

The Constitution  
of the  
Presbyterian Church (U.S.A.)

Part 2



Annotated Edition

2012—2013

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# Introductory Material

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The CD-ROM version of this product is a Folio program which, unfortunately, is not compatible with Mac computers. It includes jump links to Permanent Judicial Commission Decisions 1983-2012, the advice of the Advisory Committee on the Constitution 1984-2012, General Assembly authoritative interpretations, and Earlier References (citations from predecessor churches).

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## Introduction to the Annotated Book

### *Scriptural Allusions*

In response to *Overture 01-58*, the 214th General Assembly (2002) took action to supplement the *Book of Order* with an index of scriptural allusions in the Form of Government. A list of the scriptural allusions can be found at the end of The Form of Government. Scriptural allusions are indicated by the addition of alphabetical super-scripts so that by clicking on an alphabetical notation, the scriptural allusion will appear, as seen below:

#### **F-1.0201** *The Authority of Christ*

Almighty God, who raised Jesus Christ from the dead and set him above all rule and authority, has given to him all power in heaven and on earth, not only in this age but also in the age to come. <sup>a</sup> God has put all things under the Lordship of Jesus Christ and has made Christ Head of the Church, which is his body. <sup>b</sup> The Church's life and mission are a joyful participation in Christ's ongoing life and work.

### *Annotations*

The pattern for annotated entries provides information about all changes and interpretations which have been made since 1983. Entries are made in small type following the paragraph to which they are related. Annotation categories, listed in chronological order within category, are:

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**Amend Proposed:** Amendments approved by the General Assembly that have been sent to the presbyteries for their affirmative or negative votes. The text of amendments being sent to presbyteries for vote is NOT included in the text of the *Annotated Book of Order*.

**Amend:** Requested amendments (by overture or recommendation) approved by the General Assembly and a majority of the presbyteries. The year indicates General Assembly action to send the proposed change to the presbyteries for their affirmative or negative votes with the amendment becoming effective the year after the year listed in the annotation. The page locates the advice on the amendment given by the Advisory Committee on the Constitution; this sometimes provides the rationale for the amendment. To find the final GA action, refer to the information in red in the jump linked section.

**Amend Defeated:** An amendment sent to the presbyteries by action of a General Assembly that received fewer than a majority of the votes of presbyteries.

**Amend Rejected or Referred:** An amendment (by overture or recommendation) that the General Assembly itself did not approve to send to the presbyteries to amend the *Constitution*.

**GA:** Action taken by General Assembly that approved some form of authoritative interpretation of Constitution, often at the recommendation of the Advisory Committee on the Constitution, or an action of GA that may be of historical interest.

**GA 2):** Refers to the previously noted GA action and is a separate notation stemming from that same interpretation or action.

**PJC:** Decisions made by the General Assembly Permanent Judicial Commission.

**PJC 2)** Refers to the previously noted PJC case and is a separate notation stemming from that same case.

**Previous FoG:** Actions of General Assembly and PJC decisions citing the previous Form of Government that may be of historical interest and may, possibly, inform interpretations of the current *Constitution* but are not based upon current The Foundations of Presbyterian Polity or The Form of Government.

**Earlier Reference:** Calls attention to a relevant action in one of the predecessor churches. If the citation is underlined, there is a jump link in the electronic edition to the actual wording cited.

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**PLEASE NOTE:** Annotations are kept as short as possible and are only advisory. They are NOT LIKELY to be direct quotations, unless there are quotation marks around part of an entry. It is important to consult the actual texts of the PJC decisions or the GA actions as printed in the *Minutes* of the General Assembly.

### ***Using Jump Links***

This electronic edition of the annotated *Book of Order* has jump links to the notations that enable users to connect to the referenced documents. Click the underlined section of the citation to be linked to the file. To return to the original site, click on the Backtrack arrow on the upper Toolbar.

### ***Searching the Folio Version of Annotated Book of Order***

You may perform a quick search by choosing **Query** from the **Search** menu (or press F3). In the Query dialog box enter the term you wish to search for and then press **OK**.

If you search for **Book of Order** the results will be every instance of each of the three words  
If you search for **“Book of Order”** (in quotes) you will get only those instances where the three words are together and in that order.

To perform a more advanced search choose **Advanced Query** from the **Search** menu (or press F2). This is where the search power of Folio Views is located. In addition to the quick search abilities above, you may use wild cards, proximity operators, and much, much more. A couple of examples:

#### Search Using Wild Cards:

A search for **ordain** returns only **ordain**; a search for **ordain\*** returns **ordain, ordainable, ordained, ordaining**, etc.

#### Proximity Search:

A search for **“social policy”/5** will return all hits where these two words, *in that order*, are within five words of each other.

A search for **“social policy”@5** will return all hits where these two words, in any order, are within five words of each other.

#### Search Results:

When you execute a search by pressing **OK**, you will be advanced to the first location that the word or phrase appears. At the very bottom of the screen (under the binoculars icon) you'll see the number of times that word or phrase appears. “Hit: 1/138” means you are at the first instance of the word or phrase, and there are 138 total hits. To advance to the next hit press F4; to return to previous hit press Shift F4.

You may also perform an advanced search by clicking on the binoculars icon. To clear the most recent search click on the icon with the red X through the binoculars. Your last search will be in the box by the binoculars; expand that box to see a listing of your most recent searches; click on one of those searches to perform it again.

To learn more about the power of Folio Searches, choose **Contents** from the **Help** menu and click on **Searching**.

### ***Supplementary Materials***

The Supplementary Materials section holds a number of files, some of which are the primary source material to which annotations are linked. These include:

**Appendix A: Forms for Judicial Process (Plus Dissent and Protest)**

**Appendix B: Articles of Agreement PCUS and UPC Reunion**

**Appendix C: A Formula of Agreement Between the ELCA, PC(USA), RCA & UCC**

**Appendix D: Visible Marks of Churches Uniting in Christ**

**Appendix E: Covenant Relationship Between KPCA and PC(USA)**

**Historical Summaries Relating to the Constitutions of the Uniting Churches**

**2009-2011 Book of Order**

**Former Chapter XIV (Prior to 2007)**

**Advisory Handbook for Councils for the Development of Policies and Policies and Procedures Required by FoG**

**PJC Decisions**

**Advisory Committee on the Constitution**

**Citations from Minutes of Predecessor Churches (Earlier References)**

**Minutes and Documents**

**Deliverances for Agencies of the General Assembly**

**Manual of the General Assembly** (including the Standing Rules, Guidelines and Policies, and the Organization for Mission). To open the PDF double click on the Manual cover.

## Preface

The *Constitution of the Presbyterian Church (U.S.A.)* as defined in F-3.04 consists of *The Book of Confessions* (Part I) and the *Book of Order* (Part II).

*The Book of Confessions* contains the Nicene Creed, the Apostles' Creed, the Scots Confession, the Heidelberg Catechism, the Second Helvetic Confession, the Westminster Confession of Faith, the Shorter Catechism, the Larger Catechism, the Theological Declaration of Barmen, the Confession of 1967, and A Brief Statement of Faith--Presbyterian Church (U.S.A.).

The *Book of Order* contains The Foundations of Presbyterian Polity, The Form of Government, Directory for Worship, and Rules of Discipline.

In this *Book of Order*

- (1) "Shall" and "is to be/are to be" signify practice that is mandated,
- (2) "Should" signifies practice that is strongly recommended,
- (3) "Is appropriate" signifies practice that is commended as suitable,
- (4) "May" signifies practice that is permissible but not required.
- (5) "Advisory handbook" signifies a handbook produced by agencies of the General Assembly to guide synods and presbyteries in procedures related to the oversight of ministry. Such handbooks suggest procedures that are commended, but not required.

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GA (2010, 18, 24-25, Item 07-01, Recommendation 2): Commended to the councils of the church, "Advisory Handbook for Councils for the Development of Policies and Policies and Procedures Required by the Form of Government."

Previous FOG:

Amend (2006, 38-39, Item 05-11 Amendment A. 2. a. (1)): Added category on advisory handbooks; part of Chapter XIV revision.

Amend (1997, 176, 21.0139, Ovt. 97-36): Transferred to the Preface language which was previously "b" in the Preface to the Directory for Worship to define use of some terms in the entire *Book of Order*.

Amend Defeated (2001, 110, 12.026): Definition of advisory handbooks would have been placed here as part of defeated revision of Chapter XIV of Form of Government.

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The proposed amendments to the Form of Government and Rules of Discipline, proposed by the 220th General Assembly (2012) and sent to the presbyteries for vote, are included in this volume as **Amend Proposed (2012 ...)** annotations. Amendments were proposed in the following places:

<b><i>Book of Order</i></b>	<b><i>2012 Minutes page #</i></b>	<b><i>Book of Order</i></b>	<b><i>2012 Minutes page #</i></b>
G-1.0503	26, 27, 591	D-3.0101b(2)	26, 28, 612
G-2.0104a	52, 53, 678	D-5.0101	20, 23, 341
G-3.0104 and G-3.0305	26, 28, 614	D-5.0106	20, 23, 341
G-3.0109a	20, 23, 341	D-5.0203	20, 23, 341
G-3.0109b(6)	20, 23, 341	D-5.0206	20, 23, 341
G-3.0301	26, 578	D-6.0101	20, 23, 341
G-3.0302d	69, 72, 241	D-6.0202a(6)	20, 23, 341
G-3.0404	20, 23, 341	D-10.0106	26, 27, 590
W-4.4002	12, 13, 1496	D-10.0202	26, 572

<b><i>Proposed Amendment to <i>The Book of Confessions</i></i></b>	<b><i>2012 Minutes page #</i></b>
Heidelberg Catechism	10, 11, 1530

September 2012  
Gradye Parsons  
*Stated Clerk of the General Assembly  
Presbyterian Church (U.S.A.)*

## **Explanation of the Reference Number System of the *Book of Order***

The four parts of the *Book of Order* are abbreviated by the use of capital letters:

- F - The Foundations of Presbyterian Polity
- G - Form of Government
- W - Directory for Worship
- D - Rules of Discipline

Each reference in the text begins with the appropriate letter. The numeral appearing after the letter, and to the left of the decimal, indicates the chapter number. There are four numerals to the right of the decimal. The first two indicate the number of a section. The second two indicate the number of the subsection.

Each page of the printed *Book of Order* is noted in numerals preceded by the proper letter to identify the material that appears on it. [**This is not the case in the Annotated Edition of the *Book of Order*.**] For example, in the Foundations of Presbyterian Polity, the first page of Chapter One bears the notation:

G-1.01-F-1.02  
*F-1.0201-1.0202*

This indicates that Chapter One of the Foundations of Presbyterian Polity begins here and the page includes sections 1.01 and 1.02 with two subsections: 1.0201 and 1.0202.

The chapters and sections of the *Book of Order* are so notated that it is possible for chapters and sections to be added by amendment without changing any of the present notations.

This notation makes it possible for citations to the *Book of Order* in minutes, reports, and correspondence to remain the same from year to year in English, Korean, Spanish and Braille editions.

The words “[This section was stricken by...]” have been used in a few places to avoid renumbering, which would confuse citations to the *Book of Order*.



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# The Foundations of Presbyterian Polity

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Amend (2010, 18-24, 485, Item 07-01): Foundations of Presbyterian Polity replaced previous FOG Chapters 1-4; became effective July 10, 2011.

GA (2012, 68-69, 1527, Item 08-01): A number of specific constitutional authoritative interpretations are no longer retained because the language on which they were based is no longer in Foundations of Presbyterian Polity or is contradicted by new language.

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## Chapter One - The Mission of the Church<sup>1</sup>

### F-1.01 God's Mission

The good news of the Gospel is that the triune God—Father, Son, and Holy Spirit—creates, redeems, sustains, rules, and transforms all things and all people. This one living God, the Scriptures say, liberated the people of Israel from oppression and covenanted to be their God. By the power of the Spirit, this one living God is incarnate in Jesus Christ, who came to live in the world, die for the world, and be raised again to new life. The Gospel of Jesus Christ announces the nearness of God's kingdom, bringing good news to all who are impoverished, sight to all who are blind, freedom to all who are oppressed, and proclaiming the Lord's favor upon all creation.

The mission of God in Christ gives shape and substance to the life and work of the Church. In Christ, the Church participates in God's mission for the transformation of creation and humanity by proclaiming to all people the good news of God's love, offering to all people the grace of God at font and table, and calling all people to discipleship in Christ. Human beings have no higher goal in life than to glorify and enjoy God now and forever, living in covenant fellowship with God and participating in God's mission.

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Amend Rejected (2012, 26, 571, Item 06-01): Rejected replacing F-1.01 with wording from the former G-3.0100.

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### F-1.02 Jesus Christ Is Head of the Church

#### *F-1.0201 The Authority of Christ*

Almighty God, who raised Jesus Christ from the dead and set him above all rule and authority, has given to him all power in heaven and on earth, not only in this age but also in the age to come. <sup>a</sup> God has put all things under the Lordship of Jesus Christ and has made Christ Head of

the Church, which is his body.<sup>b</sup> The Church's life and mission are a joyful participation in Christ's ongoing life and work.

### ***F-1.0202 Christ Calls and Equips the Church***

Christ calls the Church into being, giving it all that is necessary for its mission in the world, for its sanctification, and for its service to God. Christ is present with the Church in both Spirit and Word. Christ alone rules, calls, teaches, and uses the Church as he wills.

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Previous FoG:

Amend Rejected (2000, 34, 384, Ovt. 00-21): Rejected request to replace with new language to affirm the role of Scripture in the life of the PC(USA).

### ***F-1.0203 Christ Gives the Church Its Life***

Christ gives to the Church its faith and life, its unity and mission, its order and discipline. Scripture teaches us of Christ's will for the Church, which is to be obeyed. In the worship and service of God and the government of the church, matters are to be ordered according to the Word by reason and sound judgment, under the guidance of the Holy Spirit.

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PJC (2006, 217-2, 462, Johnston, et.al. v. Heartland Pby): "Our unity in Christ and the relational nature of our governance require dialogue between and among governing bodies," thus giving "life to the mutuality and reciprocity between sessions and presbyteries in furthering the great ends of the Church."

Previous FoG:

Amend Rejected (2000, 34, 384, Ovt. 00-21): Rejected request to replace language in with new language to affirm the role of Scripture in the life of the PC(USA).

### ***F-1.0204 Christ Is the Church's Hope***

In affirming with the earliest Christians that Jesus is Lord, the Church confesses that he is its hope, and that the Church, as Christ's body, is bound to his authority and thus free to live in the lively, joyous reality of the grace of God.

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Previous FoG:

Amend Rejected (2000, 34, 384, Ovt. 00-21): Rejected request to replace language in with new language to affirm the role of Scripture in the life of the PC(USA).

GA (2002, 38, 423, Item 07-01, Ovt 02-2; 38, 425, Item 07-02, Ovt 02-7; 38, 426, Item 07-03, Ovt 02-13; 38, 427, Item 07-04, Ovt 02-17; 38, 429, Item 07-05, Ovt 02-20): Affirmed "Hope in the Lord Jesus Christ" paper from Theology and Worship.

### ***F-1.0205 Christ Is the Foundation of the Church***

In Christ all the fullness of God was pleased to dwell, and through Christ God reconciles all things, whether on earth or in heaven, making peace by the blood of the cross (Col. 1:19–20). In Christ’s name, therefore, the Church is sent out to bear witness to the good news of reconciliation with God, with others, and with all creation. In Christ the Church receives its truth and appeal, its holiness, and its unity.

## **F-1.03 The Calling of the Church**

### ***F-1.0301 The Church Is the Body of Christ***

The Church is the body of Christ <sup>c</sup>. Christ gives to the Church all the gifts necessary to be his body. The Church strives to demonstrate these gifts in its life as a community in the world (1 Cor. 12:27–28):

The Church is to be a community of faith, entrusting itself to God alone, even at the risk of losing its life.

The Church is to be a community of hope, rejoicing in the sure and certain knowledge that, in Christ, God is making a new creation. This new creation is a new beginning for human life and for all things. The Church lives in the present on the strength of that promised new creation.

The Church is to be a community of love, where sin is forgiven, reconciliation is accomplished, and the dividing walls of hostility are torn down.

The Church is to be a community of witness, pointing beyond itself through word and work to the good news of God’s transforming grace in Christ Jesus its Lord.

### ***F-1.0302 The Marks of the Church<sup>2</sup>***

With all Christians of the Church catholic, we affirm that the Church is “one, holy, catholic, and apostolic.”

#### ***a. The Unity of the Church***

Unity is God’s gift to the Church in Jesus Christ. Just as God is one God and Jesus Christ is our one Savior, so the Church is one because it belongs to its one Lord, Jesus Christ. The Church seeks to include all people and is never content to enjoy the benefits of Christian community for itself alone. There is one Church, for there is one Spirit, one hope, “one Lord, one faith, one baptism, one God and Father of all, who is above all and through all and in all” (Eph. 4:5–6). Because in Christ the Church is one, it strives to be one. To be one with Christ is to be joined with all those whom Christ calls into relationship with him. To be thus joined with one another is to become priests for one another, praying for the world and for one another and sharing the various gifts God has given to each Christian for the benefit of the whole community. Division into different denominations obscures but does not destroy unity in Christ. The Presbyterian Church (U.S.A.), affirming its historical continuity with the whole Church of Jesus Christ, is committed to the reduction of that obscurity, and is willing to seek and to deepen communion with all other churches within the one, holy, catholic, and apostolic Church <sup>d</sup>.

