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SECOND READING

Revised July 23, 2011

**The Presbytery of San Jose
Policy Regarding Dismissing Congregations
("Gracious Dismissal Policy")**

INTRODUCTION

**Please See the Form of Government F-3.02, "Principles of Presbyterian Government,"
G-3.0101, "Councils as an Expression of the Unity of the Church,"
and G-3.0102, "Ecclesiastical Jurisdiction"**

Our Presbytery's Vision Statement

14 *"Called by God as a governing body of the Presbyterian Church (USA), the Presbytery of*
15 *San José exists to serve and be a resource for the ongoing health and growth of the*
16 *Presbyterian congregations within our four counties.*

17 *"Our vision is:*

- 18 • *to support our congregations in reaching out to all people in the name of Jesus*
19 *Christ;*
- 20 • *to challenge our churches to hold fast to the foundations of our faith;*
- 21 • *to build a diverse community unified by the unique gifts of the Holy*
22 *Spirit for the great work of the church.*

23 *"We call upon God's grace and help for the fulfillment of this vision." (Adopted February 1,*
24 *1996)*

25 **Context**

26 This policy statement seeks to implement important elements of peacemaking, even as we
27 consider the concerns of congregations that find themselves unable in good conscience to
28 remain in our denominational fellowship. The five bulleted elements of process noted below
29 are consistent with our commitment to peacemaking and are intended to guide us to that
30 end. Our commitment will be to seek to persuade congregations to find a way to remain in

31 our fellowship, even as we commit ourselves to procedural justice and mutual respect where
32 that persuasion is unsuccessful.

33

34 **Resolution from the 218th General Assembly (2008)**

35 **“Directs the Stated Clerk to send this resolution to the presbyteries, synods, and**
36 **sessions, indicating the will of the assembly that presbyteries and synods develop**
37 **and make available to lower governing bodies and local congregations a *process* that**
38 **exercises the responsibility and power ‘to divide, dismiss, or dissolve churches in**
39 **consultation with their members’ (Form of Government 3.0303b) with consistency,**
40 **pastoral responsibility, accountability, gracious witness, openness, and**
41 **transparency.”**

42

43 “The Resolution explains the meaning of these terms as follows (quoted in full):

- 44 • *Consistency*: The local authority delegated to the presbyteries is guided and shaped
45 by our shared faith, service, and witness to Jesus Christ.
- 46 • *Pastoral Responsibility*: the requirement to consult with the members of a church
47 seeking dismissal highlights the presbytery’s pastoral responsibility, which must not
48 be submerged beneath other responsibilities.
- 49 • *Accountability*: For a governing body, accountability rightly dictates fiduciary and
50 connectional concerns, raising general issues of property and specific issues of
51 schism within a congregation (Form of Government 4.0207). But full accountability
52 also requires preeminent concern with “caring for the flock.”
- 53 • *Gracious Witness*: It is our belief that Scripture and the Holy Spirit require a gracious
54 witness from us rather than a harsh legalism.

- 55 • *Openness and Transparency*: Early, open communication and transparency about
56 principles and process of dismissal necessarily serve truth, order, and goodness, and
57 work against seeking civil litigation as a solution.”

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The Trust Clause (G-4.0203)

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

- 67 • The Trust Clause is intended to embody the inter-connected relationship existing
68 between the Presbyterian Church (USA) and its congregations, as well as our unity in
69 the covenant of common mission. Presbytery, as a corporate organization of the
70 body, is responsible for ensuring ministry in its geographical area by guiding and
71 coordinating the work of the particular churches within its bounds in order to
72 maximize their strength for effective witness to the broader community. Presbytery,
73 therefore, has an inherent interest in the location and facilities of its member
74 congregations to further this mission.

