

1 Policy of the Kiskiminetas Presbytery
2 for
3 Churches Seeking Gracious Dismissal from the
4 Presbyterian Church (U.S.A.) Denomination
5

6 **Preamble**
7

8 Kiskiminetas Presbytery seeks to serve God by developing, encouraging, supporting, and
9 celebrating our common ministry given to us by Jesus Christ. Our work is best accomplished in
10 spiritual unity found in the grace of our Lord Jesus Christ, the love of God, and the fellowship of the
11 Holy Spirit (2 Corinthians 13:14).
12

13 Kiskiminetas Presbytery is committed to pursuing the continuation of God's mission. Whether
14 God's mission takes the form of dismissal to another denomination or a recommitment to the
15 congregational - presbytery – denominational relationship, it is the will of the Presbytery to create a
16 gracious context and process through which God's mission for the life of the congregation may be
17 determined. The Presbytery commits itself to and invites all its member congregations to pursue a
18 broad understanding of God's mission with a graciousness befitting those who claim Jesus as
19 Lord.
20

21 It must be recognized from the beginning that each individual, minister or member currently in
22 active association with the PC (USA), has the right to voluntarily leave the PC (USA) for a new
23 denomination/church of his or her own choosing.¹
24

25 In response to concerns expressed regarding the changing landscape of the church in the world
26 and, in an effort to avoid the waste of financial resources associated with schism that would involve
27 civil litigation over property claims, the Presbytery of Kiskiminetas establishes for its member
28 churches this process to be followed in order to allow for full and open discussion, debate,
29 question, answer, and clarification regarding all issues brought forward as a basis for leaving the
30 PC (USA). "Is God leading this particular congregation to seek dismissal from the PCUSA? We
31 recognize that Jesus is the Head of the Church and Lord of the conscience." Scripture teaches us
32 to "honor everyone" We recognize each participant in this process as a child of God, possessing a
33 conscience formed by the Spirit of Christ under the guidance of Scripture. Presbyterian tradition
34 recognizes that there are "truths and forms with respect to which persons of good character and
35 principle may differ" and with regard to these differences it is our Christian duty to "exercise mutual
36 forbearance toward each other."
37

38 **Guiding Principles**
39

40 1. The Presbytery requires that any Session/congregation considering or seeking dismissal from
41 the denomination covenant with the Presbytery to enter into the process described herein and seek
42 to determine God's purpose and direction for the congregation.
43

44 2. The process is to be bathed with prayer throughout so that the minds and hearts of all may be
45 open to the will of God. "Include our disagreements in our prayers, not praying for the triumph of
46 our viewpoints, but seeking God's grace to listen attentively, to speak clearly, and to remain open
47 to the vision God holds for us." (Adopted by 204th GA 1992)

48 3. The Presbytery's goal in any disagreement involving denominational issues is to seek
49 reconciliation through compassionate, direct and open communication between representatives of

¹ See Book of Order G 2.0105 footnote

1 the Presbytery and the Session/members of a congregation that may feel disenfranchised. The
2 Presbytery's aim is to maintain the integrity and effectiveness of the ministry and mission of each
3 congregation within the Presbytery.

4
5 4. The process of discussion and discernment should normally take no less than six months but
6 may take more or less time depending on the size of the congregation. During the period of
7 discernment, all parties will seek to state the issues clearly, present facts and convictions with
8 humility, and avoid civil litigation whenever possible.

9
10 5. Respect for all parties is expected in a spirit of graciousness, transparency, trust, and openness.

11
12 6. We recognize that Jesus Christ is Head of the Church and Lord of the conscience. Therefore all
13 are expected to uphold the integrity of each person's/congregation's conscience as it may be
14 shaped by Jesus Christ.

15
16 7. The Presbytery is the only body empowered to approve a church's dismissal. The Presbytery
17 may dismiss a particular church in possession of some or all of the property "held in trust" by the
18 Presbytery.

19
20 8. The Presbytery expects all congregations to act with love, forbearance, dignity and discretion
21 should they find themselves led by the Spirit of God to pursue dismissal. Our witness as the body
22 of Christ is diminished and damaged when disagreements become personal attacks and are
23 dismissive of another person's point of view.