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Previous FoG:

GA (1993, 77, 339, 21.173, Ovt. 92-32): Rejected request for GA to encourage gay and lesbian members to leave the PC(USA); in tone and in content it is not compatible with current church policy, and does not affirm the “visible oneness”.

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### ***b. The Holiness of the Church***

Holiness is God’s gift to the Church in Jesus Christ. Through the love of Christ, by the power of the Spirit, God takes away the sin of the world. The holiness of the Church comes from Christ who sets it apart to bear witness to his love, and not from the purity of its doctrine or the righteousness of its actions.

Because in Christ the Church is holy, the Church, its members, and those in its ordered ministries strive to lead lives worthy of the Gospel we proclaim. In gratitude for Christ’s work of redemption, we rely upon the work of God’s Spirit through Scripture and the means of grace (W-5.5001) to form every believer and every community for this holy living. We confess the persistence of sin in our corporate and individual lives. At the same time, we also confess that we are forgiven by Christ and called again and yet again to strive for the purity, righteousness, and truth revealed to us in Jesus Christ and promised to all people in God’s new creation.

### ***c. The Catholicity of the Church***

Catholicity is God’s gift to the Church in Jesus Christ. In the life, death, and resurrection of Christ, by the power of the Spirit, God overcomes our alienation and repairs our division. Because in Christ the Church is catholic, it strives everywhere to testify to Christ’s embrace of men, women, and children of all times, places, races, nations, ages, conditions, and stations in life. The catholicity of the Church summons the Church to a deeper faith, a larger hope, and a more complete love as it bears witness to God’s grace.

### ***d. The Apostolicity of the Church***

Apostolicity is God’s gift to the Church in Jesus Christ. In Christ, by the power of the Spirit, God sends the Church into the world to share the gospel of God’s redemption of all things and people.

Because in Christ the Church is apostolic, it strives to proclaim this gospel faithfully. The Church receives the good news of salvation in Jesus Christ through the testimony of those whom Christ sent, both those whom we call apostles and those whom Christ has called throughout the long history of the Church. The Church has been and is even now sent into the world by Jesus Christ to bear that testimony to others. The Church bears witness in word and work that in Christ the new creation has begun, and that God who creates life also frees those in bondage, forgives sin, reconciles brokenness, makes all things new, and is still at work in the world. To be members of the body of Christ is to be sent out to pursue the mission of God and to participate in God’s new creation, God’s kingdom drawing the present into itself. The Presbyterian Church (U.S.A.) affirms the Gospel of Jesus Christ as received from the prophets and apostles, and stands in continuity with God’s mission through the ages.

The Church strives to be faithful to the good news it has received and accountable to the standards of the confessions. The Church seeks to present the claims of Jesus Christ, leading persons to repentance, acceptance of Christ alone as Savior and Lord, and new life as his disciples.

The Church is sent to be Christ's faithful evangelist:

making disciples of all nations in the name of the Father, the Son, and the Holy Spirit; sharing with others a deep life of worship, prayer, fellowship, and service; and participating in God's mission to care for the needs of the sick, poor, and lonely; to free people from sin, suffering, and oppression; and to establish Christ's just, loving, and peaceable rule in the world.

### ***F-1.0303 The Notes of the Reformed Church<sup>3</sup>***

Where Christ is, there is the true Church. Since the earliest days of the Reformation, Reformed Christians have marked the presence of the true Church wherever:

the Word of God is truly preached and heard,  
the Sacraments are rightly administered, and  
ecclesiastical discipline is uprightly ministered.

In our own time, we affirm that, in the power of the Spirit, the Church is faithful to the mission of Christ as it:

*Proclaims and hears the Word of God,*

responding to the promise of God's new creation in Christ, and  
inviting all people to participate in that new creation;

*Administers and receives the Sacraments,*

welcoming those who are being engrafted into Christ,  
bearing witness to Christ's saving death and resurrection,  
anticipating the heavenly banquet that is to come, and  
committing itself in the present to solidarity with the marginalized and the hungry;  
and

*Nurtures a covenant community of disciples of Christ,*

living in the strength of God's promise and  
giving itself in service to God's mission.

### ***F-1.0304 The Great Ends of the Church***

The great ends of the Church are:

the proclamation of the gospel for the salvation of humankind;  
the shelter, nurture, and spiritual fellowship of the children of God;  
the maintenance of divine worship;  
the preservation of the truth;  
the promotion of social righteousness; and  
the exhibition of the Kingdom of Heaven to the world.<sup>4</sup>

## **F-1.04 Openness to the Guidance of the Holy Spirit**

### ***F-1.0401 Continuity and Change***

The presbyterian form of government set forth in the Constitution of the Presbyterian Church (U.S.A.) is grounded in Scripture and built around the marks of the true Church. It is in all things subject to the Lord of the Church. In the power of the Spirit, Jesus Christ draws worshiping communities and individual believers into the sovereign activity of the triune God at all times and places. As the Church seeks reform and fresh direction, it looks to Jesus Christ who goes ahead of us and calls us to follow him. United with Christ in the power of the Spirit, the Church seeks “not [to] be conformed to this world, but [to] be transformed by the renewing of [our] minds, so that [we] may discern what is the will of God—what is good and acceptable and perfect” (Rom. 12:2).

### ***F-1.0402 Ecumenicity***

The presbyterian system of government in the Constitution of the Presbyterian Church (U.S.A.) is established in light of Scripture<sup>e</sup> but is not regarded as essential for the existence of the Christian Church nor required of all Christians.

### ***F-1.0403 Unity in Diversity***

“As many of you as were baptized into Christ have clothed yourselves with Christ. There is no longer Jew or Greek, there is no longer slave or free, there is no longer male and female; for all of you are one in Christ Jesus. And if you belong to Christ, then you are Abraham’s offspring, heirs according to the promise” (Gal. 3:27–29).

The unity of believers in Christ is reflected in the rich diversity of the Church’s membership. In Christ, by the power of the Spirit, God unites persons through baptism regardless of race, ethnicity, age, sex, disability, geography, or theological conviction. There is therefore no place in the life of the Church for discrimination against any person. The Presbyterian Church (U.S.A.) shall guarantee full participation and representation in its worship, governance, and emerging life to all persons or groups within its membership. No member shall be denied participation or representation for any reason other than those stated in this Constitution.

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Amend Rejected (2012, 26, 27, Item 06-08): Rejected a number of proposed changes to F-1.0403.

PJC (2001, 213-2, Londonderry v. Pby of N.N.E.): In the case of conflicts between constitutional text, it is the task of governing bodies to resolve them to give effect to all provisions.

PJC (2): No governing body or PJC may invalidate a provision of the constitution.

PJC (1993, 205-12, Wilson v. Pby of Donegal): Does not support relief from mandatory participation in the church’s benefits plan. One has the right to express an opinion, but once a decision is made, members must abide by it even if they continue to advocate change.

PJC (1991, 203-3, Santin v. Church Vocations Unit): All executive and administrative staff positions in all governing bodies (councils) above the session shall be filled in accordance with the principles of participation and representation.



Previous FoG:

GA (2006, 38, 40, 439, Item 05-25): A congregation may adopt a policy prohibiting election of the congregation's paid staff for nomination and election as an officer or trustee of that congregation. (Interpretation of former G-7.0304a(1)).

GA (1990, 238, 21.114, Req. 90-2): Nothing prohibits religious discrimination by churches in the employment of lay employees. Nevertheless, unless a religious viewpoint directly impacts work performance, the church must recall the need for inclusiveness in all areas of its life.

Earlier References:

This section has no single source. See on various subjects: **PCUS (1971, 170)** Overture to replace exclusively masculine words; **PCUSA (1955, 103)** Ovt. F, representative nominating committee; **UPCUSA (1963, 316)** Ovt. D, color, origin, worldly condition; **(1971, 308)** Ovt. F on offices, race, ethnic, sex, marital status; **(1975, 96, 189, 528)** Ovt. and report on inclusive language; **(1975, 67, 299)** Ovt. B, C, D, on fair representation, male, female, ages, ethnic; **(1978, 64, 399)** Ovt. L, men and women; **(1979, 84, 531)** Ovt. J on disability; **(1977, 99-108)** Ovt. 16: *That All May Enter*, responding to concerns of the handicapped.

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### ***F-1.0404 Openness***

In Jesus Christ, who is Lord of all creation, the Church seeks a new openness to God's mission in the world. In Christ, the triune God tends the least among us, suffers the curse of human sinfulness, raises up a new humanity, and promises a new future for all creation. In Christ, Church members share with all humanity the realities of creatureliness, sinfulness, brokenness, and suffering, as well as the future toward which God is drawing them. The mission of God pertains not only to the Church but also to people everywhere and to all creation. As it participates in God's mission, the Presbyterian Church (U.S.A) seeks:

a new openness to the sovereign activity of God in the Church and in the world, to a more radical obedience to Christ, and to a more joyous celebration in worship and work;

a new openness in its own membership, becoming in fact as well as in faith a community of women and men of all ages, races, ethnicities, and worldly conditions, made one in Christ by the power of the Spirit, as a visible sign of the new humanity;

a new openness to see both the possibilities and perils of its institutional forms in order to ensure the faithfulness and usefulness of these forms to God's activity in the world; and

a new openness to God's continuing reformation of the Church ecumenical, that it might be more effective in its mission.

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Previous FoG:

Amend Rejected (1998, 163, 16.0171, 623): Rejected adding language affirming openness to diversity of ministries of Presbyterian groups and relationships between church structures and such groups. Part of report of Special Committee on Relationships of Accountability.

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## **Endnotes**

<sup>1</sup> Throughout this document and the Form of Government, the capitalized term “Church” refers to the Church Universal, the Church as it is called to be in Christ; except as part of a title (i.e. Presbyterian Church (U.S.A.)).

<sup>2</sup> See “The Nicene Creed,” The Book of Confessions, 1.3.

<sup>3</sup> See The Scots Confession, Ch. XVIII (The Book of Confessions, 3.18)

<sup>4</sup> This statement of the Great Ends of the Church, slightly edited here, came from the United Presbyterian Church of North America, which united with the Presbyterian Church in the United States of America in 1958. The statement was then made a part of the Constitution of The United Presbyterian Church in the United States of America, as the united body was called. This now classic statement was adopted by the United Presbyterian Church of North America in 1910, following various actions between 1904 and 1910 looking forward to the revision of the church’s Constitution.

## Chapter Two - The Church and Its Confessions

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Previous FoG

Amend Rejected (2004, 15-6, 608, Item 08-05): Rejected proposal to reorder this chapter; instead, affirmed the right and responsibility of presbyteries to determine whether candidates and ministers “sincerely receive and adopt the essentials of the Reformed faith.”

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### F-2.01 The Purpose of Confessional Statements

The Presbyterian Church (U.S.A.) states its faith and bears witness to God’s grace in Jesus Christ in the creeds and confessions in *The Book of Confessions*. In these statements the church declares to its members and to the world who and what it is, what it believes, and what it resolves to do. These statements identify the church as a community of people known by its convictions as well as by its actions. They guide the church in its study and interpretation of the Scriptures; they summarize the essence of Reformed Christian tradition; they direct the church in maintaining sound doctrines; they equip the church for its work of proclamation. They serve to strengthen personal commitment and the life and witness of the community of believers.

The creeds and confessions of this church arose in response to particular circumstances within the history of God’s people. They claim the truth of the Gospel at those points where their authors perceived that truth to be at risk. They are the result of prayer, thought, and experience within a living tradition. They appeal to the universal truth of the Gospel while expressing that truth within the social and cultural assumptions of their time. They affirm a common faith tradition, while also from time to time standing in tension with each other.

### F-2.02 The Confessions as Subordinate Standards

These confessional statements are subordinate standards in the church, <sup>a</sup> subject to the authority of Jesus Christ, the Word of God, as the Scriptures bear witness to him. While confessional standards are subordinate to the Scriptures, they are, nonetheless, standards. They are not lightly drawn up or subscribed to, nor may they be ignored or dismissed. The church is prepared to instruct, counsel with, or even to discipline one ordained who seriously rejects the faith expressed in the confessions. Moreover, the process for changing the confessions of the church is deliberately demanding, requiring a high degree of consensus across the church. Yet the church, in obedience to Jesus Christ, is open to the reform of its standards of doctrine as well as of governance. The church affirms *Ecclesia reformata, semper reformanda secundum verbum Dei*, that is, “The church reformed, always to be reformed according to the Word of God” in the power of the Spirit.

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GA (2004, 17, 619, Item 08-12): Affirmed significant and instructive role of *The Book of Confessions* as guide to interpreting Scripture in the examination of persons for ordination.

Previous FoG:

Amend Rejected (2004, 15-6, 608, Item 08-05): See note at Chapter Two F-2.0.

Amend Rejected (1996, 241, 21.012, Ovt. 96-42): Rejected addition of five affirmations of “Essential Tenets” as requirement for officers.

Earlier References:

Essential Tenets controversy culminating in reports in 1926 and 1927 from the Special Commission of 1925, known popularly as the “Swearingen Commission” (*Minutes, PC(USA), 1910, 191-193, 271-273; 1916, 130-132; 1923, 252-253, 338-339; 1925, 88; 1926, 62-87; 1927, 56-86;*).

Historical Note: **1729 Adopting Act; 1736 Interpretation of Synod’s Intent**

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### **F-2.03 The Confessions as Statements of the Faith of the Church Catholic**

In its confessions, the Presbyterian Church (U.S.A.) witnesses to the faith of the Church catholic. The confessions express the faith of the one, holy, catholic, and apostolic Church <sup>b</sup> in the recognition of canonical Scriptures and the formulation and adoption of the ecumenical creeds, notably the Nicene and Apostles’ Creeds with their definitions of the mystery of the triune God and of the incarnation of the eternal Word of God in Jesus Christ.

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Previous FoG:

Amend Rejected (2004, 15-6, 608, Item 08-05): See note at Chapter Two F-2.0.

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### **F-2.04 The Confessions as Statements of the Faith of the Protestant Reformation**

In its confessions, the Presbyterian Church (U.S.A.) upholds the affirmations of the Protestant Reformation. The focus of these affirmations is God’s grace in Jesus Christ as revealed in the Scriptures. The Protestant watchwords—grace alone, <sup>c</sup> faith alone, <sup>d</sup> Scripture alone <sup>e</sup>—embody principles of understanding that continue to guide and motivate the people of God in the life of faith.

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Previous FoG:

Amend Rejected (2004, 15-6, 608, Item 08-05): Rejected proposal to reorder this chapter; instead, affirmed the right and responsibility of presbyteries to determine whether candidates and ministers “sincerely receive and adopt the essentials of the Reformed faith.”

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## **F-2.05 The Confessions as Statements of the Faith of the Reformed Tradition**

In its confessions, the Presbyterian Church (U.S.A.) expresses the faith of the Reformed tradition. Central to this tradition is the affirmation of the majesty,<sup>f</sup> holiness, <sup>g</sup> and providence of God <sup>h</sup> who in Christ and by the power of the Spirit creates, <sup>i</sup> sustains, <sup>j</sup> rules, <sup>k</sup> and redeems <sup>l</sup> the world in the freedom of sovereign righteousness and love. <sup>m</sup> Related to this central affirmation of God's sovereignty are other great themes of the Reformed tradition:

The election <sup>n</sup> of the people of God for service as well as for salvation <sup>o</sup>;

Covenant life marked by a disciplined concern for order in the church according to the Word of God;

A faithful stewardship that shuns ostentation and seeks proper use of the gifts of God's creation; and

The recognition of the human tendency to idolatry <sup>p</sup> and tyranny, <sup>q</sup> which calls the people of God to work for the transformation of society by seeking justice and living in obedience to the Word of God.

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[PJC \(2002, 215-03, San Joaquin v. Synod of Pacific\)](#): A central theme of the Reformed tradition is "covenant life marked by a disciplined concern for order in the church according to the Word of God." The concept of mutual accountability and responsibility lies at the heart of this covenantal understanding, and our system of government is structured to achieve such mutual accountability.

Previous FoG:

[Amend Rejected \(1996, 241, 21.012, Ovt. 96-42\)](#): Rejected addition of five affirmations of "Essential Tenets" as requirement for officers.

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## Chapter Three - Principles of Order and Government

### F-3.01 Historic Principles of Church Order <sup>1</sup>

In setting forth this *Book of Order*, the Presbyterian Church (U.S.A.) reaffirms the historic principles of church order, which have been a part of our common heritage and which are basic to our Presbyterian concept and system of church government, namely:

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Earlier References.:

GA (1983, UPC, 141ff): Report: Historic Principles, Conscience, and Church Government.

(UPC, 1979, 310-319): Task Force on Polity and Reconciliation. Polity organizes conflict, encourages listening to one another and facilitates reconciliation.