- 75 • Under the Trust Clause, a particular congregation’s church property, including land,
76 buildings, and fixtures, is held in trust for the Presbyterian Church (USA). The
77 congregation cannot sell, lease, or encumber it without the permission of Presbytery,
78 nor can it take property with it to another denomination unless Presbytery voluntarily

79 releases its claim upon the property. The Trust Clause also reflects our
80 understanding of the church as a communion of saints across time, with
81 responsibilities both to those who came before and those who will follow. When a
82 congregation seeks to leave the Presbytery, it is breaking what is often a significant
83 historic relationship; it is also departing from a fellowship in which its officers have
84 participated, by whose polity they have pledged to be governed, and with which
85 many members may feel bonds of affection. This policy therefore cautions any
86 congregation seeking to separate from the Presbytery to consider its actions
87 carefully. The Trust Clause should not be used as a weapon to threaten civil action
88 against a congregation. In considering enforcement of the provisions of the Trust
89 Clause; it is important that Presbytery and its member congregations act graciously
90 rather than as adversaries with one another. Scripture calls us to seek in all humility
91 to resolve our disagreements and avoid the harm that is done to the Gospel and
92 Christ's body when Christians resort to civil litigation and public disputes over
93 property. *Civil action should not be initiated by the presbytery, or a congregation or*
94 *congregations, unless/until all ecclesiastical processes under the Book of Order have*
95 *been exhausted.*

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98

THE PRESBYTERY OF SAN JOSE

99 **Policy on Requests for Division or Dismissal to Other Reformed¹ Denominations**

¹ Presbyterian theologian John H. Leith identifies *the key characteristics of Reformed theology* as (1) a theology consistent with the classic confessions of the universal Church, (2) theocentric, especially with regard to the sovereignty and glory of the transcendent God, (3) deeply biblical, holding scriptural teaching to have no rival or equal in revealing divine truth, especially the account of God's saving work in Jesus Christ, (4) predestinarian, in that God's gracious initiative is the sole basis for, and efficient cause of, our salvation, (5) a practical science, which guides and serves the embodied life of Christian faithfulness, (6) the supreme source of wisdom by which all human knowledge and understanding are enriched and measured, and (7) affirming the two sacraments of Reformation theology: baptism, including the infant children of believing parents, and the Lord's Supper. He identifies *the key characteristics of Reformed polity* as (1) well-ordered,

100 **A. Preparatory Steps in Our Presbytery Process**

101 (1) Following adoption by the presbytery, **this policy statement shall be made available**
102 **to all its members.**

103 (2) **A pool of potential members of a Presbytery Engagement Team (PET)** shall be
104 nominated by the Nominating Committee, approved by the presbytery, and trained by the
105 Polity and Government Subcommittee of the Council of Presbytery with the assistance of
106 the Executive Presbyter and the Stated Clerk.

107 (3) **A four-member Presbytery Engagement Team** (PET: two clergy and two elders) shall
108 be nominated by the Nominating Committee and elected by the Council of Presbytery *for*
109 *each congregation* whose session (see item one below) requests engagement with the
110 presbytery on matters pertaining to Form of Government 3.0303. Please refer to item (2)
111 below regarding the role of the Committee on Ministry in this process.

112

113 **B. Implementing Steps in Our Presbytery Process**

114 (1) **The session** of the particular church has the responsibility to determine the nature and
115 seriousness of any congregational disaffection from the PC(USA) which might lead to an
116 effort to seek dismissal to another Reformed denomination. This responsibility must be
117 exercised with care and due diligence in order to assure that the Committee on Ministry of
118 the Presbytery of San Jose (through the Executive Presbyter) be notified of such
119 disaffection. The session has the responsibility to listen carefully to members of the church
120 and to assess the nature and degree of the disaffection. Where warranted, the session

consistent with New Testament patterns, (2) based upon the priesthood of all believers, so that elders have authority along with the clergy in the governing bodies of the Church (hence non-episcopal), (3) connectional, in which regional representative councils or governing bodies (presbytery or classis) coordinate and superintend the life and work of the member congregations, (4) catechetical, so that sound instruction and guidance are a constant in the life of the Church, and (4) committed to works of love and compassion, especially through the diaconate. (*An Introduction to the Reformed Tradition: A Way of Being the Christian Community*. Atlanta: John Knox Press, 1977) See also 2009-2011 Book of Order, G-2.0500 and Form of Government, F-1.0303 and F-2.05.

