotiations. Under no circumstances will a negotiated settlement be considered final until it is approved by the congregation and Presbytery Assembly as provided in Sections VII. and VIII. below.

V. Negotiation Considerations

A. Constitutional Considerations

Consistent with PCUSA polity and General Assembly actions taken in *Anderson v. Synod of Florida* and *Strong and Bagby v. Synod of the Mid-South*, a congregation can be dismissed with property only to another denomination that is doctrinally consistent with the essentials of Reformed theology as understood by the Presbytery and governed by polity that is consistent in form and structure with that of the PCUSA (*Minutes*, 2008, pp. 15, 545). It cannot be dismissed to "independency." In the event a congregation seeks to leave the denomination outside this limit, the congregation needs to raise its request as early as possible in the process.

The decision of whether or not to release the Presbytery's claim to property used by a particular congregation can only be made by the Presbytery Assembly, bearing in mind its responsibility to deploy assets of people, real estate, and financial resources for the furtherance of the mission of the PCUSA within its bounds.

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B. Mission of the Presbytery

As noted previously, the Presbytery views its role in interpreting the Trust Clause as a responsibility to act on behalf of the PCUSA and its member congregations to ensure ministry is coordinated and carried out effectively in its geographic area. The COM, in conversation with the Develop Congregations Mission Priority Leadership Team, or its successor, will therefore review the impact of the congregation's withdrawal on the mission of the Presbytery in the region and present its recommendations to the PCC for approval. Information about financial and membership loss, clergy transfer, and the opportunity for new congregation development may be considered as part of this process. If approved by the PCC, the impact study shall be submitted to the Presbytery Assembly if a vote on dismissal is to be taken (see Section VIII.).

C. Impact of Dismissal on Members

It is important that, throughout the dismissal process, both the Presbytery and Session communicate carefully so that divisiveness is minimized between those members of the congregation who wish to withdraw and those members who wish to remain in the PCUSA. During the whole process there should be open communication with members of the congregation about where they want their membership to be located if the congregation is dismissed.

The negotiated dismissal should include provision for members of the congregation and the Presbytery who might be adversely impacted by dismissal. This includes, but is not limited to, members of the congregation who wish to remain within the PCUSA, members of the congregation who are candidates for the ministry of the Word and Sacrament, and teaching elders who wish to remain within the PCUSA.

1. Status of Members of Congregation

Final negotiated terms should include validation of the congregation's membership roll (based on the assessment conducted in Section IV.C. above) and provision for transferring membership of those persons who wish to remain in the PCUSA. Members being dismissed who serve on Presbytery entities will have their terms end officially on the effective date of the congregation's dismissal.

2. Status of Members under Care of Presbytery

Special attention should be given to members of the congregation who are preparing for the ministry of the Word and Sacrament and are under the care of the Presbytery. If the congregation is dismissed and the individual wishes to transfer his or her membership to another congregation within the PCUSA, the person will be assisted in seeking a waiver of the usual six-month requirement for congregational membership in order to maintain care status.

3. Teaching Elder Members of Presbytery

Teaching elders serving the congregation may choose to continue serving the congregation or to seek another call within the PCUSA. If a teaching elder requests transfer to the Reformed body to which the congregation is requesting dismissal, this transfer will normally

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be approved unless the teaching elder is the subject of a pending judicial or investigative action (D-10.0105). If the teaching elder instead chooses to stay within the PCUSA, the teaching elder's call to the congregation shall be dissolved as of the effective date of the congregation's dismissal. The terms of dissolution shall include an adequate severance package.

D. Property and Assets

If a congregation seeking dismissal wishes to retain its real property, the Presbytery and Session will negotiate terms whereby Presbytery will release the property to the congregation in exchange for an agreed compensation. These terms should reflect the mission strategy of Presbytery and should, to the greatest extent possible, facilitate successful ongoing ministry by both Presbytery and the congregation. (*Additional considerations beyond those listed below can be found in Appendix C.*)

1. Review of Property and Financial Records

The Session will provide to the Negotiating Team copies of all executed documents concerning the congregation's incorporation and bylaws, real property, and other assets including, but not limited to, current deeds of trust, loan agreements, liens, property and casualty insurance, and statements of tangible and intangible assets. Representatives of the Session and the Negotiating Team and the Presbytery's legal advisors will review these documents to determine whether Presbytery, Synod, or any PCUSA entity is named therein and/or is exposed to any liability claims which exist or may arise under these documents. In order for the dismissal process to proceed, steps must be taken to repay in full any indebtedness owed to or guaranteed by the Presbytery, the Synod, or the PCUSA, or to refinance such indebtedness through an independent creditor without support from the Presbytery, Synod, or PCUSA. Appropriate action must also be taken to amend any organizational documents, as necessary, and to ensure that adequate insurance coverage of all property is maintained until dismissal is completed.

Similarly, if the congregation has established a foundation or received grants or endowments, related documentation must be examined to identify any terms or restrictions affected by the proposed dismissal or involving Presbytery, Synod, or the PCUSA. Corrective action must be taken as appropriate.