24
25 9. Pastoral care for all involved in a potential dismissal situation will be a priority concern. The
26 Presbytery Commission on Ministry (COM) at the direction of the Presbytery Cabinet is responsible
27 to arrange for and oversee the pastoral care of all individuals as needed.

28
29 The Presbytery is committed to this process and will work to avoid litigation. It is recognized that
30 the exercise of a process to divide, dismiss, or dissolve churches in consultation with their
31 members, when accomplished through litigation, is counterproductive to the cause of Christ and
32 our witness to Christ in the world around us. Therefore, it is the Presbytery's intent to carefully
33 follow the principles of consistency, pastoral responsibility, accountability, gracious witness,
34 openness, and transparency throughout the process. It is the intent of the Presbytery to act in a
35 pastoral rather than an adversarial manner during this process while seeking to dissuade
36 congregations from leaving the denomination.

37
38 A Session/congregation seeking gracious dismissal from the Presbytery/Denomination must follow
39 this policy in all its provisions before the Presbytery will consider dismissal to another reformed
40 body.

41 42 **Basis for Entering the Discernment Process**

43
44 When a Session first identifies dissatisfaction within the church membership regarding
45 denominational affiliation, expressed directly by active ruling elders or through concerns expressed
46 by other members of the congregation, it should initiate the following steps:

47
48 1. The Stated Clerk of the Presbytery will be notified in writing by the Clerk of Session that the
49 issue of denominational affiliation has been raised, by whom it has been raised, the specific issues
50 or concerns that have been identified, and if known, how many members are expressing concern.
51 The Clerk of Session's report will also include the total number of members currently on the active
52 member roll of the church. The Clerk of Session will certify the number of active members listed in

1 the most recent annual statistical report to the General Assembly. That membership figure will
2 remain constant throughout the discernment process, unless death of a member has occurred.
3 When received, the report will be referred to the Presbytery Cabinet which will be responsible for
4 responding.

5 2. The Presbytery Cabinet, as appropriate, will gather information through conversation with the
6 church Session in order to determine the seriousness of the situation and to decide if discernment
7 would be appropriate and beneficial. If the Cabinet and Session agree that discernment would be
8 beneficial, the Cabinet will: a) direct the Session to schedule a gathering of the congregation to
9 allow the congregation to provide information to the Session regarding whether or not it wants to
10 enter into discernment with the possible dissolution of the church/Presbytery/denominational
11 relationship as an outcome; and b) appoint three Presbytery representatives (teaching and ruling
12 elders) to serve as leaders of a Facilitation Team for that gathering. One member will be
13 designated by the Cabinet as chair for the Facilitation Team and will chair all gatherings and
14 discussions planned and held with the congregation associated with the discernment process.
15 Facilitation Team members will have voice at all gatherings.
16

17 3. Upon direction by the Presbytery Cabinet, following consultation with the Presbytery Facilitation
18 Team, the Session will schedule a gathering of the congregation. The Session will notify by letter
19 each member on the active membership roll of the church about the gathering and its purpose. The
20 purpose of the gathering will be stated as follows: a) to hear the concerns relating to
21 denominational affiliation; b) to hear from Presbytery representatives about the discernment
22 process that must be followed in order to seek dismissal from the PC (USA) denomination; c) to
23 poll the congregation to see if it wants the Session to enter into the discernment process; d) if the
24 poll to enter discernment is affirmative, to elect three congregational members to serve on a
25 Facilitation Team with three Presbytery members (see Procedure to Enter Discernment). The
26 letter will also indicate that at least fifty percent (50%) of the active membership must be present
27 and an affirmation by at least a two-thirds (67%) majority of the members present will be required
28 in order to enter into the discernment process.
29

30 4. At this gathering of the congregation, the Presbytery Facilitation Team will present an in depth
31 picture of the discernment process. It will point out that a new denomination of choice must be
32 established during the process (multiple choices will not be accepted) and that mitigating financial
33 costs resultant from the loss of the congregation must be established and paid before dismissal
34 may be approved. It will also present information regarding the issues of concern expressed
35 regarding unhappiness with the PC (USA) that have prompted the gathering. Additional issues or
36 concerns may be brought forward at this gathering but no issues or concerns will be discussed or
37 debated at this time.
38