121 must make that notification promptly. *If members of that congregation believe that the*
122 *session is not acting with due diligence, they may make their concerns known in writing to*
123 *the Executive Presbyter, who is to refer their concerns to the Committee on Ministry, which*
124 *is authorized under those circumstances to initiate contact with the session and, if*
125 *necessary, to proceed with the process outlined below.*

126
127 **(2) Each Presbytery Engagement Team² to a particular church** will serve as an *ad hoc*
128 subcommittee of the Committee on Ministry, which will receive regular reports (at least
129 monthly) from the PET on the progress of its engagement with that session and
130 congregation.

- 131 a) The PET will enter into dialogue with the session of that church in order to
132 learn in person the grounds for their request for presbytery assistance and
133 guidance.
- 134 b) Whenever warranted, the PET will work with the session to determine ways to
135 listen to, address, and pray with the congregation's members.
- 136 c) If the PET determines that there are grounds for overcoming the disaffection
137 and restoring confidence in the Presbytery and the PC(USA), it will work with
138 the session and pastor(s) toward that end.
- 139 d) If the PET determines that reconciliation is a very unlikely outcome, the PET
140 will first consult with the COM and make a recommendation to COM for an
141 appropriate resolution of the disaffection. If the COM directs the PET to
142 engage in such negotiations, PET will work with the session of the
143 congregation to develop a recommendation regarding an appropriate
144 resolution of the disaffection.

² Please see Appendix 1 beginning on page 15.

145 e) Or a mutually agreeable resolution may develop which results in a
146 recommendation to Presbytery that the congregation be separated from the
147 Presbytery, be divided, dissolved, or be dismissed to another Reformed
148 denomination within the framework of the applicable Presbyterian
149 requirements, with due regard for the rights and obligations of all interested
150 parties.
151 Such a recommendation shall specify how the separation will affect assets,
152 liabilities, including debt liquidations, pension, corporate, and other interests of
153 the parties (including any group within the congregation which wishes to
154 remain within the Presbytery) as well as the processes and procedures for the
155 church to join another Presbytery or a Reformed denomination.

156

157 **(3) Negotiation of Financial Terms for Withdrawal**

158 The decision of whether or not to release the Presbytery's claim to property used by a
159 particular congregation will be made by the Presbytery, bearing in mind its responsibility to
160 deploy assets of people, real estate and financial resources for the furtherance of the
161 mission of the Presbyterian Church (USA) within its bounds. Therefore, if the congregation
162 is seeking to withdraw and retain its real property, the PET (in consultation with the
163 presbytery Financial Affairs committee [or its successor]) may negotiate terms whereby
164 Presbytery will transfer the property to the congregation in exchange for an agreed
165 compensation. These terms should reflect the mission strategy of Presbytery and should, to
166 the greatest extent possible, facilitate successful ongoing ministry by both Presbytery and
167 the congregation.

168

169 **These terms will normally adhere to the following guidelines:**

- 170 • Negotiations on compensation to the Presbytery will consider the appraised market
171 value of the congregation's real property, buildings, fixtures and contents (while also
172 carefully considering the congregation's ability to pay); the circumstances under
173 which the church became part of the Presbytery; and the church's history in the
174 Presbytery.
- 175 • The settlement terms shall address the repayment of all outstanding indebtedness of
176 the congregation including, but not limited to, indebtedness secured by a lien or
177 encumbrance on the real property which is guaranteed by the presbytery and shall
178 provide for release of the presbytery from all liability thereof.
- 179 • The settlement terms will include *a due date by which final payment must be made*
180 and will specify whether payments are interest-free or include interest calculated at a
181 specified rate.
- 182 • *Title to the property* will not be released by the Presbytery until all compensation for
183 the property has been received.
- 184 • In some circumstances, the value of the property in relation to the size of the
185 departing congregation may dictate *consideration of other terms for compensation*.
186 *These may include, but are not limited to, the following:*
- 187
- 188 1. A long-term lease of the property, under which the departing congregation
189 retains full use of the buildings but title remains with the Presbytery.
- 190
- 191 2. Sale of the property to a third party and allocation of the proceeds between the
192 departing congregation and the Presbytery.
- 193