Prior to finalization of the dismissal process, legal counsel will be retained to review the settlement agreement, prepare a quit claim by Presbytery to the congregation for any real property being released, and prepare an indemnification by the congregation to Presbytery against any and all future claims that may arise related to the property. All legal costs associated with this and any other corrective action noted above shall be borne by the congregation.

2. Appraisal of Real Property

The Session will provide to the Negotiating Team two current market appraisals of all of the land, buildings, fixtures, and contents held by the congregation. The cost of these appraisals, prepared by independent appraisers satisfactory to both the Session and the Negotiating Team, will be borne by the congregation. Fair market value will ordinarily be obtained by averaging the two appraisal amounts.

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VI. Negotiation of Financial Terms for Withdrawal

- A. The final negotiated terms will normally adhere to the following guidelines:
1. Compensation to Presbytery for the loss of the real property will ordinarily be based on a percentage of the appraised market value of the congregation's land, buildings, fixtures, and contents, with consideration given to whether the Presbytery has invested significant financial resources in the congregation.
 2. The settlement terms will include a due date by which final payment must be made and will specify whether payments are interest-free or include interest calculated at a specified rate.
 3. Title to the property will not be released by the Presbytery until all compensation for the property has been received.
- B. In some circumstances, other concerns, such as the value of the property in relation to the size of the departing congregation, may dictate alternate forms of compensation. These may include, but are not limited to, the following:
1. A long-term lease of the property, under which the departing congregation retains full use of the building(s) but title remains with the Presbytery.
 2. Sale of the property to a third party and allocation of the proceeds between the departing congregation and the Presbytery.
 3. A negotiated dissolution, whereby the departing congregation would be dissolved as a PCUSA congregation and reestablished as a legal entity outside the PCUSA. Once the congregation is legally reestablished, it may seek to purchase the subject property and assets from the Presbytery.

VII. Validation of Congregation's Request for Dismissal

After the Negotiating Team and Session have negotiated the terms of dismissal, Presbytery will formally call a meeting of the congregation to validate its desire for dismissal from the PCUSA and ascertain the congregation's unity in this decision. Because of the importance of the dismissal decision on the life of the congregation, at least 66% of the active members of the congregation shall be in attendance for this vote to take place. This quorum might be impractical for a larger congregation, and PCC can approve a lower percentage if 66% is deemed unreasonable. Because the Holy Spirit works through the gathered body discerning together, proxy votes will not be allowed.

Notice of the called meeting of the congregation must be given at least 30 days in advance, and every effort must be taken to maximize participation of the members in this meeting. A written settlement agreement will be made available to the congregation. It is expected that representatives of the Discernment and/or Negotiating Teams and the Session will address the congregation and discuss any specific issues that will enable the congregation to make an informed decision based on facts and prayerful discernment. Steps will be taken to ensure that

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only active members of the congregation are permitted to vote, and voting will be by secret written ballot.

If 80% or more of those voting approve the request for dismissal and accept the terms of the negotiated agreement, the dismissal request will be deemed as validated by the congregation. The congregational vote, however, is advisory only; the final decision to dismiss rests with the Presbytery Assembly.

If less than 66% of those voting are in favor of requesting dismissal, then it is recognized that the congregation is significantly divided and the congregation shall be declared as being in schism.

VIII. Process for Presbytery Assembly to Approve Dismissal of the Congregation

Once the congregation has formally voted to request dismissal from the PCUSA, and the congregation and the PCC have accepted the terms of the negotiated agreement for dismissal, the PCC will present the terms of the agreement and dismissal of the congregation to the Presbytery Assembly for its vote, along with the findings of the impact study conducted by COM and the Develop Congregations Mission Priority Leadership Team or its successor. Representatives of the Presbytery who have been involved in the process will report on all phases of the process, as well as the settlement agreement and the congregational vote tally.

Renegotiation of the proposed terms for dismissal through the use of amendments from the floor of the Presbytery Assembly would invalidate months of work between the Presbytery and the congregation. Therefore, the proposed terms should be presented as a whole, with the understanding that they have been reached by good faith negotiations. Any motion to amend that seeks to change the substance of the proposed terms would serve to make the adoption of the amendment equivalent to the rejection of the original proposed terms, and would thus be out of order [RONR (11th ed.), p. 138, ll. 13-20]. A Presbytery Assembly commissioner who wishes to change the substance of the proposed terms should instead make a motion to return to negotiations.

It is the Presbytery's prayer that, with the commitment of all parties to follow the above process in good faith, differences can be resolved reasonably and civilly, without resorting to litigation. To allow for an orderly transition, the effective date of dismissal or dissolution will occur no earlier than 90 days after the Presbytery vote.

IX. Determination of Members' Desire for Transfer

Within 30 days of the Presbytery Assembly's vote approving dismissal of the congregation to another Reformed body, the Presbytery will prepare a letter to members of the church informing them of their option to be dismissed with the congregation or to remain in the PCUSA. The congregation will mail the letter to all active members of the congregation promptly and will bear all costs associated with this mailing. The letter will direct that responses are to be returned to the Presbytery. The Presbytery through the Discernment Team will then ensure that contact is made with those members wishing to remain in the PCUSA.