39 5. Minimum representation at this gathering must be at least fifty percent (50%) of the members on
40 the active member roll of the church (as per #1 above). The total number of members present must
41 be counted. At least two thirds of the members present (67%) must favor entering the discernment
42 process in order to go forward. Should two thirds not be in favor, the congregation and Presbytery
43 will not enter into the discernment process. The Presbytery Facilitation Team will be responsible for
44 overseeing the polling process.
45

46 If the number of members wanting to enter discernment is not sufficient, every effort will be made
47 by the Presbytery to address and alleviate the discontent expressed by the congregation in order
48 to fully restore fellowship. Refer to Appendix A regarding suggested guidelines.
49
50

51 **Procedure to Enter Discernment**

52

1 Should two third (67%) of the members present want to enter the discernment process, the
2 congregation will proceed to the election of congregational Facilitation Team members.
3

4 Nominations will be made from the floor. Any member on the active member roll of the church may
5 be nominated. Those nominated must give consent to serve. The names of all nominees will be
6 displayed in an appropriate manner for all to see. The polling will be taken by ballot. Each member
7 may select no more than three nominees. If more than three names appear on a ballot, the ballot
8 will not be counted. The three nominees with the highest number will be appointed. Presbytery
9 Facilitation Team members will oversee the polling process.
10

11 Following this election, a joint six member Facilitation Team composed of three Presbytery
12 members and three congregational members (hereinafter referred to as "Team") will be formed.
13

14 In conjunction with the church Session and in consideration of the Church Year calendar, the Team
15 will plan for a number of discussion gatherings with the congregation. During these gatherings,
16 open and complete discussion including debate, question, answer, comparison of denominations,
17 and clarification regarding all issues brought forward as a basis for leaving the PC (USA) will be
18 fully and honestly addressed. Some gatherings may be limited to discussion of a specific issue or
19 concern while others may address a variety of issues. At least one gathering will be dedicated to
20 discussion of alternative denominations/reformed bodies. If a new denomination/reformed body of
21 choice is not clear, it may be necessary to hold more gatherings dedicated to discussing other
22 denominations/reformed bodies. A member of the Team will keep a record of the dates and issues
23 discussed at these gatherings.
24

25 Usual rules for debate will be followed with opposing views offered alternately. A consistent time
26 limit may be established for speakers but must allow adequate time for an individual to reasonably
27 express him/herself. Any time limit will be announced with the notice of each discernment
28 gathering.
29

30 During these gatherings, only members of the Team, members on the active roll of the church, or
31 those invited by the Team will be permitted to speak. The pastor/s of the church or other teaching
32 elders associated with a particular church are not members of the congregation. If a teaching elder
33 not on the Team wants to speak, he or she must secure approval from the Team in advance of a
34 gathering in order to do so and must adhere to any time limit.
35

36 An individual recognized to speak must identify him/herself by name and indicate whether the
37 presentation being made is strictly a personal opinion or information from an identified source.
38

39 If it becomes apparent during these gatherings that expressed opinions are not supported by fact,
40 the Team Chairperson may invite officials of the denomination to address the congregation to
41 clarify the denomination's position.
42

43 The Team will determine the number of gatherings to be held and the primary topic for discussion
44 at each gathering in order that all concerns of the congregation may be addressed.
45

46 When the Team considers that all issues of concern have been addressed and that it would no
47 longer be beneficial to hold additional gatherings with the congregation, the Team will notify the
48 Session and the Presbytery Cabinet in writing of its intention to end discernment gatherings.
49
50

51 **The Next Step** 52

1 The Cabinet will direct the Session to schedule a gathering of the congregation. The purpose of the
2 gathering will be to: a) poll the congregation to see if it wants the Session to continue to seek
3 dismissal or to end the process; and b) if the congregation wants the Session to continue, poll the
4 congregation to advise the Session regarding the new denomination/reformed body of choice
5 should dismissal be approved by the Presbytery²
6