194

3. Dissolution of the congregation and retention of the property by Presbytery.

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Per Capita Apportionment

Presbytery's financial ability to sustain ministry in its geographic area is dependent upon the Per Capita contributions received each year from its member congregations. Because Presbytery remits per capita payments for all of its member congregations to Synod and General Assembly, the departing congregation is encouraged to make per capita payments for a mutually agreeable period of time following dismissal.

Mutual Commitment

The following mutual commitment is essential to the process:³

“Working in good faith toward a mutually agreeable resolution means that the Presbytery Engagement Team (PET) as a representative of Presbytery and the congregation’s clergy and officers:

- 1. Are open and honest in all their dealings with each other;*
- 2. Provide all requested relevant information and documents to each other on a timely basis;*
- 3. Commit to protect the rights of the officers and members, if any, of the church who desire that the congregation remain loyal to the PCUSA, or who desire to remain congregants of another PCUSA church;*
- 4. That the congregation’s clergy and officers refrain from any unauthorized unilateral changes in the way their assets are held or managed.*

³ Adapted with minor editing from the policy statement of the Presbytery of the Cascades' "A Process for Congregations Considering Leaving the PCUSA."

218 ***“If the Presbytery Engagement Team determines that a congregation will not***
219 ***work in good faith according to these criteria, or that a mutually agreeable***
220 ***resolution cannot be reached, it will recommend to Presbytery that an***
221 ***Administrative Commission be formed (G-3.0108, G-3.0109, etc.).”***

222
223 ***If a congregation fulfills in good faith all of the provisions of this policy and***
224 ***seeks dismissal to another Reformed denomination, the PET and the COM***
225 ***commit themselves to support that request before the presbytery.***⁴

226

227 **(4) Validation of Congregation’s Request for Division or Dismissal**

228 f) After the Presbytery has approved the terms for division or dismissal,
229 Presbytery will formally call a meeting of the congregation to validate the
230 Congregation’s desire for division of the congregation and its property and/or
231 dismissal from the Presbyterian Church (USA) and ascertain the
232 congregation’s unity in this decision. While the quorum for congregational
233 meetings is normally set by the by-laws of a particular congregation, the
234 importance of the dismissal decision on the life of the church requires that at
235 least 50% of the active members of the congregation be in attendance and
236 casting ballots on the question of a request for dismissal; and that the vote be
237 by secret ballot conducted at a duly called congregational meeting where
238 representatives of the Presbytery are present and given permission to speak..
239 At least 75% of those members present and voting must concur with the
240 motion to seek dismissal in order for it to be forwarded to the presbytery for

⁴ This text is added.

241 action. The PET will be prepared to speak to the Presbytery regarding any
242 motion to dismiss this congregation to another denomination.

243 Notice of the special called meeting of the Congregation must be sent to all of the active
244 members of the Congregation at least 30 days prior to that meeting, and every effort must
245 be made to maximize participation of the members in this meeting. A detailed copy of the
246 proposed settlement agreement will be made available to the congregation at the time the
247 call to the meeting is issued. It is expected that representatives of the PET, the COM, and/or
248 the Presbytery, will address the congregation and discuss any specific issues that will
249 enable the congregation to make an informed decision based on facts and prayerful
250 discernment. Steps will be taken to ensure that only active members of the congregation are
251 permitted to vote, and voting will be by secret written ballot.

252

253 The results of the vote of the congregation approving the request for dismissal and
254 accepting the terms of the negotiated agreement shall be forwarded to the PET and the
255 presbytery. If the congregation has voted to accept the terms for division or dismissal as
256 presented, the Presbytery shall take actions necessary to effect the division or dismissal
257 within ninety (90) days of the meeting of the Congregation.