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#### ***F-3.0101 God Is Lord of the Conscience***

a. That “God alone is Lord of the conscience, and hath left it free from the doctrines and commandments of men<sup>2</sup> which are in anything contrary to his Word, or beside it, in matters of faith or worship.”<sup>3</sup>

b. Therefore we consider the rights of private judgment, in all matters that respect religion, as universal and unalienable: We do not even wish to see any religious constitution aided by the civil power, further than may be necessary for protection and security, and at the same time, be equal and common to all others.

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GA (1987, 344, 25.162, Rpt of AC on Church and Society): It is a spiritual and professional duty of clergy to hold in confidence matters revealed to them in their counseling, caring, and confessional ministries, and that being called to testify in a court of law does not negate this sacred obligation.

PJC (2006, 217-7, 475, Williamson v. Pby of W. North Carolina): “recognizes the right of the corporate community to place limits upon the exercise of freedom of conscience by its officers.”

PJC (1992, 204-5, Session of Central Church v. Pby of Long Island): While freedom of conscience is preserved, it is to be exercised within certain limits. There is a “duty of conscience” to support the ministry and mission of the church.

PJC (1986, 198-5, 158, 11.047, Buonaiuto v. First Presbyterian Church, Greenlawn, NY): Freedom of conscience and the right of protest do not give an individual church member the right to prevent a session from carrying out its responsibilities to another governing body.

PJC (2001, 213-2, 577, 12.1028, Londonderry v. Pby of N.N.E.): There is a natural tension between God alone being the Lord of the conscience and the Church being a covenant community.

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#### ***F-3.0102 Corporate Judgment***

That, in perfect consistency with the above principle of common right, every Christian Church, or union or association of particular churches, is entitled to declare the terms of

admission into its communion, and the qualifications of its ministers and members, as well as the whole system of its internal government which Christ hath appointed; that in the exercise of this right they may, notwithstanding, err, in making the terms of communion either too lax or too narrow; yet, even in this case, they do not infringe upon the liberty or the rights of others, but only make an improper use of their own.

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[PJC \(2001, 213-2, 577, 12.1028, Londonderry v. Pby of N.N.E.\):](#) While diversity of opinion is valid, the covenantal nature of the church means that when verbal dissent moves to disobedience, the body is obligated, as an act of pastoral care, to prevent contumacy.  
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### ***F-3.0103 Officers***

That our blessed Savior, for the edification of the visible Church, which is his body, hath appointed officers,<sup>4</sup> not only to preach the gospel and administer the Sacraments, but also to exercise discipline, for the preservation of both truth and duty; and that it is incumbent upon these officers, and upon the whole Church, in whose name they act, to censure or cast out the erroneous and scandalous, observing, in all cases, the rules contained in the Word of God.

### ***F-3.0104 Truth and Goodness***

That truth is in order to goodness; and the great touchstone of truth, its tendency to promote holiness, according to our Savior's rule, "By their fruits ye shall know them." And that no opinion can either be more pernicious or more absurd than that which brings truth and falsehood upon a level, and represents it as of no consequence what a man's opinions are. On the contrary, we are persuaded that there is an inseparable connection between faith and practice, truth and duty. Otherwise it would be of no consequence either to discover truth or to embrace it.

### ***F-3.0105 Mutual Forbearance***

That, while under the conviction of the above principle we think it necessary to make effectual provision that all who are admitted as teachers be sound in the faith, 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.

### ***F-3.0106 Election by the People***

That though the character, qualifications, and authority of Church officers are laid down in the Holy Scriptures, as well as the proper method of their investiture and institution, yet the election of the persons to the exercise of this authority, in any particular society, is in that society.

### ***F-3.0107 Church Power***

That all Church power, whether exercised by the body in general or in the way of representation by delegated authority, is only ministerial and declarative<sup>a</sup>; that is to say, that the Holy Scriptures



are the only rule of faith and manners; that no Church judicatory<sup>5</sup> ought to pretend to make laws to bind the conscience in virtue of their own authority; and that all their decisions should be founded upon the revealed will of God. Now though it will easily be admitted that all synods and councils may err, through the frailty inseparable from humanity, yet there is much greater danger from the usurped claim of making laws than from the right of judging upon laws already made, and common to all who profess the gospel, although this right, as necessity requires in the present state, be lodged with fallible men.

### ***F-3.0108 The Value of Ecclesiastical Discipline***

Lastly, that if the preceding scriptural and rational principles be steadfastly adhered to, the vigor and strictness of its discipline will contribute to the glory and happiness of any church. Since ecclesiastical discipline must be purely moral or spiritual in its object, <sup>b</sup> and not attended with any civil effects, it can derive no force whatever but from its own justice, the approbation of an impartial public, and the countenance and blessing of the great Head of the Church universal.

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*PJC (1987, 199-01, Bedford-Central PC v. Pby of NYC): Decision-making processes operate openly, deliberately, fairly, and inclusively, in ways most likely to secure “the approbation of an impartial public and the countenance and blessing of the great Head of the church universal.”*

## **F-3.02 Principles of Presbyterian Government<sup>6</sup>**

The Presbyterian Church (U.S.A.) reaffirms, within the context of its commitment to the Church universal, a special commitment to basic principles of Presbyterian polity:

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*Earlier References:*

*GA (1983, UPC, 141ff): Report: Historic Principles, Conscience, and Church Government.*

### ***F-3.0201 One Church***

The particular congregations<sup>d</sup> of the Presbyterian Church (U.S.A.) wherever they are, taken collectively, constitute one church, called the church.

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*PJC (1992, 204-5, Session of Central Church v. Pby of Long Island): Decisions made at one level must be made in light of our understanding of the PC(USA) as being one church.*

### ***F-3.0202 Governed by Presbyters***

This church shall be governed by presbyters, that is, ruling elders and teaching elders. Ruling elders are so named not because they “lord it over” the congregation (Matt. 20:25), but because

they are chosen by the congregation to discern and measure its fidelity to the Word of God, and to strengthen and nurture its faith and life. Teaching elders shall be committed in all their work to equipping the people of God for their ministry and witness.

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Amend Rejected (2012, 52, 53, 675, Item 07-04): Rejected changing “ruling elder” to “elder” and “teaching elder” to “minister of Word and Sacrament.”

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### ***F-3.0203 Gathered in Councils***

These presbyters shall come together in councils in regular gradation. These councils are sessions, presbyteries, synods, and the General Assembly. All councils of the church are united by the nature of the church and share with one another responsibilities, rights, and powers as provided in this Constitution. The councils are distinct, but have such mutual relations that the act of one of them is the act of the whole church performed by it through the appropriate council. The larger part of the church, or a representation thereof, shall govern the smaller.

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PJC (2006, 217-2, Johnston, et.al. v. Heartland Pby): “Our unity in Christ and the relational nature of our governance require dialogue between and among governing bodies,” thus giving “life to the mutuality and reciprocity between sessions and presbyteries in furthering the great ends of the Church.”

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### ***F-3.0204 Seek and Represent the Will of Christ***

Presbyters are not simply to reflect the will of the people, but rather to seek together to find and represent the will of Christ.

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Earlier References:

(UPCUSA 1978, 93); Buchwalter v. Pittsburgh Pby): Questioning by pby of potential commissioners to GA is allowed, but voting pledges are not allowed.

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### ***F-3.0205 Decision by Majority Vote***

Decisions shall be reached in councils by vote, following opportunity for discussion and discernment, and a majority shall govern.

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GA (2004, 87, 329, Item 04-14): E-mail voting is permitted by BoO and Robert’s Rules if there has been provision for deliberation (simultaneous communication) and such vote is provided for in standing rules.

PJC (1992, 204-5, Session of Central Church v. Pby of Long Island): Our system protects the rights of minority viewpoints, yet affirms the principle of majority rule.

Earlier References:

(UPCUSA 1978, 290-300): Report of the Committee on Pluralism in the Church.

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### ***F-3.0206 Review and Control***

A higher council shall have the right of review and control over a lower one and shall have power to determine matters of controversy upon reference, complaint, or appeal.

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GA (2006, 46, 48, Item 03-14, Recommendation 1): Former G-4.0301f (now F-3.0206) must be interpreted in light of affirmation of Historic Principles of Church Government (now F-3.02) ; listed applicable principles.

PJC (2006, 217-2, Johnston, et.al. v. Heartland Pby): A higher governing body’s “right of review and control over a lower one” ... “must not be understood in hierarchical terms, but in light of the shared responsibility and power at the heart of Presbyterian order.”

PJC (2006, 217-1, Hope, et.al. v. Pby of San Francisco): Failure to follow its own stated policy does not rise to the level of a constitutional error reviewable by the GAPJC.

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### ***F-3.0207 Ordination by Council***

Presbyters (ruling elders and teaching elders) and deacons are ordained only by the authority of a council.

### ***F-3.0208 Shared Power, Exercised Jointly***

Ecclesiastical jurisdiction is a shared power, to be exercised jointly by presbyters gathered in councils.

### ***F-3.0209 General Authority of Councils***

Councils possess whatever administrative authority is necessary to give effect to duties and powers assigned by the Constitution of the church. The jurisdiction of each council is limited by the express provisions of the Constitution, with powers not mentioned being reserved to the presbyteries.

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PJC (2012, 220-05, Hwang v. Synod of S. CA and Hawaii): A synod may appoint an administrative commission with original jurisdiction over some or all of the functions of a presbytery Committee on Ministry (G-9.0503a); it may do so without giving the Commission complete jurisdiction over the Presbytery (G-9.0503a(4)). (but see concurring and dissenting opinions regarding power and wisdom of Synod to take Original Jurisdiction over Presbytery).

PJC (1995, 207-1, Bolton v. Alamance Presbyterian Church): Governing body may exercise its powers in a reasonable way so as to carry out its basic functions and duties with efficiency to avoid a waste of time of its members. The form of such exercise will vary.

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## ***F-3.03 Foundational Statements***

The statements contained in this section, “The Foundations of Presbyterian Polity,” describe the ecclesiological and historical commitments on which the polity of the Presbyterian Church (U.S.A.) rests. Provisions of any part of this Constitution are to be interpreted in light of the

whole Constitution. No provision of the *Book of Order* can of itself invalidate any other. Where there are tensions and ambiguities between provisions, it is the task of councils and judicial commissions to resolve them in such a way as to give effect to all provisions.

### **F-3.04 The Constitution of the Presbyterian Church (U.S.A) Defined**

The Constitution of the Presbyterian Church (U.S.A.) consists of *The Book of Confessions* and the *Book of Order*.

*The Book of Confessions* includes:

- The Nicene Creed
- The Apostles' Creed
- The Scots Confession
- The Heidelberg Catechism
- The Second Helvetic Confession
- The Westminster Confession of Faith
- The Westminster Shorter Catechism
- The Westminster Larger Catechism
- The Theological Declaration of Barmen
- The Confession of 1967
- A Brief Statement of Faith—Presbyterian Church (U.S.A.)

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Amend Proposed (2012, 10, 11, 1530, Item 18-03): Approved sending a new translation of the Heidelberg Catechism to presbyteries to amend *The Book of Confessions*.

Amend (1998, 85, 581, 38.0034): Approved a new translation of Nicene Creed to amend *The Book of Confessions*.

Amend (1990, 253, 21.271, Recs 1 & 2): Approved adding A Brief Statement of Faith--Presbyterian Church (U.S.A.) to *The Book of Confessions*.

Amend Defeated (2010, 9, 1213, Item 16-12): Defeated adding the Confession of Belhar to *The Book of Confessions*.

Amend Rejected (1992, 295, 21.007, Ovt. 91-81): Rejected request to add A Declaration of Faith to *The Book of Confessions*.

GA (2012,11, 1527, Item 18-01): Approved beginning the process to include the Confession of Belhar in *The Book of Confessions*.

GA (2010, 9, 1209, Item 16-11): The 2008 Special Committee was reappointed to recommend to the 220th General Assembly (2012) a new translation of the present Heidelberg Catechism in cooperation with the Christian Reformed Church in North America (CRCNA) and the Reformed Church of America (RCA).

GA (2004, 21, 423, Item 06-06): Approved addition to preface and footnotes in *Book of Confessions* addressing 16th & 17th century condemnations of Roman Catholic Church, which are not the position of the PC(USA).

GA (1998 83, 599, 41.0031): Approved Belonging to God: A First Catechism, The Study Catechism (83,602, 41.0032) and The Study Catechism: Confirmation Version (83, 611, 41.0033) and commended them to the church for use in teaching and worship.

GA (1995, 111, 11.019); Ref. 21.034-.037, Req 91-2): 1991 referral of request to write a brief history as a prologue to each confessional document answered by new edition of BoC with prologue including history of confessional documents.

GA (1994, 508, Ovt. 94-26): Special Committee authorized to write a New Presbyterian Catechism and report recommendations to 208th GA.

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The *Book of Order* includes:

The Foundations of Presbyterian Polity

The Form of Government

The Directory for Worship

The Rules of Discipline

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Amend (2010, 18-24, 485, Item 07-01): Foundations of Presbyterian Polity replaced previous FOG Chapters 1-4 and revised Form of Government replaced previous FOG Chapters 5-18; became effective July 10, 2011.

Amend (1988, 144, 12.266): Entire Directory for the Service of God replaced with a new Directory for Worship.

Amend Rejected (1990, 228, 21.020, Ovt. 89-105): Rejected request to place the Directory for Worship first in the *Book of Order*.

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### Endnotes

<sup>1</sup> This section, with the exception of the first paragraph, was first drawn up by the Synod of New York and Philadelphia, and prefixed to the Form of Government as published by that body in 1788. In that year, the synod was divided into four synods and gave place to the General Assembly of the Presbyterian Church in the United States of America, which held its first meeting the following year. The four synods formed were the Synod of New York and New Jersey, the Synod of Philadelphia, the Synod of Virginia, and the Synod of the Carolinas. The presbyteries of these four synods were represented in the first General Assembly, which met in Philadelphia on May 21, 1789. The general plan drawn up in 1788 became that by which the Presbyterian Church in the United States and The United Presbyterian Church in the United States of America were subsequently governed.

<sup>2</sup> The words “men” and “man’s” throughout this quotation from the eighteenth century should be understood as applying to all persons.

<sup>3</sup> See the Westminster Confession of Faith (The Book of Confessions, 6.109).

<sup>4</sup> The terms “officers” and “office” are preserved here as part of the historic language of the Principles. Elsewhere in the Form of Government the terms “ordered minister” and “ordered ministry” are used in place of “officer” and “office.”

<sup>5</sup> The term “judicatory,” employed here as part of the historical language of the Principles, is elsewhere in the Form of Government replaced with “council.”

<sup>6</sup> This provision is derived from and intended to restate the Historic Principles of Church Government, which were adopted in 1797 by the General Assembly of the Presbyterian Church in the United States of America, and the Principles of Presbyterian Government. In this quotation, the word “radical” is used in its primary meaning of “fundamental and basic,” and the word “appeals” is used in a general sense rather than with reference to a case involved in judicial process: “The radicalc principles of Presbyterian church government and discipline are: ‘That the several different congregations of believers, taken collectively, constitute one Church of Christ, called emphatically the Church; that a larger part of the Church, or a representation of it, should govern a smaller, or determine matters of controversy which arise therein; that, in like manner, a representation of the whole should govern and determine in regard to every part, and to all the parts united: that is, that a majority shall govern; and consequently that appeals may be carried from lower to higher governing bodies [councils], till they be finally decided by the collected wisdom and united voice of the whole Church. For these principles and this procedure, the example of the apostles and the practice of the primitive Church are considered as authority.’”