7 The Session will notify each member on the active member roll of the church by letter about the
8 gathering and its purpose. The letter will also state that 67% of the members present must agree in
9 order for the process to continue to the next step.
10

11 Minimum representation for this gathering will be at least fifty percent (50%) of the members on the
12 active member roll of the church as reported by the Clerk of Session when requesting to enter
13 discernment. The total number of members present at the gathering must be counted and
14 recorded.
15

16 The Facilitation Team will review and approve both the letter to the congregation and the ballot
17 before they are used and will oversee the polling process and the counting of the ballots.
18

19 This advisory poll of the congregation will be by prepared ballot and will indicate YES, I want the
20 Session to continue to seek dismissal from the PC (USA), or NO, I want the Session to end the
21 process for seeking dismissal. At least two thirds of the members present (67%) must advise
22 continuing in order for the process to go forward.
23

24 The ballot will also include not more than two possible choices of new denominations/reformed
25 bodies to which the voter may wish to be dismissed. The ballot will indicate "vote for only one
26 choice".
27

28 If the polling to continue achieves the required majority, the denomination/reformed body receiving
29 the highest number will be listed on the final ballot.
30

31 Should the poll not achieve the required majority in order to continue, the congregation and
32 Presbytery will end the discernment process and the team chairperson will notify the Cabinet and
33 the Session that the church/congregation will remain within the PC (USA) Denomination. The
34 Presbytery will seek to restore full fellowship with the congregation utilizing the suggested
35 guidelines in Appendix A.
36

37 **Administrative Commission**

38
39 The Presbytery hereby authorizes the Presbytery Cabinet to appoint an Administrative Commission
40 (AC) as necessary for any of the purposes specified in this policy.
41

42 The AC will be composed of five members (teaching and ruling elders) with a quorum being three.
43 The AC will act by a majority vote of its total membership. The Cabinet may replace any AC
44 member(s) unable to serve. The AC will have the responsibilities, powers, and authority to:
45

- 46 1. Assess the state of conflict in the congregation and make further recommendation to
47 the Presbytery Cabinet;
- 48 2. Work in conjunction with the Pastoral Care Team and/or COM;

² For a denomination/reformed body to be considered in the polling, it must have agreed in writing its willingness to accept this congregation.

- 1 3. Negotiate terms of dismissal on behalf of the Presbytery as in Appendix B of
2 the Gracious Dismissal Policy of the Presbytery of Kiskiminetas;
- 3 4. Be authorized to consult and seek legal counsel from the Presbytery solicitor or
4 other legal counsel versed in such matters or any advisors and report any
5 recommendations to the Presbytery Cabinet;
- 6 5. Oversee the preparation of a written separation agreement assuring that it is in
7 compliance with this policy and Book of Order provisions;
- 8 6. Initiate dissolution of pastoral relationships;
- 9 7. Dissolve the Session and assume original jurisdiction of the Session or its appointed
10 representatives under the Lordship of Jesus Christ.

11
12 If the required majority of the congregation advises the Session that it wants the Session to
13 continue the dismissal process, an AC will be appointed to meet with the Session to negotiate an
14 amount to be paid to the Presbytery to mitigate the negative financial impact from the loss of a
15 member church on the mission of the Presbytery, Synod, and General Assembly of the PC (USA).
16 The negotiating AC may recommend to the Presbytery the gifting of some or all of the property,
17 real or personal, "Held in Trust" by the Presbytery, to a dismissed church as part of the
18 Presbytery's ongoing mission in the geographic region of the dismissed church.

19
20 Activities and actions of an AC appointed hereunder are to be guided and limited by all applicable
21 provisions of the Book of Order of the PC (USA), applicable GAPJC rulings, and the provisions of
22 this policy.

23
24 Negotiations undertaken by an AC are to specifically be guided by and comply with Book of Order
25 sections related to Property "Held in Trust" (G-4.02) and GAPJC decisions related to property of
26 churches dismissed from the PC (USA) Denomination. The criteria found in Appendix B of this
27 policy are to be used as a basis for negotiations.