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259

260 **(5) Process for Presbytery to Approve Dismissal of the Congregation**

261 ***NOTE: The PET and the presbytery will be guided not only by the vote of the***
262 ***congregation but also by the provisions of the Form of Government, G-4.0207.***

263

264 1. Once the congregation has formally voted to request dismissal from Presbytery/the
265 Presbyterian Church (U.S.A.) and has accepted the terms of the negotiated agreement for

266 dismissal, Presbytery will vote on whether or not to dismiss the congregation to another
267 Reformed body. The written settlement agreement will be mailed to all members of
268 Presbytery for their review at least two weeks in advance of the meeting at which the
269 Presbytery vote will be taken on accepting the terms of the agreement and approving the
270 dismissal and/or division whether in whole or in part. (It should be noted that renegotiation
271 of the terms for dismissal through the use of amendments from the floor of Presbytery may
272 invalidate months of work between the PET and the congregation. Therefore, the proposal
273 should be presented as a whole, with the understanding that the final agreement has been
274 reached through good faith negotiations between the PET and the congregation.)

275
276 2. The motion to accept the terms of the settlement and dismiss the congregation should be
277 preceded by a two-thirds vote required to limit amendments and debate. It is our prayer
278 that, by all parties' committing to follow the above process in good faith, we can resolve our
279 differences reasonably and civilly, without resorting to litigation. The effective date of
280 dismissal will occur no earlier than 90 days after the Presbytery vote.

281

282

283 **6) Status of Minister Members of Presbytery⁵**

- 284 • If a congregation is to be dismissed by Presbytery, one of the paramount concerns of
285 this process is to assure that the rights and status of minister members are
286 considered and handled properly.
- 287 • Ministers may request transfer to the Reformed body to which the congregation is
288 requesting dismissal, or they may remain as members of Presbytery. Transfers may
289 be requested concurrently with the congregation's request or they may occur

⁵ 4 – 6 Adapted from the Presbytery of San Francisco Policy for Dismissing Churches, proposed revision 4-12-11

290 separately. If transfer is not requested concurrently, the COM shall assess the
291 minister's status in presbytery per G-2.0508. The Presbytery may allow the minister
292 to continue to seek calls within the Presbyterian Church (USA), or to become a
293 member-at-large if their call at the church ends. The Presbytery may exercise its
294 prerogative to approve continuation of membership and pastoral calls to
295 congregations that have been dismissed to other Reformed denominations, just as
296 minister members may be granted permission to labor outside the bounds in the
297 congregations of other denominations.

- 298 • Transfers to another Reformed body will normally be approved unless the minister is
299 the subject of a pending judicial or investigative action (per D-10.0105). The reasons
300 for not granting transfer may be communicated by Presbytery's Stated Clerk to
301 appropriate persons.
- 302 • Ministers who transfer to another Reformed body will, of course, always be welcome
303 as visitors at meetings of Presbytery.

304

305 **(7) Status of Candidates under Care of Presbytery**

306 Special attention should be given to members of the congregation who are preparing for
307 ministry and are under the care of Presbytery. Each member under care, together with
308 his/her liaison from the Committee on Preparation for Ministry (CPM), should be advised
309 immediately of the congregation's desire to seek dismissal. The member under care will be
310 given the option of being dismissed with the congregation or transferring their membership
311 to another congregation within Presbytery and/or the Presbyterian Church (USA). If transfer
312 to another congregation within Presbytery/the Presbyterian Church (USA) is requested, PET
313 and the CPM liaison will assist the member in seeking a waiver, where appropriate, of the
314 usual six-month requirement for church membership in order to maintain care status.