# SCRIPTURAL ALLUSION INDEX1

## THE FOUNDATIONS OF PRESBYTERIAN POLITY

### CHAPTER I

- F-1.0201 a. Eph. 1:20, 21; Ps. 68:18
- b. Ps. 2:6; Dan. 7:14; Eph. 1:22, 23
- F-1.0301 c. Col. 1:18; Eph. 4:16; 1 Cor. 1:18
- F-1.0302a d. Ps. 2:8; Rev. 7:9
- F-1.0402 e. Ezek. 43:11, 12

### CHAPTER II

- F-2.02 a. The Confession of 1967, Preface at 9.03
- F-2.03 b. Nicene Creed, 1.3; Theological Declaration of Barmen, 8.01, 8.06
- F-2.04 c. Scots Confession, 3.08; Westminster, 6.062, 6.065
- d. Second Helvetic, 5.108, 5.109; Heidelberg, 4.061, 4.065; Shorter Catechism, 7.033; Larger Catechism, 7.180
- e. Westminster, 6.001, 6.006, 6.007
- F-2.05 f. Scots Confession, 3.02, 3.13, 3.14; Heidelberg, 4.011, 4.047, 4.117, 4.121; Second Helvetic, 5.074; Larger Catechism, 7.295, 7.299
- g. Heidelberg, 4.006, 4.036; 2nd Helvetic, 5.036; Shorter Catechism, 7.004; Larger Catechism, 7.262
- h. Scots Confession, 3.01; Heidelberg, 4.026, 4.027, 4.028; Second Helvetic, 5.029, 5.030, 5.031; Westminster, 6.008, 6.024, 6.025, 6.026, 6.027, 6.030, 6.117; Shorter Catechism, 7.008, 7.011, 7.012; Larger Catechism, 7.124, 7.128, 7.129, 7.130, 7.300, 7.302, 7.303, 7.305; Confession of 1967, 9.03
- i. Heidelberg, 4.006; Second Helvetic, 5.015; Westminster 6.024, 6.037, 6.105; Confession of 1967, 9.15, 9.16, 9.17, 9.50; Brief Statement, 10.3
- j. Heidelberg, 4.079; Westminster, 6.058, 6.190; Larger Catechism, 7.148, 7.303
- k. Heidelberg, 4.027
- l. Heidelberg, 4.014, 4.037; Brief Statement, 10.3
- m. Confession of 1967, 9.15; Brief Statement, 10.3
- n. Scots Confession, Chapter VII; Second Helvetic, 5.058; Westminster, 6.021, 6.095, 6.193
- o. Second Helvetic, 5.058; Westminster 6.181, 6.192; Shorter Catechism, 7.20; Larger Catechism, 7.189, 7.191
- p. Scots Confession, 3.05, 3.14, 3.25; Heidelberg, 4.094, 4.095; Shorter Catechism, 7.215; Larger Catechism, 7.218, 7.300
- q. Scots Confession, 3.14

### CHAPTER III

F-3.0107 a. See and consult Acts 15:1-32

F-3.0108 b. Matt. 18:15-18; 1 Cor. 5:4, 5

F-3.02 (Footnote 6) c. See Acts 15:1-29; 16:4

<sup>1</sup>In response to Overture 01-58, the Office of the General Assembly reviewed previous editions of the Form of Government, which had included scriptural allusions. A large proportion of our current Form of Government has antecedent provisions in prior editions that are immediately apparent. After that review, the Department of Constitutional Services carefully compared those prior editions with the current text of the Form of Government. That department then inserted the scriptural allusions taken from those prior editions of the Form of Government into the current text. They first appeared in the version released during the 215th General Assembly (2003).



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# The Form of Government

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Amend (2010, 18-24, 485, Item 07-01): Form of Government replaced previous FOG Chapters 5-18; became effective July 10, 2011.

GA (2012, 68-69, 1527, Item 08-01): A number of specific constitutional authoritative interpretations are no longer retained because the language on which they were based is no longer in The Form of Government or is contradicted by new language.

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## Chapter One - Congregations and Their Membership

### G-1.01 The Congregation

#### *G-1.0101 The Mission of the Congregation*

The congregation is the church engaged in the mission of God in its particular context. The triune God gives to the congregation all the gifts of the gospel necessary to being the Church. The congregation is the basic form of the church, but it is not of itself a sufficient form of the church. Thus congregations are bound together in communion with one another, united in relationships of accountability and responsibility, contributing their strengths to the benefit of the whole, and are called, collectively, the church.

Through the congregation God's people carry out the ministries of proclamation, sharing the Sacraments <sup>a</sup>, and living in covenant life with God and each other. In the life of the congregation, individual believers are equipped for the ministry of witness to the love and grace of God in and for the world. The congregation reaches out to people, communities, and the world to share the good news of Jesus Christ, to gather for worship, to offer care and nurture to God's children, to speak for social justice and righteousness, to bear witness to the truth and to the reign of God that is coming into the world.

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Amend Rejected (2012, 26, 28, 604, Item 06-14): Rejected making several changes to both paragraphs of G-1.0101.

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#### *G-1.0102 The Fellowship of the Congregation*

The polity of the Presbyterian Church (U.S.A.) presupposes the fellowship of women, men, and children united in covenant relationship with one another and with God through Jesus Christ. The organization rests on the fellowship and is not designed to work without trust and love.

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PJC (2006, 217-2, 462, Johnston, et.al. v. Heartland Pby): PJC (1) “Payment of per capita apportionments is a high moral obligation, the fulfillment of which visibly demonstrates the covenantal ties that bind us as the one church of Jesus Christ.”

PJC (2) Pby’s declaration that a church is ineligible to request financial assistance if per capita is not fully paid is misuse of discretion.

PJC (2004, 216-1, Minihan v. Pby of Scioto Valley): (1) 1992 Amendment did not grant a presbytery power to compel a session to transmit its per capita apportionment.

PJC (2) The term “benevolences” in responsibilities of the session includes per capita funds.

PJC (3) Withholding per capita as a means of protest or dissent evidences a serious breach of the trust and love with which our Lord Jesus intends the covenant community to function together.

PJC (2002, 215-03, San Joaquin v. Synod of Pacific): Fundamental to our Presbyterian system of government is the understanding that the members of the church come together in “voluntary covenanted relationship with one another and with God through Jesus Christ.” The concept of mutual accountability and responsibility lies at the heart of this covenantal understanding, and our system of government is structured to achieve such mutual accountability.

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***G-1.0103 Governed by the Constitution of the Presbyterian Church (U.S.A.)***

A “congregation,” as used in this Form of Government, refers to a formally organized community chartered and recognized by a presbytery as provided in this Constitution. Each congregation of the Presbyterian Church (U.S.A.) shall be governed by this Constitution. The members of a congregation put themselves under the leadership of the session and the higher councils (presbytery, synod, and General Assembly <sup>b</sup>, <sup>c</sup>). The session is responsible to guide and govern the life of the congregation. The session leads the congregation in fulfilling its responsibilities for the service of all people, for the upbuilding of the whole church, and for the glory of God.

Other forms of corporate witness established by the presbytery shall also be governed by this Constitution and shall be subject to the authority of the presbytery.

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GA (1992, 311, 21.133, Req. 92-16): Pby does have the power, authority, and responsibility to approve pastoral positions, as well as personnel, for various ministries within congregations of the pby.

GA (1991, 403, 21.198, Req. 90-16): The congregation is not a governing body in the *Book of Order*. The congregation has only specific and very limited powers.

GA (1990, 248-252, 21.242, Req. 90-24): A particular church is free to deal with, own, and use its property as it wishes in the furtherance of its charge by the Constitution, within the constraints of the *Constitution*.

GA (1990, 244, 21.180, Req. 90-14): It is not permissible under the *Constitution* for a particular church to sell all its property without the approval of presbytery.

Earlier References:

(UPC 1974, 310, PJC, *Church of the Covenant v. NYC*): Presbytery's ownership does not carry with it the authority to displace session of the congregation using that property.

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## G-1.02 The Organizing of a Congregation

A congregation in the Presbyterian Church (U.S.A.) can be organized only by the authority of a presbytery and shall function under the provisions of this Constitution.

### G-1.0201 Organizing Covenant

In organizing a congregation, presbytery shall receive applications for membership from persons wishing to unite in forming a new congregation. These persons shall covenant together as follows:

“We, the undersigned, in response to the grace of God, desire to be constituted and organized as a congregation of the Presbyterian Church (U.S.A.), to be known as \_\_\_\_\_ . We promise and covenant to live together in unity and to work together in ministry as disciples of Jesus Christ, bound to him and to one another as a part of the body of Christ in this place according to the principles of faith, mission, and order of the Presbyterian Church (U.S.A.).

“(Signatures)”

At its sole discretion the presbytery may then declare them an organized congregation of the presbytery. The congregation shall then proceed to the election of ruling elders and, if they so decide, deacons. The presbytery shall prepare, examine, ordain, and install these newly elected persons. Presbytery shall continue to work closely with the congregation in securing pastoral leadership, in plans for the service and witness of the congregation, in coordinating its work with other congregations, in counseling concerning incorporation and bylaws for the congregation conforming to the Constitution of the Presbyterian Church (U.S.A.), and in giving other forms of support and encouragement that will strengthen the mission of the congregation in the larger life of the denomination.

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GA (1998, 127, 12.0087, OGA Ref.): It is not necessary for BoO to expressly name each of the actions pby or session may take to carry out responsibility for mission and governance throughout its geographical district.

GA (1992, 311, 21.133, Req. 92-16): Presbytery has the authority to approve both positions and personnel in a local church.

GA (1989, 226, 21.188, Req. 89-9): Presbytery must approve change of name of particular church and church must comply with requirements of civil law.

Earlier References:

Amend Rejected (1998, 127, 12.0087, OGA Ref.; 1997, 175, 21.0130, 699, Ovt. 97-33): Rejected request to provide a new section providing for a “cooperative association” of congregations.

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## **G-1.03 The Membership of a Congregation**

### ***G-1.0301 The Meaning of Membership and Baptism***

In Jesus Christ, God calls people to faith and to membership in the Church, the body of Christ. Baptism is the visible sign of that call and claim on a human life and of entrance into the membership of the church. The baptism of children witnesses to the truth that God’s love claims people before they are able to respond in faith. The baptism of those who enter the covenant of membership upon their own profession of faith in Jesus Christ as Lord and Savior witnesses to the truth that God’s gift of grace calls forth a response of faithfulness. Thus, the triune God, incarnate in the life, death, and resurrection of Jesus Christ, gives to the Church not only its mission but also its understanding of membership.

### ***G-1.0302 Welcome and Openness***

A congregation shall welcome all persons who trust in God’s grace in Jesus Christ and desire to become part of the fellowship and ministry of his Church (F-1.0403). No person shall be denied membership for any reason not related to profession of faith. The Gospel leads members to extend the fellowship of Christ to all persons. Failure to do so constitutes a rejection of Christ himself and causes a scandal to the Gospel.

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GA (1993, 76-77, 318-322, 21.040-.0049A. Ovts. 93-100 - 93-109): Resolution responding to overtures on homosexual persons as members and ordained officers.

GA (1987, 151, 15.252, Com. 17-87): A session is required to give serious and prayerful consideration to the pronouncements of the GAs of 1978 and 1987 that persons who engage in homosexual practice and who affirm that Jesus Christ is their Lord and Savior, should not be excluded from membership.

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### ***G-1.0303 Entry into Membership***

Persons may enter into active church membership in the following ways:

- a. Public profession of faith, made after careful examination by the session in the meaning and responsibilities of membership; if not already baptized, the person making profession of faith shall be baptized;
- b. Certificate of transfer, when a person is a member of another Christian church at the time of transfer;

c. Reaffirmation of faith, for persons previously baptized in the name of the triune God and having publicly professed their faith.

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GA (2008, 48, 51, 274, Item 04-21): (1) A person who has renounced membership and/or church office in a PC(USA) congregation may seek membership in another PC(USA) congregation by reaffirmation of faith. Membership may not be denied “for any ... reason not related to profession of faith.” It is the session’s responsibility to receive such persons, and to determine if their reaffirmation of faith is consistent with the requirements for a profession of faith in W-4.2003a–c.

PJC (2002, 214-02, Leslie v. First PC Manhattan, KS): A session must exercise discretion in determining the means, scope, and duration of instruction for membership, provided the content of proposed instruction includes meaning of profession of faith, responsibilities of membership and the faith and order of our denomination.

PJC (1985, 197-93, Hardwick v. Session of Pearsall Church): Notes the rights of every member to pastoral care and the responsibilities of pastor and session to provide such care.

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### ***G-1.0304 The Ministry of Members***

Membership in the Church of Jesus Christ is a joy and a privilege. It is also a commitment to participate in Christ’s mission. A faithful member bears witness to God’s love and grace and promises to be involved responsibly in the ministry of Christ’s Church. Such involvement includes:

- proclaiming the good news in word and deed,
- taking part in the common life and worship of a congregation,
- lifting one another up in prayer, mutual concern, and active support,
- studying Scripture and the issues of Christian faith and life,
- supporting the ministry of the church through the giving of money, time, and talents,
- demonstrating a new quality of life within and through the church,
- responding to God’s activity in the world through service to others,
- living responsibly in the personal, family, vocational, political, cultural, and social relationships of life,
- working in the world for peace, justice, freedom, and human fulfillment,
- participating in the governing responsibilities of the church, and
- reviewing and evaluating regularly the integrity of one’s membership, and considering ways in which one’s participation in the worship and service of the church may be increased and made more meaningful.

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GA (2003, 68, 232, Item 03-04, Req 03-4): “It is assumed that members, officers, and governing bodies of the church will abide by lawful orders issued by permanent judicial commissions.”

PJC (1995, 207-1, Bolton v. Alamance Presbyterian Church): Requiring consent of a nominee before election is not unconstitutional.

PJC (1986, 198-5, 158, 11.047, Buonaiuto v. First Presbyterian Church, Greenlawn, NY): Freedom of conscience and the right of protest do not give an individual church member the right to prevent a council from carrying out its responsibilities to another council.

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## **G-1.04 Categories of Membership**

The membership of a congregation of the Presbyterian Church (U.S.A.) includes baptized members, active members, and affiliate members.

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Amend Rejected (2012, 26, 28, 596, Item 06-12): Rejected adding a new section on special consideration for membership for families serving yoked churches.

Amend Rejected (2010, 58, 325, Item 05-09): Rejected creating new category of part-year associate members “who maintain more than one residence on a permanent basis in multiple communities.”

PJC (1985, 197-3, [Hardwick v. Pearsall Church](#)): Notes the right of every member to pastoral care and the responsibilities of pastor and session to provide such care.

Earlier References:

(UPC, 1974, 212, 345ff): Report of Special Committee on Church Membership.

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### ***G-1.0401 Baptized Member***

A baptized member is a person who has received the Sacrament of Baptism, whether in this congregation or elsewhere, and who has been enrolled as a baptized member by the session but who has not made a profession of faith in Jesus Christ as Lord and Savior. Such baptized members receive the pastoral care and instruction of the church, and may participate in the Sacrament of the Lord’s Supper.

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GA (2006, 38, 40, 448, Item 05-30): Clarified meaning of baptized member in this paragraph and in the roll of baptized members maintained by the session.

GA (1993, 336, 21.142, Req. 93-17): The session does not have the authority to exclude any baptized but unconfirmed person from the Lord’s Supper, provided that person has received a Trinitarian baptism. See also W-2.4011.

PJC (1985, 197-3, 114, 11.066, Hardwick v. Session of Pearsall Memorial Church): Every member of the church has a right to pastoral care and the responsibility of pastor and session to provide such care.

Earlier References:

(UPC, 1970, 627ff.): Report of Special Committee on Baptized Children Participating in the Lord's Supper Prior to Confirmation; (PCUS, 1976, 184-197).

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### **G-1.0402 Active Member**

An active member is a person who has made a profession of faith in Christ, has been baptized, has been received into membership of the church, has voluntarily submitted to the government<sup>d</sup> of this church, and participates in the church's work and worship. In addition, active members participate in the governance of the church and may be elected to ordered ministry (see G-2.0102). Active members shall regularly, after prayerful consideration, recommit themselves to the disciplines and responsibilities of membership outlined in G-1.0304. The session shall have responsibility for preparing those who would become active members of the congregation.

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GA (2008, 48, 51, 274, Item 04-21): (1) A person who has renounced membership and/or church office in a PC(USA) congregation may seek membership in another PC(USA) congregation by reaffirmation of faith. Membership may not be denied "for any ... reason not related to profession of faith." It is the session's responsibility to receive such persons, and to determine if their reaffirmation of faith is consistent with the requirements for a profession of faith in W-4.2003a-c.

GA (2006, 38, 40, 439, Item 05-25): A congregation may adopt a policy prohibiting election of the congregation's paid staff for nomination and election as an officer or trustee of that congregation.

GA (1987, 145, 15.194, Com. 4-87): The right to hold office is not absolute but is bound by other provisions of the *Constitution*.

PJC (2002, 214-02, Leslie v. First PC Manhattan, KS): A session must exercise discretion in determining the means, scope, and duration of instruction for membership, provided the content of proposed instruction includes meaning of profession of faith, responsibilities of membership and the faith and order of our denomination.

PJC (1995, 207-1, 117, 11.053, Bolton v. Alamance Presbyterian Church): Church membership does not require serving in ordered ministry.

PJC (1986, 198-5, 158, 11.047, Buonaiuto v. First Presbyterian Church, Greenlawn, NY): Freedom of conscience and the right of protest do not give an individual church member the right to prevent a council from carrying out its responsibilities to another council.

PJC (1985, 197-3, 114, 11.066, Hardwick v. Session of Pearsall Memorial Church): Every member of the church has a right to pastoral care and the responsibility of pastor and session to provide such care.

Earlier References:

(UPC BCD, 82.04, 1974, 362, Ovt U): Active members may be offered an opportunity for an annual renewal of their membership covenants. Other conditions of membership, consistent with the constitution, may be adopted.

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### ***G-1.0403 Affiliate Member***

An affiliate member is a member of another congregation of this denomination or of another denomination or Christian body, who has temporarily moved from the community where the congregation of membership is situated, has presented a certificate of good standing from the appropriate council or governing body of that congregation, and has been received by the session as an affiliate member. An affiliate member may participate in the life of the congregation in the same manner as an active member except that an affiliate member may not vote in congregational meetings or be elected to ordered ministry or other office in the congregation.

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**Amend Rejected (1994, 185, 21.010, Ovt. 93-94):** Rejected request to add certain Presbyterian ministers to those eligible to be affiliate members of particular churches.

**Amend Rejected (1987, 133, 15.034, Ovt. 11-87, 57-87):** Rejected request to permit a minister in good standing, not otherwise related to a particular church, to become an affiliate member of a particular church.