28
29 The AC will meet with the Session to negotiate terms of dismissal to include a financial separation
30 package and plan for payment so that the financial loss relating to the mission of the Presbytery
31 and Denomination may be mitigated.

32
33 Before a church may be dismissed, all financial obligations negotiated and accepted by the
34 Session with support from a specified majority of the congregation, as well as those financial
35 obligations to a pastor who chooses to remain with the PC (USA) that are to be placed in escrow
36 with the Presbytery, must be met.

37
38 Should the AC negotiating terms of dismissal advise the Presbytery Cabinet that it believes the
39 Session is not negotiating in good faith (e.g. not providing all information and financial records
40 requested by the AC), the Presbytery Cabinet will notify the Session in writing that all negotiations
41 will cease immediately and will not resume until the Session complies with any and all requests for
42 information made by the AC. The Presbytery Cabinet will notify the Session in writing when
43 negotiations may resume.

44
45 The AC will be dismissed as of the effective date of dismissal of a church from the
46 Presbytery/denomination or by the Cabinet when the AC is no longer needed.

47
48
49
50 **Voting for Dismissal and Acceptance of Mitigation Costs**
51

1 The AC and the Session must complete negotiations regarding the financial cost the Session/
2 congregation will obligate itself to pay in order to be granted dismissal to another identified
3 denomination/reformed body before a final advisory poll of the congregation may be taken.
4

5 Once negotiations have been completed, the AC chairperson will notify the Cabinet. The Cabinet
6 will authorize the Session to schedule a gathering of the Congregation. Advance notice of this
7 gathering will be by written letter to each member on the active member roll of the church as well
8 as through Sunday worship announcements. The letter will be mailed at least thirty days in
9 advance of the gathering date, and public worship announcements will be made at all worship
10 services between the date of the mailing and the date of the gathering. The purpose of the
11 gathering must be specifically stated. It must include identification of the denomination/reformed
12 body to which the Session is proposing to be dismissed. It must specify the total financial
13 obligation the dismissed Session/congregation will be required to pay if dismissal is approved.
14

15 The Presbytery Cabinet will designate a teaching or ruling elder to oversee this gathering. The
16 Presbytery and Session will jointly be responsible for overseeing the polling process.
17

18 Representatives of the Presbytery, specifically the Administrative Commission, Facilitation Team,
19 Presbytery Cabinet, Executive Presbyter, and Stated Clerk, will be invited to the gathering with the
20 right to address the body gathered should they so choose. The church members of the Facilitation
21 Team will also be invited to speak.
22

23 At least fifty percent (50%) of the active members on the Annual Statistical Report as specified at
24 the beginning of the discernment process must be present.
25

26 The ballot for this polling will include the following information:
27

28 [] YES [] NO Mark only one
29

30 By indicating YES, I understand that I, an active member of _____, am
31 asking my Session to request the Kiskiminetas Presbytery of the PC (USA) Denomination to
32 dismiss the church to the _____ Denomination .
33

34 I understand that \$_____ in mitigating costs must be paid to Kiskiminetas Presbytery before
35 dismissal from the PC (USA) Denomination will be approved by the Presbytery.
36

37 I understand that \$_____ must be placed in escrow with the Presbytery on behalf of Rev.
38 _____ who does not want to be dismissed from the PC (USA) Denomination.³
39

40 By choosing NO I am indicating that I do not want my church to leave the PC (USA).
41

42 I understand that this action is merely advisory.
43

44 Dismissal

45
46 If the polling achieves a sufficient majority to request the Session to continue toward dismissal, the
47 AC will again meet with the Session to discuss a tentative date for dismissal. Once a settlement
48 agreement has been completed, accepted by the Session, reviewed by the AC, and a tentative
49 date for dismissal established, the AC will advise the Cabinet that it is ready to report.
50

³ To be included only when pertinent.

1 The AC and Cabinet will jointly prepare a motion for consideration by the Presbytery regarding
2 dismissal with a tentative effective date for dismissal established subject to the church having met
3 all agreed to financial obligations.