315

316 **(8) Status of Members of the Congregation**

317 It is important that, throughout the dismissal process, both the Session and the PET
318 communicate carefully so that divisiveness is minimized between those in the congregation
319 who wish to withdraw and those members who want to remain in the Presbyterian Church
320 (USA). After formal voting by the congregation and Presbytery has been completed, all
321 members will be contacted regarding their membership status. Members being dismissed
322 who serve on Presbytery committees will have their terms end officially on the day
323 Presbytery votes to dismiss the congregation. However, the Presbytery will always welcome
324 former elder commissioners' participation, without voice or vote, at Presbytery meetings as
325 a way of continuing shared ministries and mission in the community, although such
326 participation will be as visitors.

327

328 **APPENDIX 1:**

329 **SOME ADDITIONAL GUIDELINES FOR A PRESBYTERY ENGAGEMENT TEAM**

330 **(PET)**

331 1. Careful consideration should be given to any unusual patterns of membership, such as
332 the recent addition of significant numbers of members who have come from a non-
333 Presbyterian church—or any atypical patterns of membership reception or records. It is
334 important to assure that the continuity of the congregation’s life has not been altered in a
335 way that might reflect an intentional effort by non-Presbyterians to encourage disaffection
336 from the denomination.

337
338 2. A full and reasonable accounting of financial and property assets of any kind should be
339 required of the Session of any congregation seeking dismissal to another denomination. (A
340 comprehensive inventory of contents is not intended.)

341
342 3. In the rare cases in which the property of a dissolved congregation of this presbytery is
343 assigned to another congregation of this presbytery, particular consideration is to be given
344 to this history and to the degree of financial investment that has been made by the newer
345 congregation.

346
347 4. A full report of all outstanding financial obligations should be required, not least where
348 loan obligations to Presbyterian entities are involved. Any obligation co-signed by the
349 Presbytery must be fully satisfied and eliminated before dismissal may be granted by the
350 Presbytery. Full determination must be provided that the Presbytery bears no financial
351 obligation beyond completion of dismissal.

352

353 5. The PET must be provided with detailed information regarding the terms of the pending
354 reception of a congregation by another Reformed denomination to which it is requesting
355 dismissal.

356

357 6. The PET must review with the Session and Congregation all of the issues included in
358 Appendixes 2 and 3, especially those affecting members and clergy.

359

360 **APPENDIX 2:**

361 IF A PRESBYTERIAN CONGREGATION SHOULD CHOOSE TO LEAVE THE
362 PC(USA)

363 1. In the historic language found in Foundations of Presbyterian Polity F-3.0101, it is clear
364 that our form of government respects the right of individual conscience and “the rights of
365 private judgment, in all matters that respect religion, as universal and unalienable.” It is
366 recognized also that Presbyterians may differ in their opinions. In matters of differences of
367 opinion, “a majority shall govern” (F-3.0205). Dissents and protests and proposals for
368 change are permissible, but defiance and schism are not permitted.

369

370 2. If a congregation seeks to leave the PC(USA), it is to be determined by the presbytery
371 through its PET whether the decision truly and accurately reflects the will of the majority of
372 the members of the congregation and, if so, whether there is a “loyal minority” of
373 Presbyterians who do not choose to withdraw.

374

375 3. “Property” is considered to be both real and “personal” property held by a particular
376 church, including church records, financial assets, and intangible assets. The name of a
377 PC(USA) congregation may not be continued to be used by a congregation which has

378 withdrawn from the denomination without the permission of a presbytery. The original
379 records of a congregation dismissed or dissolved shall remain the property of the Presbytery
380 pursuant to G-3.0107.

381
382 4. A presbytery has authority and responsibility “to divide, dismiss, or dissolve churches in
383 consultation with their members” (G-3.0303b). *Congregations being dismissed whose*
384 *pastors choose to remain in the PC(USA) may be required to provide those pastors with a*
385 *six-month severance of approved compensation as a condition of dismissal. The presbytery*
386 *has the option of approving the continuing called service of member pastors to dismissed*
387 *congregations.*

388
389 5. A congregation may be released from the PC(USA) to another Reformed denomination,
390 but it may not be released to independent status.