**PJC (1985, 197-3, 114, 11.066, Hardwick v. Session of Pearsall Memorial Church):** Every member of the church has a right to pastoral care and the responsibility of pastor and session to provide such care.

Earlier References:

**(PCUSA, 1942, 236-237; 1953, 197-198; PCUS, 1945, 64-65; UPC, 1958, 131).**

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### ***G-1.0404 Other Participants***

Persons who are not members of, or who may have ceased active participation in, the Presbyterian Church (U.S.A.) are welcome and may participate in the life and worship of this church and receive its pastoral care and instruction. The invitation to the Lord's Supper is extended to all who have been baptized, remembering that access to the table is not a right conferred upon the worthy, but a privilege given to the undeserving who come in faith, repentance, and love (W-2.4011). Confessing members of other Christian churches may present children for baptism, in conformity with W-2.3014.

## **G-1.05 Meetings of the Congregation**

### ***G-1.0501 Annual and Special Meetings***

The congregation shall hold an annual meeting and may hold special meetings as necessary, for any or all of the purposes appropriate for congregational consideration. The business to be transacted at special meetings shall be limited to items specifically listed in the call for the meeting.

All active members of the congregation present at either annual or special meetings are entitled to vote. Congregations shall provide by rule the quorum necessary to conduct business.



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Amend Rejected (2008, 48, 49, 245, Item 04-04): Rejected change that all members “listed on the active roll” are entitled to vote.

GA (2008, 48, 51, 272, Item 04-20): The “right to establish a quorum for meetings of the congregation is assigned to the congregation itself ... . It is not a power assigned to the session, or to any other governing body.”

GA (2004, 86, 332, Item 04-16): Motion to dissolve pastoral relationship may be made at annual meeting, but must be announced in call for meeting.

GA (1992, 307, 21.083, Req. 92-9): Motion to dissolve pastoral relationship is not in order unless announced in call.

GA (1991, 403, 21.198, Req. 90-16): The congregation is not a governing body in the *Book of Order*. The congregation has only specific and very limited powers.

GA (1990, 246, 21.205, Req. 90-18): *Robert’s Rule of Order Newly Revised*, or some other comparable compilation of parliamentary procedures, with respect to fairness and due process, should be used in the conduct of congregational meetings and specified in the bylaws.

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***G-1.0502 Calling a Congregational Meeting***

Meetings of the congregation shall be called by the session, by the presbytery, or by the session when requested in writing by one fourth of the active members on the roll of the congregation. Adequate public notice of all congregational meetings shall be given. Congregations shall provide by their own rule for minimum notification requirements and give notice at regular services of worship prior to the meeting.

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GA (1987, 147, 15.219, Comm. 9-87): When a meeting of the congregation is called in response to a petition from the congregation the call may not be rescinded, as the right of a congregation to petition for the meeting is unqualified.

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***G-1.0503 Business Proper to Congregational Meetings***

Business to be transacted at meetings of the congregation shall be limited to matters related to the following:

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Amend Proposed (2012, 26, 27, 591, Item 06-10): Would add approval of plan for joint congregational witness to business proper to a congregational meeting.

Amend Rejected (1985, 149, 17.175, Ovt. 199-84): Rejected requirement that business to be transacted at a meeting of the congregation include matters related to its proposed budget if such a procedure is included in the bylaws of that particular church.

GA (2010, 61, 330, Item 05-12): Deals with consequences of adoption of corporate documents containing provisions contrary to the *Constitution*.

GA (2008, 48, 51, 272, Item 04-20): “Withdrawal from the Presbyterian Church (U.S.A.) is not a matter that can be considered at a congregational meeting.”

GA (1987, 144, 15.178, Com. 1-87): The congregation must decide the name of the other Reformed body when voting on dismissal under Article 13 of Articles of Agreement (1983). Provision expired in 1991.

PJC (2010, 219-03, Sundquist v. Heartland Pby): (1) Withdrawal from the Presbyterian Church (U.S.A.) is not a matter that can be considered at a congregational meeting.

PJC (2) These consultations (which may be in the form of listening sessions, hearings or other consultations) are for the benefit of informing the presbytery as it considers a request for dismissal, but are not meetings at which any business of the congregation may be conducted.

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a. electing ruling elders, deacons, and trustees;

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GA (2006, 38, 40, 439, Item 05-25): A congregation may adopt a policy prohibiting election of the congregation’s paid staff for nomination and election as an officer or trustee of that congregation.

PJC (2002, 214-01, Hair and McCallum v. First Stamford, CT): Installation of new officers effectively dissolves the former positions and renders claims to those positions moot.

PJC (1996, 208-1, 167, 12.044, Gallman v. Oak Grove PC): Congregation can dissolve boards and elect whole new slate if can’t establish who the officers are.

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b. calling a pastor, co-pastor, or associate pastor;

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GA (1993, 334, 21.120, Req. 93-13): Congregations must be fully informed as to the terms of call at the time they receive the report of a pastor nominating committee.

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c. changing existing pastoral relationships, by such means as reviewing the adequacy of and approving changes to the terms of call of the pastor or pastors, or requesting, consenting to, or declining to consent to dissolution;

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Amend Rejected (1986, 178, 15.124, Ovt. 38-86): Rejected request to make optional the annual review of adequacy of compensation in the congregational meeting.

GA (2004, 87, 332, Item 04-16 and 1992, 307, 21.083, Req. 92-9): Motion to dissolve pastoral relationship may be made at annual meeting, but must be announced in call for meeting.

PJC (1994, 206-13, 11.094, Saurbaugh v. Pby of Great Rivers): Continuation of compensation beyond date of dissolution requires vote of congregational.

PJC (1990, 202-1, 11.096, Baumann v. Bellefield Church): “Confidential Statement” changing terms of call requires approval by the congregation.

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d. buying, mortgaging, or selling real property;

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GA (1995, 278, 21.090, Req. 95-7): Congregation must approve purchase of real property, even when unencumbered.

PJC (2006, 217-12, Chesterbrook Taiwanese PC v National Capital Pby): Congregational meetings on property matters are not required for every matter having to do with property issues, but are limited to those matters in [Former] Chapters VII and VIII. (Now G-1.05, G-4.01)

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e. requesting the presbytery to grant an exemption as permitted in this Constitution (G-2.0404).

Whenever permitted by civil law, both ecclesiastical and corporate business may be conducted at the same congregational meeting.

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Amend Rejected (1986, 178, 15.124, Ovt. 38-86): Rejected request to make optional the annual review of adequacy of compensation in the congregational meeting.

GA (2010, 61, 330, Item 05-12): Deals with consequences of adoption of corporate documents containing provisions contrary to the *Constitution*.

GA (2006, 38, 40, 439, Item 05-25): Pursuant to [Former] G-7.0304a(1), a congregation may adopt a policy prohibiting election of the congregation’s paid staff for nomination and election as an officer or trustee of that congregation.

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### ***G-1.0504 Moderator***

The installed pastor shall ordinarily moderate all meetings of the congregation. If it is impractical for the pastor to preside, he or she shall invite another teaching elder who is a member of the presbytery or a person authorized by the presbytery to serve as moderator. If there is no installed pastor, or the installed pastor is unable to moderate and/or to name another moderator, the presbytery shall make provision for a moderator.

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GA (2008, 48, 51, 272, Item 04-20): (1) “... in congregations where there is an installed pastor, the pby would be acting outside its authority to require that someone other than the pastor or session moderator be accepted by the congregation as its moderator for the meeting.”

GA (2) Pby may suggest the pastor invite a minister named by the presbytery to moderate, in order that the congregational decision may be free of undue influence from the installed pastor, protecting both the process and the pastor. An installed pastor is not bound to act on the suggestion.

GA (1992, 308, 21.088, Req. 92-10): The function of the moderator is to be the presence of the pby and/or PC(USA).

GA (1987, 157, 15.306, refers back to 15.228 (Com. 10-87)): Pby may appoint member of another pby to moderate session of church without a pastor.

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## **G-1.0505 Secretary and Minutes**

The clerk of session shall serve as secretary for all meetings of the congregation. If the clerk of session is unable to serve, the congregation shall elect a secretary for that meeting. The secretary shall record the actions of the congregation in minutes of the meeting.

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GA (1997, 179, 21.0180, Req. 97-2): The clerk of session , as the clerk of congregational meetings, reports to session on behalf of congregation through minutes of the congregational meeting.

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## Chapter Two - Ordered Ministry, Commissioning, and Certification

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Previous FoG:

Amend (2006, 38-39, Item 05-11 Rec. 2): New Chapter XIV replaced entire Chapter XIV.

Amend Defeated (2001, 110 ff, 12.026-.034): New Chapter XIV would have replaced the chapter in its entirety. Changes would also have been made in the Preface to the BO and in G-9.0000, 11.0000, and W-4.0000.

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### G-2.01 Ordered Ministries of the Church

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Amend Rejected (2012, 52, 53, 688, Item 07-10 and 52, 53, 691, Item 07-11): Rejected adding a new section pertaining to freedom of conscience for examining councils in decisions regarding ordination and installation. Rejected with Comment.

GA (2003, 68, 232, Item 03-04, Req 03-4): “It is assumed that members, officers, and governing bodies of the church will abide by lawful orders issued by permanent judicial commissions.”

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#### G-2.0101 *Christ’s Ministry*

The Church’s ministry is a gift from Jesus Christ to the whole Church. Christ alone rules, calls, teaches, and uses the Church as he wills, exercising his authority by the ministry of women and men for the establishment and extension of God’s new creation. Christ’s ministry is the foundation and standard for all ministry, the pattern of the one who came “not to be served but to serve” (Matt. 20:28). The basic form of ministry is the ministry of the whole people of God, from whose midst some are called to ordered ministries, to fulfill particular functions. Members and those in ordered ministries serve together under the mandate of Christ.

#### G-2.0102 *Ordered Ministries*

The Church’s ordered ministries described in the New Testament and maintained by this church are deacons <sup>a</sup> and presbyters (teaching elders <sup>b</sup> and ruling elders <sup>c</sup>). Ordered ministries are gifts to the church to order its life so that the ministry of the whole people of God may flourish. The existence of these ordered ministries in no way diminishes the importance of the commitment of all members to the total ministry of the church.

The government of this church is representative <sup>d</sup>, and the right of God’s people to elect presbyters and deacons is inalienable. Therefore, no person can be placed in any ordered ministry in a congregation or council of the church except by election of that body.

Ordination to the ministry of teaching elder, ruling elder, or deacon is unique to that order of ministry.

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Amend Rejected (2012, 52, 53, 675, Item 07-04): Rejected request to change “minister of Word and Sacrament” to “teaching elder” and “elder” to “ruling elder.”

Amend Rejected (2004, 15-6, 608, Item 08-05): Reaffirmed the right and responsibility of presbyteries to determine whether candidates and ministers “sincerely receive and adopt the essential tenets of the Reformed faith.”

Amend Rejected (2000, 34, 407, Ovt. 00-36): Rejected request to add a new section to allow a pby to ordain persons as elders for service in the church without serving on session of a local church.

Amend Rejected (1995, 295, 21.171, 681, Ovt. 95-32): Rejected proposal to former G-14.0101 restoring language of “*teaching elder*” in place of Minister of the Word and Sacrament and “*ruling elder*” in the place of elder.

Amend Rejected (1988, 128, 12.049, Ovt. 11-88): Rejected request to replace “minister of the Word and Sacrament” with “teaching elder” and “elder” with “ruling elder.”

Amend Rejected (1987, 137, 15.097, Ovt. 33-87): Rejected change to former G-14.0101 reserving to presbytery and session “the final power of excluding members from ordination. . . .”

Amend Rejected (1984, 599, 55.051, Ovt. 66-84, 81-83): Rejected request to return to language of “teaching elder” used by PCUS.

GA (1990, 246, 21.217, Req. 90-20): When an elder is ordained to the ministry of the Word and Sacrament he or she is enrolled as a member of pby and deleted from the rolls of the congregation.

PJC (1985, 197-9, 118, 11.071, Union Presbyterian Church, et al. v. Pby of Western NY): The right to elect officers is not absolute but is bounded by the constitutional framework of the larger church.

Earlier References:

Hist. Note: Former titles of Church Officers: **PCUS**: Minister of Word and Sacraments, Ruling Elder, Deacon (**BCO 9-2**); **UPC**: bishops or ministers, ruling elders, deacons (**BOO 37.05**).

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***G-2.0103 Call to Ordered Ministry***

The call to ordered ministry in the Church is the act of the triune God. This call is evidenced by the movement of the Holy Spirit in the individual conscience, the approval of a community of God’s people, and the concurring judgment of a council of the Church.

***G-2.0104 Gifts and Qualifications***

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Amend Rejected (2012, 52, 53, 683, Item 07-08): Rejected adding new paragraph c. to allow councils to publicize in their operational manuals any “theological, ethical, and behavioral expectations” of that council, which may be used by nominating and examining committees.

GA (2006, 28-29, 523, Item 06-01): (1) The *Book of Confessions* and the *Book of Order* set forth the scriptural and constitutional standards for ordination and installation.

GA (2) These standards are determined by the whole church, after the careful study of Scripture and theology, solely by the constitutional process of approval by the GA and the approval of the presbyteries. These standards may be interpreted by GA and its PJC.

GA (3) Ordaining and installing bodies, acting as corporate expression of the church, have the responsibility to determine their membership by applying these standards to those elected to office. These determinations include: (a) whether a candidate being examined for ordination and/or installation has departed from scriptural

and constitutional standards for fitness for office, (b) whether any departure constitutes a failure to adhere to the essentials of Reformed faith and polity, thus barring the candidate from ordination and/or installation.

GA (4) Whether ordination and installation decisions comply with the Constitution of the PC(USA) and whether examinations were conducted reasonably, responsibly, prayerfully, and deliberately is subject to review by higher governing bodies.

GA (5) All parties should endeavor to outdo one another in honoring one another's decisions, according to the presumption of wisdom to ordaining/installing bodies in examining candidates and to the GA, with presbyteries' approval, in setting standards.

PJC (2010, 219-11, Naegeli et al v Pby of San Francisco): (1) Departures under old G-6.0108 (now G-2.0105) are not the same as waivers under old G-14.0470 through G-14.0474 (now G-2.0610).

PJC (2) The proper time to determine whether a candidate has expressed a departure from the essentials of the Reformed faith and polity is at the time of a presbytery's examination of the candidate for ordination, not determination of readiness for examination.

PJC (2010, 219-09, Davis v. Pby of San Francisco): Governing body of membership determines whether a church officer has departed from biblical and constitutional standards and then whether to impose a censure.

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a. To those called to exercise special functions in the church—deacons, ruling elders, and teaching elders—God gives suitable gifts for their various duties. In addition to possessing the necessary gifts and abilities, those who undertake particular ministries should be persons of strong faith, dedicated discipleship, and love of Jesus Christ as Savior and Lord. Their manner of life should be a demonstration of the Christian gospel in the church and in the world. They must have the approval of God's people and the concurring judgment of a council of the church.

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Amend Proposed (2012, 52, 53, 678, Item 07-05): Would add "This includes repentance of sin and diligent use of the means of grace" before the final sentence.

Amend Rejected (2012, 52, 53, 673, Item 07-03): Rejected adding additional wording regarding standards for ordained service.

Amend Rejected (1996, 240, 21.010, Ovt. 96-32): Rejected adding new "Essential Tenets" and requiring "subscription" to such Tenets.

Amend Rejected (1996, 241, 21.012, Ovt. 96-42): Rejected addition of five affirmations of "Essential Tenets" as requirement for officers.

PJC (2010, 219-09, Davis v. Pby of San Francisco): Governing body of membership determines whether a member has departed from biblical and constitutional standards to find a member guilty of a disciplinary offense.

Previous FoG:

Note: In appointing a theological task force (2001, 28, 443, Ovt. 01-33) the assembly answered additional overtures on related subjects. Ovt. 00-6 which proposed creation of a special committee to propose amendments to allow congregations unable to comply with former G-6.0106b (now G-2.0104b) to leave with their property was disapproved.

Earlier References:

(PCUS, 1976, 173, 316 ): Report on ordination, especially to ministry of the Word; includes criteria for ministry and guidelines.

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**b. Standards for ordained service reflect the church’s desire to submit joyfully to the Lordship of Jesus Christ in all aspects of life (F-1.02). The council responsible for ordination and/or installation (G-2.0402; G-2.0607; G-3.0306) shall examine each candidate’s calling, gifts, preparation, and suitability for the responsibilities of ordered ministry. The examination shall include, but not be limited to, a determination of the candidate’s ability and commitment to fulfill all requirements as expressed in the constitutional questions for ordination and installation (W-4.4003). Councils shall be guided by Scripture and the confessions in applying standards to individual candidates.**

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*Note: History regarding former ordination standards, attempted amendments and Authoritative Interpretations can be found at Office of the General Assembly website, Constitutional Musings.*

Amend (2010, 47, 454, Item 06-09): Replaced previous paragraph (G-6.0106b) with language focused on “each candidate’s calling, gifts, preparation, and suitability for the responsibilities of office”, along with their “ability and commitment to fulfill all requirements expressed in the constitutional questions for ordination and installation (W-4.4003).” Councils are to “be guided by Scripture and the confessions in applying standards.”