4
5 The effective date set by the Presbytery for dismissal will be not more than one year or less than
6 ninety days from the date of the vote by the Presbytery to dismiss.
7 Upon payment of all financial obligations, official dismissal may be granted. A Session that finds it
8 will not be able to meet the one-year maximum time limit may petition the Presbytery for no more
9 than a three-month extension.

10
11 If all financial obligations are not satisfied by the effective date established, the Presbytery will
12 cancel its conditional approval for dismissal and the church and its congregation will remain in the
13 PC (USA). Any funds already paid will be returned to the church. At least a thirty (30) day advance
14 notice of this potential cancellation will be provided to the church Session.

15 16 **Other Provisions**

17
18 If the Session is not requesting dismissal at this time or approval is cancelled for nonpayment as
19 above, the Session may not make a new request seeking dismissal for a period of at least three
20 years from the date of the last congregational gathering. If any effort is initiated within that three-
21 year period, the provisions of this policy will no longer be applicable.

22
23 At any gathering at which a poll of the congregation is to be taken, a call to begin the polling will
24 not be recognized by the chairperson until all who are entitled and wish to speak have been given
25 the opportunity to do so. The chairperson will decide when the poll will be taken.

26
27 During discernment gatherings, if a member of the congregation believes he/she is not being given
28 the opportunity to express a point of view, speak to, challenge or rebut a statement made by
29 another speaker, a complaint may be made directly to the Presbytery Cabinet. The Cabinet will
30 investigate the complaint and address any appropriate corrective action through the chairperson of
31 the Team.

32
33 The Presbytery Cabinet will determine what, how, and when information regarding actions by a
34 Session/congregation related to this Gracious Dismissal Policy will be provided to the member
35 churches of the Presbytery.

36
37 It is recommended that a special meeting of the Presbytery be called for the purpose of reviewing,
38 discussing, and voting on any agreement associated with dismissing a member church from the
39 Presbytery/Denomination.

40
41 Once a church has entered the discernment process, the Presbytery Cabinet is authorized to
42 consider and decide issues that arise that are not specifically addressed in this policy. The Cabinet
43 will report the issue and decision to the Presbytery at its next regularly scheduled meeting.

44
45 Sessions and congregations are reminded that until the date of actual dismissal is reached, the
46 church and Session remain under the polity of the Constitution of the PC (USA) in all its
47 requirements.

48 49 **Sharing of Information**

50
51

1 To foster open communication, all members of the congregation have the right to express their
2 viewpoint in written form following the polling to enter the discernment process. Members placing
3 written information must be identified on each document and all associated costs paid for by the
4 individual or group offering their viewpoint. The Session will designate a location within the church
5 edifice for this purpose. No one will deny a member the opportunity to place information for sharing
6 or censor information so placed. Written information presented by church members will also be
7 made available to the Team.

8 9 **APPENDIX A**

10 11 **Guidelines for Restoration of Fellowship and Recommitment** 12 **to Presbytery-Congregational-Denominational Relationship**

13
14 In the hope that God leads those involved to seek a restored fellowship and a recommitment to the
15 Congregational-Presbytery-Denominational relationship, the following are presented as minimal
16 guidelines for reaffirming that recommitment.

17
18 The Presbytery members of the Facilitation Team will meet with the Session to chart a course for
19 the future relationship between the Presbytery and the congregation. Issues that have been raised
20 in the course of discussion will be included in the ongoing conversations between the parties. The
21 Team will make every effort to arrive at resolutions that restore the integrity and value of the
22 covenant relationship that the congregation shares with the Presbytery.

23
24 The Presbytery and congregation may hold a public service of worship celebrating recommitment
25 to shared fellowship and ministry.

26 27 **APPENDIX B**

28 29 **Releasing Property Claims**

30
31 Pursuant to the Constitution of the PC(USA), the property of a congregation or held by a
32 congregation dismissed from the denomination shall be held, sold, disbursed, and applied for such
33 uses, purposes, etc. as the Presbytery may direct under G-4.0203 and 0205. Presbytery being
34 mindful of its responsibilities to first discern its mission in the geographic region of the particular
35 church that is under discussion, and to consider gifting property to dismissed congregations as
36 may be appropriate after full disclosure of the value of such properties may negotiate financial
37 terms with a departing congregation on a case-by-case basis.⁴

38
39 If a Session does not follow this Gracious Dismissal policy or abandons the process before
40 completion and continues to seek dismissal, the provisions of "Property of a Church in Schism"⁵
41 may be invoked by the Presbytery. If members of a congregation or its leadership preemptively file
42 suit in a civil court against the Presbytery, the Kiskiminetas Presbytery will answer the suit.