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X. Completing the Dismissal

Recognizing that the departure of valued colleagues in ministry will be a matter of pain for all parties, it is appropriate for the Presbytery to hold a time of prayer giving thanks for prior shared ministry and prayers for the ongoing witness of both the departing congregation and of all the other congregations in the Presbytery and the PCUSA.

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APPENDICES

These appendices are provided to assist pastors, sessions, congregations and the Presbytery with establishing the teams and processes outlined in the body of the Policy for Gracious Separation. Appendix A provides guidelines for the listening and understanding phase. Appendix B provides guidance for the discerning phase. (The steps presented in these two appendices are not binding on the parties involved.) Appendix C lists additional matters that may require consideration and should not be overlooked.

APPENDIX A

Suggested Guidelines for the Listening and Understanding Phase

1. Meetings with the Pastor(s)

Meetings with the pastor(s) of the congregation should be arranged. During those meetings, the appointed Presbytery representatives should present an overview of the process. The purposes of these gatherings are to pray for the pastor(s), listen to the pastor(s), begin to understand the leading of the congregation, and begin to discern God's calling for the church.

2. Meeting with the Session

A meeting between the appointed Presbytery representatives and the Session should be scheduled. The main purposes of this gathering are to pray for the Lord's leading, introduce the process, listen to the Session members, develop a further understanding of the leading of the congregation, and further discern God's calling for the church. At this meeting, dates may be set for two open meetings with the congregation.

3. Open Meetings with the Congregation

An announcement should be made in all worship services at least once before the scheduled open meetings with the congregation; when possible, a Presbytery representative should make at least one announcement of the upcoming open meetings. It should be made clear that the open meetings are informational only; there will be no votes taken at these meetings.

4. Open Meeting #1

The pastor will begin this meeting with prayer, and should then state briefly a history of the congregation. It will be helpful to inform the congregation that the appointed Presbytery representatives have met with the pastor(s) and the Session regarding this issue. After the pastor has brought the congregation to this point, the meeting will transition to an open forum, which will be moderated by one of the Presbytery representatives. This portion of the meeting will center on the question, "What specifically are the issues as you see them?" At the end of the open forum, time will be given for earnest prayer for the congregation, its leadership, the Presbytery, and the Lord's work in all involved.

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5. Open Meeting #2

One of the appointed Presbytery representatives will open the meeting with prayer. This meeting should focus on information. A brief understanding of polity and a description of the Gracious Separation process will be given. The Presbytery representatives will address theological understandings as well as advantages of membership and compelling reasons to remain in the PCUSA. Along with a question and answer time, prayer will be integral to this meeting.

APPENDIX B

Suggested Guidelines for the Discerning Phase

1. First Discernment Team Meeting

During the first meeting, Discernment Team members should exchange introductions, sharing a portion of their faith stories and their perspectives of the differences of theological understandings.

Scripture teaches us to “honor everyone” (*1 Peter 2:17*). We recognize each participant in this process as a child of God, possessing a conscience formed by the Spirit of Christ under the guidance of Scripture. Presbyterian tradition recognizes that there are “truths and forms with respect to which persons of good characters and principles may differ;” and with regard to these differences, it is our Christian duty “to exercise mutual forbearance toward each other” (F-3.0105).

2. Second Discernment Team Meeting

For the second meeting, a guided dialogue on theological issues is suggested, facilitated by the co-moderators of the Discernment Team. Team members should be invited to share their personal understanding of various theological issues.

Again, it is recognized that there are differences in theological understandings and conscience. As children of God, we are to honor and respect each other. Scripture teaches us to be humble and gentle; patient, “bearing with one another in love, making every effort to maintain the unity of the Spirit in the bond of peace” (*Ephesians 4:2-3*).

3. Third and Subsequent Discernment Team Meetings

The content of the third and subsequent meetings will be determined mutually by the members of the Discernment Team. In determining the content of these meetings, the team will consider feedback received from members of the congregation and other Presbytery members. The Discernment Team will discuss at these meetings other matters pertinent to the dialogue, such as the care of those members wishing to remain united with the PCUSA.

It is the Presbytery’s hope that this process will be guided by the consolation we have from love, the sharing in the Spirit we have enjoyed, and the compassion and sympathy we have for one another. Above all else, we will seek to have within us the mind of Christ who came as servant to all (*Philippians 2:1-11*).

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APPENDIX C

Additional Legal Matters That May Arise During the Negotiating Phase

- **Tax Status:** A congregation which ceases to be a member of the PCUSA 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 non-profit 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 congregation 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 member of the PCUSA will need to revise its corporate status, which may require the filing of new articles of incorporation and bylaws. In Illinois, it is necessary for a group of people to be incorporated in order to hold title to real property.
- **Insurance:** Since many PCUSA congregations have property and liability insurance which is available only to PCUSA congregations, new insurance provisions may need to be made.
- **Pension:** A Presbyterian teaching elder's pension benefits are "vested." 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 clergy 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 teaching elder is entitled to certain income tax benefits and provisions due to his/her ecclesiastical status in the PCUSA. "Independent" clergy may or may not be entitled to such benefits and provisions.