Amend (1996, 79, 248, 21.032, Ovt. 96-13 [see 21.026-.075a]): Added new section “b” known as “fidelity and chastity” amendment.

Amend Rejected (2012, 52, 669, Item 07-01): Rejected adding new language requiring council’s to examine, “in obedience to Jesus Christ, under the authority of Scripture and guided by our confessions.” (see W-4.4003d.).

Amend Rejected (2012, 52, 52, 670, Item 07-02): Rejected adding additional wording regarding standards for ordained service.

Amend Rejected (2012, 52, 54, 692, Item 07-12): Rejected amending language in two places.

Amend Rejected (2004, 15-6, 608, Item 08-05): See note at F-2.0.

Amend Rejected (1996, 240, 21.010, Ovt. 96-32): Rejected adding new “Essential Tenets” and requiring “subscription” to such Tenets.

Amend Rejected (1996, 241, 21.012, Ovt. 96-42): Rejected addition of five affirmations of “Essential Tenets” as requirement for officers.

GA (2012, 52, 55, 709, Item 07-22): Confirmed that G-2.104b was amended when the new Form of Government was adopted.

GA (2008, 42, 43, 371, Item 05-09): Issued Authoritative Interpretation deleting force and effect of 1978 and 1979 interpretive statements of previous assemblies. [See Earlier Refs. below.]

GA (2004, 17, 619, Item 08-12): Affirmed significant and instructive role of *The Book of Confessions* as guide to interpreting Scripture in the examination of persons for ordination.

GA (1998, 68, 166, 16.0220, 651, Ovt. 97-24): PC(USA) commits itself not to exclude anyone categorically in considering those called to ordained service in the church but to consider the lives and behaviors of candidates as individuals.”

PJC (2012, 220-10, Parnell et al v. Pby of San Francisco): (1) Decision as to whether a person has departed from essentials of Reformed faith and polity is made initially by the individual concerned but ultimately becomes the responsibility of the council in which he or she is a member.

PJC (2): Since 1729...presbyteries have had full authority to determine whether a candidate for ordination adheres to the necessary and essential tenets of the Reformed faith.

PJC (3): Presbytery did not commit “doctrinal error or abuse of discretion” and the Presbytery acted within its constitutional authority in making the ordination decision.



PJC (4): The Presbytery acted within its constitutional authority to determine that in this ordination examination of the Candidate, she did not depart from the necessary and essential tenets of the Reformed faith as understood by the Presbytery.

PJC (2012, 220-03, Parnell et al v. Pby of San Francisco): Case remanded to Synod to determine constitutional interpretation of doctrinal issues in scripture and confessions because GAPJC agreed that issues of ordination extended beyond interpretation of former G-6.0106b.

PJC (2010, 220-01, White v. Session of St. Paul PC): Governing body has responsibility to determine a candidate's suitability for ordination; that assessment may be overturned by higher governing body on review only for "extraordinary reasons." See also Rankin v. National Capital Pby.

PJC (2010, 219-11, Naegeli et al v Pby of San Francisco): (1) Departures under G-6.0108 (now G-2.0105) are not the same as waivers under G-14.0450, G-14.0470 through g-14.0474 (now G-2.0610).

PJC (2) The proper time to determine whether a candidate has expressed a departure from G-6.0108 (now G-2.0105) is at the time of a pby's examination of the candidate for ordination, not determination of readiness for examination.

PJC (3) Pby is responsible for determining whether person has departed from essentials of reformed faith.

PJC (2010, 219-09, Davis v. Pby of San Francisco): (1) Governing body of membership determines whether a church officer or member has departed from biblical and constitutional standards to find a member guilty of a disciplinary offense.

PJC (2) PC(USA) does not have a legal code of behavior of a list of "essentials" of reformed faith.

PJC (2010, 219-08, Bierschwale et al v. Twin Cities Area Pby): (1) Non-compliance with ordination standard or constitutional requirement by someone already ordained may only be addressed in a disciplinary proceeding.

PJC (2) Standards for determining whether departures from essentials are permitted include whether the departure deviates from the constitutional standards, infringes on the rights and views of others, or obstructs the constitutional governance of the church.

PJC (2008, 218-10, Bush et al v. Pby of Pittsburgh): (1) Candidate and examining body must follow G-6.0108 [now G-2.0105] in determining whether the candidate has departed from essentials of Reformed faith and polity.

PJC (2) No presbytery may grant an exception to any mandatory church wide behavioral ordination standard.

PJC (3) Violations of behavioral standards must be addressed through repentance and reconciliation. G-6.0108 [now G-2.0105] does not permit disobedience to those behavioral standards.

PJC (4) G-6.0106b [now 2.0104b] may be interpreted by GA and GAPJC but may only be changed by constitutional amendment.

PJC (5) Governing bodies have the responsibility to determine whether any "scruples" declared by candidates constitute serious departures from doctrine or polity.

PJC (6) Governing body resolutions that attempt to restate the *Constitution* are an obstruction to the ongoing interpretation and implementation of the *Constitution*.

PJC (2008, 218-09, Buescher et al v. Pby of Olympia): (1) GA and GAPJC may interpret the constitution, but may not change the constitution.

PJC (2) No "interpretation" can change mandatory language of G-6.0106b [now 2.0104b].

PJC (3) Governing body resolutions that "interpret" or "clarify" the *Constitution* are themselves an obstruction to the *Constitution*.

PJC (4) PJC's should put rationale in their final decisions.

PJC (2003, 215-5, McKittrick v. West End PC): (1) When challenge to installation is based on presumed guilt of installlee, then disciplinary, not remedial, case is in order.

PJC (2) “We undermine our system of mutual accountability when the proceedings such as ordination or installation are rushed with the consequence (whether intended or otherwise) that certain remedies become unavailable.”

PJC (2001, 213-2, Londonderry v. Pby of N.N.E.): (1) In the case of conflicts between constitutional text, it is the task of councils [former governing bodies] to resolve them to give effect to all provisions.

PJC (2) No governing body or PJC may invalidate a provision of the constitution.

PJC (1999, 211-2, Wier v. Second PC): (1) Since the ordaining and installing governing body best knows the life and character of the candidate, initial and further inquiry as to compliance with all standards for ordination and installation belongs to that governing body.

PJC (2) If governing body has reasonable cause for inquiry based on knowledge of the life and character of candidate, it has the obligation to make inquiry and uphold all standards for ordination and installation. Consideration for inquiry is to be made solely on an individual basis.

Previous FoG:

GA (2003, 64-65, 320, Item 04-04, Req 03-9): Declined to issue Authoritative Interpretation on Advisory Opinion; “no further AI needed.”

GA (2003, 64, 327, Item 04-07, Ovt 03-12): Declined to define chastity & repentance; Book of Confessions already is clear.

GA (2002, 42, 195, Item 03-10, Ovt 02-49): Recommended that Biblical obligation to avoid formal proceedings applies to actions brought under G-6.0106b.

GA (2002, 42, 198, Item 03-14, CR 02-18): Declared that no PJC or GA has ever issued an Authoritative Interpretation of the definition of “chastity” as noted in scripture and the Book of Confessions.

GA (2001, 147-148, 2000 Referral, Req. 00-3; 2000, 125, 16.145-.151, Req. 00-3): The response, referred from the 212th GA, answered several questions about appropriate questions to be asked by a nominating committee concerning ordination standards.

GA (2000, 62, 417, Ovt. 00-43): Overture requesting a moratorium on judicial actions disapproved, but statement adopted urging governing bodies to refrain from initiating judicial actions until after the 213th GA (2001).

GA (1994, 188, 21.014, Ovt. 94-3): One’s adherence to or violation of certain ethical or doctrinal standards is best determined by Judicial Process.

GA (1993, 78, 318, 21.040, Ovt. 93-100): (1) Request for removal of “impediments” to ordination based upon interpretations of *Constitution* would deny authority of GA to provide authoritative interpretations. See at G-13.0103r.

GA (2): An interpretation by the GA is binding on the governing bodies of the church, and the interpretation stands until such time as a GA modifies or changes it.

GA (1993, 77, 339, 21.173, Ovt. 92-32): Rejected request that GA declare the unacceptability of practicing homosexuality within the leadership of the Church, because it was not compatible with current church policy calling for hospitality towards.

GA (1995, 292, 21.161, Ovt. 95-12): Rejected proposal to declare the 190th GA statement regarding homosexuality to define definitive guidance and guarantee that no action be taken against persons ordained prior to 1978. (Answered by action on Ovt. 96-13)

GA (1987, 151, 15.252, Com. 17-87): A session is required to give serious and prayerful consideration to the pronouncements of the GAs of 1978 and 1987 that persons who engage in homosexual practice and who affirm that Jesus Christ is their Lord and Savior, should not be excluded from membership.

PJC (2008, 218-01, Session of Colonial PC v. Session of Grace Covenant PC): If governing body has reasonable cause for inquiry based on its knowledge of the life and character of a candidate, it has a positive obligation to make inquiry; direct and specific knowledge required.

Earlier References:

(UPCUSA, **1981, 113**, Rankin v. National Capital Union [Kaseman case]; **1975, 254**, Maxwell v. Pby of Pittsburgh [Kenyon case]): Ordination issues related to views contrary to the *Constitution*.

(UPCUSA **1978, 261**): Policy Statement and Recommendations on the Church and Homosexuality (“Definitive Guidance”). Reprinted in 1986 *Minutes*, pp. 1019-1024. [Text on CD from 1986 *Minutes*.] [Preface (not in *Minutes*) and background paper, pp. 971-1018]

See also GA (**1993, 322, 21.049A, Overtures 93-103, 93-108, 93-109**): on Definitive Guidance.

Essential Tenets controversy culminating in reports in 1926 and 1927 from the Special Commission of 1925, known popularly as the “Swearingen Commission” (*Minutes, PC(USA), 1910, 191-193, 271-273; 1916, 130-132; 1923, 252-253, 338-339; 1925, 88; 1926, 62-87; 1927, 56-86;*).

Historical Note: 1729 Adopting Act; 1736 Interpretation of Synod’s Intent

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## **G-2.0105**    *Freedom of Conscience*

It is necessary to the integrity and health of the church that the persons who serve it in ordered ministries shall adhere to the essentials of the Reformed faith and polity as expressed in this Constitution. So far as may be possible without serious departure from these standards, without infringing on the rights and views of others, and without obstructing the constitutional governance of the church, freedom of conscience with respect to the interpretation of Scripture is to be maintained. It is to be recognized, however, that in entering the ordered ministries of the Presbyterian Church (U.S.A.), one chooses to exercise freedom of conscience within certain bounds. His or her conscience is captive to the Word of God as interpreted in the standards of the church so long as he or she continues to seek, or serve in, ordered ministry. The decision as to whether a person has departed from essentials of Reformed faith and polity is made initially by the individual concerned but ultimately becomes the responsibility of the council in which he or she is a member.<sup>1</sup>

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Amend Rejected (**2012, 36, 38, 1665, Item 20-11**): Rejected allowing non participation in PC(USA) benefits plan, on theological grounds, as a matter of conscience.

GA (**2012, 52, 55, 707, Item 07-21**): “(T)he presbytery must counsel the candidate under examination that, once ordained or installed, he or she has a duty to fulfill constitutionally mandated responsibilities, including serving as regular moderator of session...”

Previous FoG:

GA (**2008, 42, 387, Item 05-16**) (**2008, 42, 388, Item 05-17**): No need to amend “Form of Government” with “*Book of Order*” after moving ordination questions to the Directory for Worship.

GA (**2008, 42, 43, 379, Item 05-12**): Requires examining bodies to give prayerful and careful consideration, on an individual, case-by-case basis, to any departure from an ordination standard in matters of belief or practice that a candidate may declare during examination. However, the examining body is not required to accept a departure from standards, and cannot excuse a candidate’s inability to perform the constitutional functions unique to his or her office (such as administration of the sacraments).

GA (**2008, 42, 345, Item 05-01**), (**2008, 42, 352, Item 05-02**): Assembly declined to rescind or withdraw the 2006 Authoritative Interpretation of G-6.0108 (Former)

PJC (**2010, 219-11**, Naegeli et al v Pby of San Francisco): (1) Departures under old G-6.0108 (now G-2.0105) are not the same as waivers under old 14:0470 through G-14.0474 (now G-2.0610).

PJC (2) The proper time to determine whether a candidate has expressed a departure from the essentials of the Reformed faith and polity is at the time of a presbytery's examination of the candidate for ordination, not determination of readiness for examination.

PJC (3) Pby must provide opportunity for examination of candidate consistent with procedures. Pby is responsible for determining whether person has departed from essentials of reformed faith.

PJC (2010, 219-09, Davis v. Pby of San Francisco): Governing body of membership determines whether a church officer has departed from biblical and constitutional standards and then whether to impose a censure.

PJC (2010, 219-08, Bierschwale et al v Twin Cities Area Pby): (1) Non-compliance with ordination standard or constitutional requirement by someone already ordained may only be addressed in a disciplinary proceeding.

PJC (2) Standards for determining whether departures from essentials are permitted include whether the departure deviates from the constitutional standards (Book of Confessions and Form of Government), infringes the rights and views of others, or obstructs the constitutional governance of the church.

PJC (2010, 219-03, Sundquist v. Heartland Pby): (1) Free expression of conscience is limited for officers and pastors under [former] G-6.0108b [now G-2.0105]. Calling congregational meetings, moving churches to seek dismissal from the denomination or obstructing constitutional governance of the church are actions, not expressions of free conscience.

PJC (2) The mere creation of an administrative commission is not an act of discipline.

PJC (2008, 218-10, Bush et al v. Pby of Pittsburgh): Examining body determines whether a candidate's actions and beliefs are a departure from the essentials of Reformed faith and polity, infringe on the rights and views of others, or would obstruct the constitutional governance of the church.

PJC (2008, 218-09, Buescher et al v. Pby of Olympia): (1) Attempts by governing bodies to adopt resolutions, statements or policies that paraphrase or restate provisions of *Book of Order* and/or declare them as "essentials of Reformed faith and polity" are confusing and unnecessary, and are an obstruction to constitutional governance.

PJC (2) Governing body may not define in advance "essentials" and declare failure to adhere to these mandated "essentials" an absolute bar to ordination and installation.

PJC (2006, 217-7, 475, Williamson v. Pby of W. North Carolina): Corporate community has right to place limits upon the exercise of freedom of conscience by its officers.

PJC (1999, 211-2, Wier v. Second PC): (1) Since the ordaining and installing governing body best knows the life and character of the candidate, initial and further inquiry as to compliance with all standards for ordination and installation belongs to that governing body.

PJC (2) If governing body has reasonable cause for inquiry based on its knowledge of the life and character of the candidate, it has the positive obligation to make due inquiry and uphold all standards for ordination and installation. Consideration for inquiry is to be made solely on an individual basis.

PJC (2001, 213-2, 577, 12.1028, Londonderry v. Pby of N.N.E.): A formal declaration by a governing body not to comply with an express constitutional provision exceeds the constitutional bounds of freedom of conscience.

PJC (1995, 207-07, Broad Ave PC v. GAC): It cannot be a delinquency for a governing body or council simply to fail to adopt specific programs suggested by one or more Presbyterians out of their understanding of Christ's lordship.

PJC (1993, 205-15, Pby of W Jersey v. Syn of NE): Expression of an opinion, without action, does not constitute adoption of a policy contrary to PC(USA).

PJC (1986, 198-5, 158, 11.047, Buonaiuto v. First Presbyterian Church, Greenlawn, NY): Freedom of conscience and the right of protest do not give an individual church member the right to prevent a council from carrying out its responsibilities to another council.

PJC (1985, 197-4, Simmons et al v. Pby of Suwanee): (1) Discussion regarding faith and practice and freedom of conscience and actions which "infringe upon the rights of others."

PJC (2) Discussion regarding deference given to ordaining body and powers of review.

PJC (3) “[T]he church permits diversity of theological beliefs but in many areas requires uniformity of practice that does not exalt polity over theology.” Quoting 1983 Historic Principles, Conscience, and Church Government.

Earlier References:

GA (1983, UPC, 141ff): Report: Historic Principles, Conscience, and Church Government.

(PCUS, 1983, 43, Hambrick v. PJC, Synod of NC); (UPC, 1975, 254, Maxwell v. Pittsburgh ) [Kenyon case]: Ordination is a function, not a rank. Views contrary to the Constitution, but not actions, can be held.

(UPCUSA 1978, 290-300): Report of the Committee on Pluralism in the Church

(PCUS, 1972, 195-200): The Meaning of “Doctrinal Loyalty” in the Ordination Vows.

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## **G-2.02 Deacons: The Ministry of Compassion and Service**

### ***G-2.0201 Deacon Defined***

The ministry of deacon as set forth in Scripture <sup>e</sup> is one of compassion, witness, and service, sharing in the redeeming love of Jesus Christ for the poor, the hungry, the sick, the lost, the friendless, the oppressed, those burdened by unjust policies or structures, or anyone in distress <sup>f</sup>. Persons of spiritual character, honest repute, exemplary lives, brotherly and sisterly love, sincere compassion, and sound judgment should be chosen for this ministry.