43
44 A congregation may be permitted to retain its name.

45
46 No negotiated settlement agreement will contain provisions limiting the right of any individual with
47 legal standing from exercising his/her civil or ecclesiastical right of remediation in civil court or
48 under the Rules of Discipline of the Book of Order of the PC (USA).

⁴ See G-4.0203, 0205, and Tom vs San Francisco Presbytery and all other controlling GA-PJC and lesser PJC rulings

⁵ G-4.0207

1
2 **Mitigating the Spiritual Impact of Dismissal**
3

4 Because we are bound by our common confession of faith to “performance of such duties, public
5 and private, as to conduce to the mutual good, both in the inward and the outward man”⁶, both the
6 Presbytery and the Session/congregation seeking dismissal are called upon to act toward each
7 other in ways that mitigate the impact of the dismissal on their respective ministries.
8

9 In the event that a church is approved for dismissal under the terms of this policy, the Presbytery
10 and the Session will take all steps possible in order to provide for the pastoral care and
11 congregational life of those members who do not wish to depart the PC (USA). Their protection
12 and nurture will be a matter of paramount concern of both the departing Session/congregation and
13 the Presbytery.
14

15 **Mitigating the Financial Impact**
16

17 The Presbytery acknowledges its fiduciary responsibilities under the Constitution of the
18 Presbyterian Church (U.S.A.) and acknowledges that all property is a tool for the accomplishment
19 of the mission of Jesus Christ in the world, held in trust nevertheless for the use and benefit of the
20 Presbyterian Church (U.S.A.).
21

22 The Presbytery’s ability to sustain ministry is related to its financial health. In turn, that financial
23 health depends upon the generosity and support of its member churches. The dismissal of a
24 church from the Presbytery has both an immediate and an ongoing negative impact on that
25 financial health and the ministry it sustains.
26

27 Kiskiminetas Presbytery will seek to discern the mission of God in the geographic area that the
28 church is in before it can make any decision regarding organization, dissolution, merging or
29 dismissal. In view of this fact, any final action to dismiss a church from membership in the
30 Presbytery will include a plan for mitigating the spiritual and financial impact on the Presbytery,
31 Synod, and General Assembly resultant from the loss of the church and church property. The plan
32 must be completed and accepted by the Session before it is presented to the congregation and the
33 Presbytery for their consideration.
34

35 A Session seeking dismissal will make a complete disclosure of any and all assets and their value
36 including but not limited to: checking accounts, savings accounts, certificates of deposit,
37 investments, reserve funds, restricted funds by Session action, restricted funds by donor action,
38 endowments, real estate including but not limited to church edifice, educational buildings, manse,
39 other holdings; any and all art (including stained glass windows), furnishings and equipment (nave,
40 chancel, office, educational, kitchen), and musical instruments. The cost of all appraisals will be the
41 responsibility of the Session seeking dismissal.
42

43 This list of all assets will be made available to the Administrative Commission. In negotiations, this
44 list of property assets will be considered.
45

46 Consideration of real estate assets will be based on the presumption of the Presbytery closing the
47 church building and offering all real property for sale. Non real estate assets will be considered as
48 to their value if sold. A reasonable percentage of the projected value from the sale will be
49 considered in the financial settlement agreement. The negotiating AC in consultation with the
50 Cabinet will establish a “reasonable percentage” on a case by case basis.

⁶ Westminster Confession, the Book of Confessions, 6.147

1
2 The negotiators will consider the potential financial loss to the Presbytery, Synod, and General
3 Assembly from the mission and per capita assessment monies that will no longer be available
4 upon the dismissal of a church, and the continued ministry of the congregation apart from the
5 PCUSA.