391
392 6. *Practical Considerations:*

393 • Tax Status: A congregation which ceases to be a PC(USA) church is no longer
394 included in the PC(USA)’s “group revenue ruling” by which a Presbyterian
395 congregation is granted 501(c)(3) non-profit tax-exempt status. Such status is
396 required not only for exemption from tax payments to state and federal authorities
397 and the filing of certain tax forms, but is required also for real estate tax exemption,
398 for U. S. Postal Service bulk mailing permits, for grant-making foundations, and for
399 the receipt of many forms of grants and bequests. Gifts to a church which does not
400 have valid tax-exempt status may not be claimed as charitable contributions. Legal
401 and other services will be needed to secure new 501(c)(3) status.

- 402 • Corporate Status: A congregation which ceases to be a PC(USA) church will need to
403 revise its corporate status (which may require the filing of new articles of
404 incorporation and bylaws).
- 405 • Insurance: Since many PC(USA) congregations have property and liability insurance
406 which is available only to PC(USA) congregations, new insurance provisions will
407 need to be made, and it is an unwise congregation which is uninsured for even a
408 minute.

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412 **APPENDIX 3:**

413 IF A PRESBYTERIAN MINISTER SHOULD CHOOSE TO LEAVE THE PC(USA)

414 1. A Presbyterian minister of the PC(USA) is under the ecclesiastical authority of a
415 presbytery. A Presbyterian minister’s ecclesiastical status is to be determined and approved
416 by a presbytery and may not be “independent” of a presbytery.

417

418 2. A Presbyterian minister’s employment by a particular church may be only by a three-way
419 contractual agreement between a minister, a congregation, and a presbytery (in cases of
420 called-and-installed pastoral relationships) or between a minister, a session, and a
421 presbytery (in cases of temporary pastoral relationships). The concurrence of all three
422 bodies is required for an official pastoral relationship to exist. *NOTE: Ministers should*
423 *examine carefully the qualifications, terms and limits (e.g., women in ministry) of any other*
424 *Reformed denomination to which transfer is being considered.*

425

426 3. It is permissible for a Presbyterian minister to be granted permission to labor outside the
427 bounds of the Presbytery or beyond the jurisdiction of the church, as in service in another
428 denomination, but only with the approval of the Presbytery.

429
430 4. If a Presbyterian minister, after consultation and notice, persists in a work disapproved by
431 the governing body having jurisdiction, the governing body may presume that the officer has
432 renounced the jurisdiction of this church (G-2.0509), and the governing body may remove
433 the minister from the roll of the governing body.

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437 5. *Practical Considerations:*

438 • A minister considering departure from the PC(USA) is advised to consult, with the
439 advice of counsel encouraged, the provisions of the Board of Pensions plan --which
440 are available at <http://pensions.org/library/publications/rules.htm>-- and to consult also
441 with legal and tax professionals regarding the special tax issues which relate to
442 clergypersons.

443 • Pension: A Presbyterian minister's pension benefits are "vested," and a member (or
444 survivor of a member) of the Presbyterian Board of Pensions' plan has a non-
445 forfeitable right to receive a retirement pension based on contributions and increases
446 once pension credits are vested. *Ministers considering transfer to another*
447 *denomination should examine very carefully its provisions (if any) regarding pensions*
448 *and major medical coverage.*

- 449 • Medical Insurance/Death-and-Disability: The Board of Pensions’ major medical plan
450 and death-and-disability provisions require active participation in the plan, and
451 participation is not available to ministers who are not on the roll of a presbytery. A
452 member may be eligible to purchase continuation of medical benefits for a limited
453 duration. Life (death) insurance and disability insurance policies are available
454 commercially at varying rates.
- 455 • Tax Issues: A Presbyterian minister is entitled to certain income-tax benefits and
456 provisions due to his/her ecclesiastical status in the PC(USA) An “independent”
457 minister may or may not be entitled to such benefits and provisions.
- 458 • Insurance: A minister no longer serving a PC(USA) congregation or no longer on the
459 roll of the PC(USA.) should make arrangements for professional liability insurance
460 coverage if continuing to engage in professional ministry.