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GA (1986, 173, 15.049, CR 48-85): A person may not simultaneously serve active terms both as elder and deacon.

Earlier References:

(PCUSA, 1955, 98ff.): Report on Deacons and Trustees.

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### ***G-2.0202 Under Authority of the Session***

Deacons may be individually commissioned or organized as a board of deacons. In either case, their ministry is under the supervision and authority of the session. Deacons may also be given special assignments in the congregation, such as caring for members in need, handling educational tasks, cultivating liberality in giving, collecting and disbursing monies to specific persons or causes, or overseeing the buildings and property of the congregation. Deacons shall assume other duties as may be delegated to them by the session, including assisting with the Lord’s Supper. (W-3.3616). A congregation by a majority vote may choose not to utilize the ordered ministry of deacons. If the congregation has neither a board of deacons nor individually commissioned deacons, the function of this ordered ministry shall be the responsibility of the ruling elders and the session.

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Earlier References:

(PCUS, 1877, 410): Relation of deacons to the session.

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## **G-2.03 Ruling Elders: The Ministry of Discernment and Governance**

### ***G-2.0301 Ruling Elder Defined***

As there were in Old Testament times elders for the government of the people, so the New Testament church provided persons with particular gifts to share **g** in discernment of God's Spirit and governance of God's people. Accordingly, congregations should elect persons of wisdom and maturity of faith, having demonstrated skills in leadership and being compassionate in spirit. Ruling elders are so named not because they "lord it over" the congregation (Matt. 20:25), but because they are chosen by the congregation to discern and measure its fidelity to the Word of God, and to strengthen and nurture its faith and life. Ruling elders, together with teaching elders, exercise leadership, government, spiritual discernment, and discipline **h** and have responsibilities for the life of a congregation as well as the whole church, including ecumenical relationships. When elected by the congregation, they shall serve faithfully as members of the session. When elected as commissioners to higher councils, ruling elders participate and vote with the same authority as teaching elders, and they are eligible for any office.

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Amend Rejected (2012, 52, 53, 675, Item 07-04): Rejected changing "ruling elder" to "elder" and "teaching elder" to "minister of Word and Sacrament."

GA (2008, 42, 386, Item 05-15): It "does not change the practice of allowing a commissioned lay pastor (former), a candidate or inquirer under care, or an elder to serve a congregation as a temporary supply pastor. Therefore, persons in such positions are still permitted to serve a congregation as a temporary supply pastor."

GA (1986, 173, 15.049, CR 48-85): A person may not simultaneously serve active terms both as elder and deacon.

PJC (2010, 219-03, Sundquist v. Heartland Pby): (1) Free expression of conscience is limited for officers and pastors under [former] G-6.0108b [now G-2.0105]. Calling congregational meetings, moving churches to seek dismissal from the denomination or obstructing constitutional governance of the church are actions, not expressions of free conscience.

PJC (2) The mere creation of an administrative commission is not an act of discipline.

Earlier Reference:

(UPC, 1958, 445): Elder of another Reformed church does not have to be reordained but must answer ordination questions.

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## **G-2.04 General Provisions for Ruling Elders and Deacons**

### ***G-2.0401 Election of Ruling Elders and Deacons***

Ruling elders and deacons are men and women elected by the congregation from among its members. The nomination and election of ruling elders and deacons shall express the rich diversity of the congregation's membership and shall guarantee participation and inclusiveness (F-1.0403). Ruling elders and deacons shall be nominated by a committee elected by the congregation, drawn from and representative of its membership. Congregations may provide by their own rule for a congregational nominating committee, provided that the committee shall consist of at least three active members of the congregation, and shall include at least one ruling

elder who is currently serving on the session. The pastor shall serve ex officio and without vote. When elections are held, full opportunity shall always be given to the congregation for nomination from the floor of the congregational meeting by any active member of the congregation. A majority of all the active members present and voting shall be required to elect.

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Amend Rejected (2012, 26, 28, 594, Item 06-11): Rejected stating that the session member serving on the congregational nominating committee is to be designated by the session. Comment: “we encourage each congregation to determine its own best practices.”

Amend Rejected (1989, 217, 21.076, Ovt. 89-17): Rejected request to provide for elder or deacon emerita/us. Nothing in the *Book of Order* prohibits a congregation from taking such an action.

GA (2006, 38, 40, 439, Item 05-25): A congregation may adopt a policy prohibiting election of the congregation’s paid staff for nomination and election as an officer or trustee of that congregation.

GA (1993, 330, 21.060, Req. 93-3): Members of an officer nominating committee are elected by the congregation upon nomination from some source, including the possibility of nomination from the congregation.

GA (1993, 333, 21.104, Req. 93-10): The congregation may establish a bylaw to provide for those instances not covered in the Constitution of the church.

GA (1990, 246, 21.205, Req. 90-18): Each congregation must have a mode of election that affords fairness and due process.

GA (1984, 604, 55.099, Com. 6-84): Presbytery has the authority to require a report of the age and ethnic descent of each person elected to the nominating committees of its member churches.

Previous FoG:

Amend (1992, 299, 21.023, Ovt. 92-21): Inserted wording to include persons with disabilities.

Amend Rejected (2001, 51, 437, Ovt. 01-28) Rejected placing 10 year prohibition of amendment to former G-14.0202a [now G-14.0226a] concerning waiver of [former] G-6.0106b compliance requirements.

Amend Rejected (1994, 185, 21.008, Ovt. 93-92): Rejected request to insert “minority” after “racial ethnic” here and in several other sections.

Amend Rejected (1992, 295, 21.009, Ovt. 91-83): Rejected request to add new section to permit election of elder emeritus/emerita, since it is already allowed

Amend Rejected (1989, 222, 21.144, Ovt. 89-43): Rejected request to define more clearly the meaning of “fair.”

Amend Rejected (1988, 127, 12.041, Ovt. 8-88; 1986, 171, 15.007, Ovts 146-85, 161-85, 9-86, and 83-86): Cannot deprive officers of their rights.

Amend Rejected (1986, 175, 15.078, Ovt. 4-86): Rejected request to add new section reading that no governing body shall determine the composition of another governing body through specific quotas.

Earlier References:

(PCUSA, 1955, 103; 1956, 109): Amendment introduced representative nominating committee.

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***G-2.0402 Preparation for Ministry as a Ruling Elder or Deacon***

When persons have been elected to the ordered ministry of ruling elder or deacon, the session shall provide a period of study and preparation, after which the session shall examine them as to their personal faith; knowledge of the doctrine, government, and discipline contained in the



Constitution of the church; and the duties of the ministry. The session shall also confer with them as to their willingness to undertake the ministry appropriate to the order. If the examination is approved, the session shall appoint a day for the service of ordination and installation.

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GA (2006, 28-29, 523, Item 06-01): (1) The *Book of Confessions* and the *Book of Order* set forth the scriptural and constitutional standards for ordination and installation.

GA (2) These standards are determined by the whole church, after the careful study of Scripture and theology, solely by the constitutional process of approval by the GA and the approval of the presbyteries. These standards may be interpreted by GA and its PJC.

GA (3) Ordaining and installing bodies, acting as corporate expression of the church, have the responsibility to determine their membership by applying these standards to those elected to office. These determinations include: (a) whether a candidate being examined for ordination and/or installation has departed from scriptural and constitutional standards for fitness for office, (b) whether any departure constitutes a failure to adhere to the essentials of Reformed faith and polity, thus barring the candidate from ordination and/or installation.

GA (4) Whether ordination and installation decisions comply with the Constitution of the PC(USA) and whether examinations were conducted reasonably, responsibly, prayerfully, and deliberately is subject to review by higher governing bodies.

GA (5) All parties should endeavor to outdo one another in honoring one another's decisions, according to the presumption of wisdom to ordaining/installing bodies in examining candidates and to the GA, with presbyteries' approval, in setting standards.

GA (1992, 323, 21.257, Ref. 90-1): Session may require training or examination of elders and deacons previously ordained.

GA (1986, 173, 15.053, Com.): The bylaws of a church should determine how soon after the election of church officers their installation should take place.

GA (1985, 144, 17.114, Ovt. 54-85): The rights of a congregation to elect its officers and of the session to oversee their examination are in tension but not contradictory.

PJC (2010, 219-03, Sundquist v. Heartland Pby): (1) Free expression of conscience is limited for officers and pastors under [former] G-6.0108b [now G-2.0105]. Calling congregational meetings, moving churches to seek dismissal from the denomination or obstructing constitutional governance of the church are actions, not expressions of free conscience.

PJC (2) The mere creation of an administrative commission is not an act of discipline.

PJC (1985, 197-4, Simmons et. al. v. Pby of Suwannee): (1) Discussion regarding faith and practice and freedom of conscience and actions which "infringe upon the rights of others."

PJC (2) Discussion regarding deference given to ordaining body and powers of review.

PJC (3) "...[T]he church permits diversity of theological beliefs but in many areas requires uniformity of practice that does not exalt polity over theology." Quoting 1983 Historic Principles, Conscience, and Church Government.

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***G-2.0403 Service of Ordination and Installation***

The service of ordination and installation shall focus upon Christ and the joy and responsibility of serving him through the mission and ministry of the church, and shall include a sermon appropriate to the occasion. The moderator of session or person authorized to preside shall state briefly the nature of the ministry of ruling elder and deacon. The act of ordination and



installation takes place in the context of worship. The order for that service of worship in the Directory for Worship (W-4.4000) shall be followed.

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PJC (2002, 214-01, Hair and McCallum v. First Stamford, CT): Installation of new officers effectively dissolves the former positions and renders claims to those positions moot.  
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### ***G-2.0404 Terms of Service***

Ruling elders and deacons shall be elected to serve terms of no more than three years on the session or board of deacons, and may be eligible for reelection according to congregational rule. However, no ruling elder or deacon shall be eligible to serve more than six consecutive years, and a ruling elder or deacon who has served six consecutive years shall be ineligible for election to the same board for at least one year. Election shall be to classes as nearly equal in number as possible, with the term of only one class ending each year. The presbytery may, upon written request and by majority vote, grant a congregation a waiver of this limitation on terms.

Once ordained and while they are active members of any congregation of this denomination, ruling elders or deacons not in active service on a session or board of deacons continue to bear the responsibilities of the ministry to which they have been ordained, except as provided in G-2.0406, G-2.0407, or in accordance with the Rules of Discipline.

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GA (1990, 245, 21.201, Req. 90-17): A previously ordained elder coming back as a member of PC(USA) and being elected to session may be installed without being ordained again, if the circumstances indicate that there was no intention of renouncing when the person left.

GA (1989, 217, 21.076, Ovt. 89-17): Congregation may elect officer it wishes to honor emeritus/emerita.

PJC (1999, 211-2, Wier v. Second PC): An ordination cannot be annulled. Rather, once ordained, a person can be removed only through a disciplinary case.

PJC (1995, 207-05, Shack Church v Bryan): An elder who has been elected but not yet installed cannot be counted for a quorum.

PJC (1994, 206-03, Hope Church v. Central Church ): Although ordination was unconstitutional, parties failed to prove it is constitutional to remove deacon from office.

Previous FoG:

Amend (1998, 158, 16.0112 Ovt. 98-26; 161, 16.0152, Ovt. 98-38): Eliminated former G-14.0202a(2) in its entirety and renumbered a(3) as a(2). G-14.0202b also was struck. The changes were in recognition that the 15 year period of the exemption to elect women had expired.

Amend (1997, 178, 21.0155, 381, GAC Rec. 31.0215-.0230): Added language related to the change at G-6.0403 re. deacons on board.

Amend (1997, 178, 21.0155, 381, GAC Rec. 31.0215-.0230): Added language to allow for either three classes and three-year terms or two classes and two-year terms for sessions and boards of deacons.

Amend (1992, 299, 21.023, Ovt. 92-21): Inserted wording to include persons with disabilities.

Amend (1990, 230, 21.034, Ovt. 89-109): Inserted “or in active service on the board of deacons.”

Amend (1989, 229, 21.226, Req. 89-17): Inserted the words “to the same board.”

Amend (1987, 138, 15.114, Ovt 39-87): Changed requirement that both elders on nominating committee be members of session.

Amend (1986, 174, 15.071, Ovt. 2-86): Added permission for shorter terms.

Amend (1985, 151, 17.217, Ovt. 71-85): Section added to give permissive power for smaller nominating committee to congregation of fewer than seventy members.

Amend (1984, 600, 55.063, Ovt. 45-84): New section “c” [now G-14.0226c.] added to provide permission for waiver of rotation.

Amend Rejected (2001, 51, 437, Ovt. 01-28) Rejected adding new section allowing sessions to apply for up to 3-year waiver of requirements of G-6.0106b. Overture 01-28 answered by Ovt.01-08; see at G-6.0106a.

Amend Rejected (2001, 51, 437, Ovt. 01-28) Rejected placing 10 year prohibition of amendment to former G-14.0202a [now G-14.0226a] concerning waiver of G-6.0106b compliance requirements.

Amend Rejected (2000, 34, 407, Ovt. 00-36): Rejected request to add a new section “(3)” to allow a pby to ordain persons as elders for service in the church without serving on session of a local church.

Amend Rejected (1989, 213, 21.039, Ovt. 88-178): Rejected request to give presbytery the power to allow a congregation to elect elders and deacons for terms longer than three years.

Amend Rejected (1986, 187, 15.182, Ovt. 50-86): Rejected request to permit, with presbytery approval, election by marking a ballot listing and nominating every eligible member of the congregation.

Amend Rejected (1985, 137, 17.024, Ovt. 10-85, 36-85): Rejected request to remove the provision that a church itself must apply for a waiver.

Amend Rejected (1985, 139, 17.058, Ovt. 47-85; 1984, 600, 55.057, Ovt. 106-84): [Superseded by amendment in 1986, 174, 15.071, Ovt 2-86, above.]

GA (1991, 387, 21.022, Ovt. 91-20): [Former] section G-14.0211 [now G-6.0600c.] provides for release from exercise of office for elders and deacons to parallel the provision for ministers in [former] G-11.0414 [now G-6.0600].

GA (1990, 246, 21.217, Req. 90-20): An elder ordained to the ministry of Word and Sacrament sets aside the function of elder.

GA (1986, 173, 15.049, CR 48-85): A person may not simultaneously serve active terms both as elder and deacon.

Earlier References:

(UPC, 1980, 47): Introduced requirement for request for waiver.

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## ***G-2.0405 Dissolution of Relationship***

A ruling elder or deacon may resign from the session or board of deacons, with the session’s consent. On ceasing to be an active member of a congregation, a ruling elder or deacon ceases to be a member of its session or board. When a ruling elder or deacon, because of change of residence or disability, is unable for a period of one year to perform the duties of the ministry to which he or she was installed, the active relationship shall be dissolved by the session unless there is good reason not to do so, which shall be recorded.

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GA (1990, 245, 21.201, Req. 90-17): A previously ordained elder coming back as a member of PC(USA) and being elected to session may be installed without being ordained again, if the circumstances indicate that there was no intention of renouncing when the person left.

GA (1989, 217, 21.076, Ovt. 89-17): Congregation may elect officer it wishes to honor emeritus/emerita.  
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### ***G-2.0406 Release from Ministry as a Ruling Elder or Deacon***

If a ruling elder or deacon who is in good standing, against whom no inquiry has been initiated, and against whom no charges have been filed, shall make application to the session to be released from the exercise of the ordered ministry, the session of the congregation in which he or she holds membership, upon granting the release, shall delete that person's name from the appropriate register of ruling elders or deacons of the congregation. No judgment of failure on the part of the ruling elder or deacon is implied in this action. Release from the exercise of the ministry of ruling elder or deacon requires a discontinuation of all functions of that ministry. The status of one so released shall be the same as any church member. Should a person released under this section later desire to be restored to that ordered ministry, that person shall make application to the session that granted the release, and upon approval of the session, that person shall be restored to the exercise of the ministry from which he or she was released without re-ordination.

### ***G-2.0407 Renunciation of Jurisdiction***

When a ruling elder or deacon submits to the clerk of session a written statement renouncing the jurisdiction of this church, the renunciation shall be effective upon receipt. When a ruling elder or deacon persists in work disapproved by the session, the session shall consult with him or her and shall give notice of its disapproval. If, after having been provided opportunity for consultation and upon written notice of its disapproval, the ruling elder or deacon persists in the work, the session may then conclude that the ruling elder or deacon has renounced the jurisdiction of this church.

Renunciation of jurisdiction shall remove the ruling elder or deacon from membership and ordered ministry and shall terminate the exercise of the ministry. The renunciation shall be reported by the clerk of session at the next meeting of the session, which shall record the renunciation, delete the name of the ruling elder or deacon from the appropriate register, and take such other administrative actions as may be required by this Constitution.

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GA (2010, 59, 335, Item 05-15): An officer of the PC(USA) may renounce jurisdiction of the church under the provisions of G-6.0701 [now G-2.0407] by submitting to the clerk of the governing body a written statement of renunciation. The statement must be signed by the officer renouncing, and not be signed on his or her behalf by another party.