6
7 All financial obligations that will be placed upon the disaffiliating members of a congregation must
8 be made known to the congregation prior to a congregational poll being taken.

9
10 No settlement agreement will be final until it receives an affirmative vote of the Presbytery.
11 When applicable, any final plan for dismissal must include the following provisions.

12
13 If the pastor(s) of a church that has requested dismissal chooses to remain in the PC (USA), the
14 congregation must provide him or her with a minimum of one year's salary and benefits starting
15 immediately following the effective date of dissolution of the pastoral relationship. The pastor and
16 the Commission on Ministry will jointly notify the negotiating AC in writing regarding the pastor's
17 choice to remain in the PC (USA) and, based on the pastor's current "terms of call" and any other
18 financial considerations, the amount the departing church will be obligated to pay the pastor. The
19 full amount to be paid to the pastor must be placed in escrow with the Presbytery before dismissal
20 will be approved.

21
22 If the pastor acquires a new position, either secular or church-related, during the one year
23 severance period, he/she will notify the Commission on Ministry which will be responsible for
24 notifying the dismissed church and arranging for adjusting, terminating or refunding the payments.
25 If medical benefits comparable to those provided by the PC (USA) are not included in a new
26 position, the dismissed church must continue to provide comparable coverage for the remainder of
27 the year after separation.

28
29 If the pastor of a dismissed church chooses to retire rather than seek new employment, or retires
30 during the year after the date of dismissal, the dismissed church will be relieved of all financial
31 obligations remaining to that pastor as of the effective date of retirement.

32
33 Financial arrangements with a pastor of a dismissed church who chooses to remain with the PC
34 (USA) must be clearly spelled out in the settlement/dismissal agreement between the Session and
35 the Presbytery.

36 37 **APPENDIX C**

38 39 **Actions Following Approval of Dismissal**

40
41 1. Following the date of dismissal, the Presbytery, in conjunction with the Session, may hold a
42 service of commissioning to celebrate our common life in Jesus Christ and to pray for the
43 effectiveness and well-being of both the congregation and the Presbytery.

44
45 2. A congregation being dismissed will pay off any loans outstanding to any entity of the PC (USA).
46 Substantiation of such payment(s) will be required. Any bequests or endowments naming the
47 Presbytery or the PC (USA) as beneficiary will be transferred to Kiskiminetas Presbytery. Matters
48 of loans of the congregation held by non-Presbyterian entities are the responsibility of the
49 congregation, and the Presbytery will be legally relieved of any responsibility related to such loans.
50 Such relief will be spelled out in the settlement agreement.

1 If it is determined that repayment of loans owed to the Presbytery cannot be achieved by the
2 established dismissal date, the dismissal process will be suspended until a viable plan to repay
3 such loans is established and approved by the Presbytery Cabinet.
4

5 3. A church being dismissed will close its financial and membership books on the date of dismissal
6 but no sooner. Those records will be submitted to the Presbyterian Historical Society to be copied
7 with the cost to be covered by the departing church. The original documents will either be retained
8 by the Presbyterian Historical Society or returned to the Presbytery as the Presbytery will direct. A
9 copy of the records submitted for preservation may be provided to the separating church upon
10 request and at the church's expense.
11

12 4. The Session of a church being dismissed will work with the Presbyterian Church (U.S.A.) Board
13 of Pensions to facilitate a clean transition as of the date of dismissal.
14

15 5. The Session of a church being dismissed will work closely and diligently with the Presbytery to
16 assist in the transfer of membership of those who do not desire to remain with the disaffiliating
17 congregation.
18

19 **Other Considerations**

20
21 There are some practical considerations to be addressed should a church be approved for
22 dismissal. These are provided for information but are not binding for the purposes of this policy.
23

24 1. The status of any insurance policies held by the church with instrumentalities of the PC (USA)
25 may need to be changed.
26

27 2. The tax status of a church as a non-profit exempt organization will need to be reestablished
28 under the new denomination/reformed body to which the church is being dismissed.
29

30 3. The corporate status of the church may need to be revised.
31
32
33

34 ADOPTED BY KISKIMINETAS PRESBYTERY ON: February 14, 2015