GA (2008, 48, 51, 274, Item 04-21): "A person who has renounced membership and/or church office in a PC(USA) congregation may, at some subsequent point, seek admission to membership in another PC(USA) congregation by reaffirmation of faith."

GA (2004, 78, 387, Item 05-02): Outline of procedures required to implement “persists in work” provision, incorporates findings in *Stimage-Norwood and Wilson*.

GA (1990, 239, 21.121, Req. 90-4): See D-3.0105 and notes there for termination of disciplinary action.

GA (1990, 239, 21.121, Req. 90-4): Membership in another denomination is equivalent to renouncing jurisdiction (exception G-11.0411 amended in 1991).

GA (1989, 228, 21.224, Req. 89-16): Person who renounced the jurisdiction of the Church must return to the ministry only as a member of a particular church and initiate the process and procedures found in G-14.0300 (Former).

PJC (2006, 217-6, Raines v. Session of Miami Shores PC): Renunciation requires a written statement, delivered to the clerk of the governing body, which states in clear and certain terms the act of renunciation of jurisdiction.

PJC (2002, 214-07, Stimage-Norwood v. Pby of S. New England): Due process requires council to try to meet face-to-face if possible, but is not required in all circumstances. When face-to-face consultation requested, pby required to do so.

PJC (1993, 205-7, Veldhuizen v. Pby of San Francisco): The administrative commission did not have the authority to find that the minister had renounced jurisdiction by continuing in a disapproved work.

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## **G-2.05 Teaching Elders: The Ministry of the Word and Sacrament**

### ***G-2.0501 Teaching Elder Defined***

Teaching elders (also called ministers of the Word and Sacrament) shall in all things be committed to teaching the faith and equipping the saints for the work of ministry (Eph. 4:12). They may serve in a variety of ministries, as authorized by the presbytery. When they serve as preachers and teachers of the Word, they shall preach and teach the faith of the church, so that the people are shaped by the pattern of the gospel and strengthened for witness and service. When they serve at font and table, they shall interpret the mysteries of grace and lift the people’s vision toward the hope of God’s new creation. When they serve as pastors<sup>i</sup>, they shall support the people in the disciplines of the faith amid the struggles of daily life. When they serve as presbyters, they shall participate in the responsibilities of governance, seeking always to discern the mind of Christ and to build up Christ’s body through devotion, debate, and decision.

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Amend Rejected (2012, 52, 53, 675, Item 07-04): Rejected changing “ruling elder” to “elder” and “teaching elder” to “minister of Word and Sacrament.”

Amend Rejected (2012, 44, 1192, Item 13-04): Rejected proposed changes to the Directory for Worship to redefine marriage. Item 13-04 was then answered by Item 13-NB as were all other items requesting amendment to definition of marriage:(13-01, 13-06, 13-11, 13-13).

GA (2012, 13-02, 13-03, 13-05, 13-08, 13-09, 13-10,13-14): All items requesting authoritative interpretation allowing for pastoral discretion in performing same gender marriages by Item 13-NB.

GA (2012, 13-07, 13-12): All items requesting authoritative interpretation allowing for pastoral discretion if performing same gender marriages by Item 13-NB.

GA (2012, 68, 69, 764, Item 08-02): Description of when work is and is not properly within the responsibility of a presbytery.

GA (2008, 48, 51, 279, Item 04-24): “The Orderly Exchange of Ordained Ministers of Word and Sacrament” is a series of agreements that were mandated by “A Formula of Agreement.” ... These agreements ... are binding

on the church, because of our agreements with the partner denominations.” The words “not intended” in the Orderly Exchange document closes the door to ordination to a first call in another denomination.

GA (1998, See Appendix C): “A Formula of Agreement” between the UCC, RCA, ELCA and PCUSA is declared made.

PJC (2012, 220-08, Spahr v. PC(USA) through Pby of Redwoods): PC(USA) does not recognize ceremony and the resulting relationship between same-gender persons to be a marriage in the eyes of the church. An offense occurs if teaching elder represents that one is doing something which one cannot constitutionally do. The term “marriage” in the charge of offense relates to “Christian marriage” (or “ecclesiastical marriage” as that term is used in Southard), since that is the only marriage ceremony over which the PC(USA) has authority.

PJC (2012, 220-02, Jean Southard v. Presbytery of Boston): (1) A change in state law does not amend the *Book of Order*. It is the responsibility of the church, following the processes provided in the Constitution for amendment, to define what the PCUSA recognizes as a “Christian marriage.” “By the definition in W-4.9001, a same sex ceremony can never be a marriage,” remains in effect.

PJC (2) Officers of the PCUSA who are authorized to perform marriages, when performing a ceremony for a same-gender couple, shall not state, imply, or represent that the same-gender ceremony is an ecclesiastical marriage ceremony as defined by PCUSA polity, whether or not the civil jurisdiction allows same-gender civil marriages.

PJC (2010, 219-04, Wolfe v Pby of Winnebago): 1) Pby has right and responsibility to approve or disapprove ministerial tasks undertaken by its members, but should not be exercised arbitrarily.

PJC (2) Pby is obligated to treat all parties with fundamental fairness and provide them an opportunity to present their positions.

PJC (3) A minister member is accountable to the pby for the performance of her work. Pby has authority to determine how she can be helpful to the mission of the church.

PJC (4) A pby has the authority to address the work of a minister of Word and Sacrament through administrative means.

PJC (2010, 219-14, Westbrook v. Pby of New Hope): (1)A call to ministry in the Presbyterian church always involves responsibility for participating in the ministry of the church at large.

PJC (2) Both Due Process and Fundamental Fairness require notice, an opportunity to be heard, and a fair, unbiased consideration of the issues.

PJC (1996, 208-9, 12.105, Jackson v. Pby of Susq. Val.): Before entering into service outside jurisdiction of PCUSA, minister is required to obtain permission of pby of membership.

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## ***G-2.0502 Presbytery and the Teaching Elder***

As the Lord has set aside through calling certain members to be teaching elders, so the church confirms that call through the action of the presbytery. The presbytery shall determine whether a particular work may be helpful to the church in mission and is a call to validated ministry requiring ordination as a teaching elder. In the performance of that ministry, the teaching elder shall be accountable to the presbytery. Teaching elders have membership in the presbytery by action of the presbytery itself, and no pastoral relationship may be established, changed, or dissolved without the approval of the presbytery.

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PJC (2010, 219-04, Wolfe v Pby of Winnebago): 1) Pby has right and responsibility to approve or disapprove ministerial tasks undertaken by its members, but should not be exercised arbitrarily.

PJC (2) Pby is obligated to treat all parties with fundamental fairness and provide them an opportunity to present their positions.

PJC (3) A minister member is accountable to the pby for the performance of her work. Pby has authority to determine how she can be helpful to the mission of the church.

PJC (4) A pby has the authority to address the work of a minister of Word and Sacrament through administrative means.

PJC (2010, 219-09, Davis v. Pby of San Francisco): Governing body of membership determines whether a church officer has departed from biblical and constitutional standards and then whether to impose a censure.

PJC (2010, 219-14, Westbrook v. Pby of New Hope): Both Due Process and Fundamental Fairness require notice, an opportunity to be heard, and a fair, unbiased consideration of the issues.

PJC (2) Pby must have separate, written criteria for validation of ministries.

PJC (3) A call to ministry in the Presbyterian church must be confirmed by the calling community and validated by the presbytery. A call to ministry is never self-validating.

PJC (2002, 214-03, Smart v. Pby of Baltimore): Congregation may request pby to dissolve pastoral relationship but a congregation does not have controlling authority; that authority belongs to pby.

PJC (1996, 208-3, Rice v. Pby of Phil.): Pby has right and responsibility to approve or disapprove ministerial tasks undertaken by its members.

PJC (1996, 208-9, 12.105, Jackson v. Pby of Susq. Val.): Before entering into service outside jurisdiction of PCUSA, minister is required to obtain permission of pby of membership.

PJC (1995, 207-1, Bolton v. Alamance Presbyterian Church): Pby's role in counseling with churches in regard to the calling of a pastor need not be done with the congregation as a whole.

PJC (1985, 197-4, Simmons et. al. v. Pby of Suwannee): (1) Discussion regarding faith and practice and freedom of conscience and actions which "infringe upon the rights of others."

PJC (2) Discussion regarding deference given to ordaining body and powers of review.

PJC (3) "...[T]he church permits diversity of theological beliefs but in many areas requires uniformity of practice that does not exalt polity over theology." Quoting 1983 Historic Principles, Conscience, and Church Government.

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## ***G-2.0503 Categories of Membership***

A teaching elder is a member of a presbytery and shall be engaged in a ministry validated by that presbytery, a member-at-large as determined by the presbytery, or honorably retired.

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GA (2006, 38, 40, 438, Item 05-24): The decision to allow a commissioned lay pastor from another presbytery to labor within the bounds of a presbytery is determined by the presbytery in which such ministry occurs.

GA (1999, 65, 706, 12.013-.019, CR 97-1): Allows use of psychological or psychiatric evaluation in examining ministers seeking membership. Any minister who objects is free to withdraw.

GA (1992, 295, 21.011, Ovt. 91-85) A single examination conducted before the vote of a congregation to call the minister is sufficient if thorough and complete enough to warrant a recommendation to receive the minister should the congregation vote to call the minister.

GA (1990, 242, 21.162, Req. 90-10): Presbytery, or its appropriate committee, may not conduct the examination prior to the issuance of a call or by entering work. However, this opinion was modified by (1992, 295, 21.011, Ovt. 91-85).

PJC (2010, 219-04, Wolfe v Pby of Winnebago): 1) Pby has right and responsibility to approve or disapprove ministerial tasks undertaken by its members, but should not be exercised arbitrarily.

PJC (2) Pby is obligated to treat all parties with fundamental fairness and provide them an opportunity to present their positions.

PJC (3) A minister member is accountable to the pby for the performance of her work. Pby has authority to determine how she can be helpful to the mission of the church.

PJC (4) Pby has the authority to address the work of a minister of Word and Sacrament through administrative means.

PJC (2010, 219-14, Westbrook v. Pby of New Hope): Both Due Process and Fundamental Fairness require notice, an opportunity to be heard, and a fair, unbiased consideration of the issues.

PJC (1996, 208-9, 12.105, Jackson v. Pby of Susq. Val.): Before entering into service outside jurisdiction of PCUSA, minister is required to obtain permission of pby of membership.

Previous FoG:

Amend Rejected (1988, 135, 12.154, Ovt. 56-88): Rejected category of affiliate member of presbytery. Provisions for laboring outside/within bounds of presbytery answers the need and provides supervision.

GA (2006, 28-29, 523, Item 06-01): Assembly adopted amended recommendations of the Theological Task Force on Peace, Unity and Purity of the Church. Recommendation 5 includes an Authoritative Interpretation about ordination standards: they are determined by national church; ordaining & installing bodies apply these standards to those elected to office, with the application and standards being subject to review.

GA (2003, 63, 328, Item 04-10, Req 03-12): No formal installation is anticipated when organizing pastor is first engaged, but “service of recognition” is permitted.

GA (1989, 226, 21.196, Req. 89-11): The pursuit of a career as a physician indicates an “abandonment of the exercise of ministry” and therefore the physician would not qualify for the status of “member-at-large” of a presbytery. A minister not in a validated ministry may not seek validation through the position of parish associate.

PJC (2010, 219-04, Wolfe v Pby of Winnebago): (1) Pby has right and responsibility to approve or disapprove ministerial tasks undertaken by its members, but should not be exercised arbitrarily.

PJC (2) Pby is obligated to treat all parties with fundamental fairness and provide them an opportunity to present their positions.

PJC (1997, 209-2, Veldhuizen & Yoshioka v. Pby of San Francisco): (1) Pby may not withhold status of HR as a means of discipline.

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### **a. *Engaged in a Validated Ministry***

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GA (2012, 68, 69, 764, Item 08-02): Description of when work is and is not properly within the responsibility of a presbytery.

GA (2003, 67, 228, Item 03-02, Req 03-2): “An individual may not be released from the exercise of ordained office and continue to retain the designation “honorably retired.”“

GA (1992, 321, 21.220, Req. 91-21): “Ministers serving beyond the jurisdiction of the church are still members of pby and the pby has an interest in the compensation and benefits received by its members.”

GA (1990, 241, 21.156, Req. 90-7): Every presbytery must treat each individual case separately and for purposes of presbytery transfer, honorably retired ministers are considered to be engaged in validated ministry.



GA (1987, 147, 15.210, Com. 8-87): A ministry need not include proclaiming the good news in Word and Sacrament for a presbytery to validate it or to approve it as valid for ordination.

PJC (2010, 219-04, Wolfe v Pby of Winnebago): 1) Pby has right and responsibility to approve or disapprove ministerial tasks undertaken by its members, but should not be exercised arbitrarily.

PJC (2) Pby is obligated to treat all parties with fundamental fairness and provide them an opportunity to present their positions.

PJC (3) A minister member is accountable to the pby for the performance of her work. Pby has authority to determine how she can be helpful to the mission of the church.

PJC (2010, 219-14, Westbrook v. Pby of New Hope): (1) A call to ministry in the Presbyterian church must be confirmed by the calling community and validated by the presbytery. A call to ministry is never self-validating.

PJC (2) Presbytery must have separate, written criteria for validation of ministries.

PJC (2005, 217-07, Williamson v. Pby of Western N. Carolina): Requires a presbytery to develop separate written criteria for the validation of ministries based on description of ordained office.

PJC (1996, 208-3, Rice v. Pby of Phil.): Presbytery has the right and responsibility to approve or disapprove ministerial tasks undertaken by its members.

PJC (1996, 208-9, 12.105, Jackson v. Pby of Susq. Val.): Before entering into service outside jurisdiction of PCUSA, minister is required to obtain permission of pby of membership.

Previous FoG:

Amend (1987, 152, 15.263, 41.067, 41.147, Joint Rpt of GAMB and the Vocation Agency Recs.): Added the concept of the ministry being consonant with the mission of the presbytery.

GA (1989, 226, 21.196, Req. 89-11): A minister not in a validated ministry may not seek validation through the position of parish associate.

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A validated ministry shall:

(1) demonstrate conformity with the mission of God's people in the world as set forth in Holy Scripture, *The Book of Confessions*, and the *Book of Order* of this church;

(2) serve and aid others, and enable the ministry of others;

(3) give evidence of theologically informed fidelity to God's Word;

(4) be carried on in accountability for its character and conduct to the presbytery in addition to any organizations, agencies, and institutions served; and

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GA (1992, 321, 21.220, Req. 91-21): Presbytery has interest in the compensation and benefits received by its members, even when serving "beyond the jurisdiction" of the Church. Presbytery has the power to revoke the call and declare the ministry not valid. Response to Vanderbilt case.

GA (1990, 241, 21.156, Req. 90-7): Every presbytery must treat each individual case separately and for purposes of presbytery transfer, honorably retired ministers are considered to be engaged in validated ministry.

GA (1989, 226, 21.196, Req. 89-11): (1) Presbytery has the right to determine whether "other individual circumstances" exist in determining validation of ministry.

GA (2) The session may not serve as the board of directors of a nonparish situation for the purpose of validating the ministry of a minister.



GA (3) The session and congregation could issue a call to the minister and his or her counseling service to become part of the church's mission.

GA (1987, 147, 15.210, Com. 8-87): It is not required that a ministry include proclaiming the good news in Word and Sacrament.

PJC (2010, 219-14, Westbrook v. Pby of New Hope): (1) Validated ministry must be in a setting where minister is accountable to an entity other than him or herself.

PJC: (2) Pby has discretion to provide required oversight functions, accepting responsibility beyond those set forth in constitution.

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(5) include responsible participation in the deliberations, worship, and work of the presbytery and in the life of a congregation of this church or a church in correspondence with the PC(USA) (G-5.0201).

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PJC (2010, 219-14, Westbrook v. Pby of New Hope): A call to ministry in the Presbyterian church always involves responsibility for participating in the ministry of the church at large.

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When teaching elders are called to validated ministry beyond the jurisdiction of the church, they shall give evidence of a quality of life that helps to share the ministry of the good news. They shall participate in a congregation, in their presbytery, and in ecumenical relationships and shall be eligible for election to the higher councils of the church and to the boards and agencies of those councils.

The presbytery shall review annually the work of all teaching elders engaged in validated ministries outside the congregation.

### ***b. Member-at-large***

A member-at-large is a teaching elder who has previously been engaged in a validated ministry, and who now, without intentional abandonment of the exercise of ministry, is no longer engaged in a ministry that complies with all the criteria in G-2.0503a. A teaching elder may be designated a member-at-large because he or she is limited in his or her ability to engage in a ministry fulfilling all of the criteria for a validated ministry due to family responsibilities or other individual circumstances recognized by the presbytery. A member-at-large shall comply with as many of the criteria in G-2.0503a as possible and shall actively participate in the life of a congregation. A member-at-large is entitled to take part in the meetings of the presbytery and to speak, vote, and hold office. The status of member-at-large shall be reviewed annually.

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GA (1992, 305, 21.045, Req. 92-3): Members-at-large and inactive members may be transferred to another pby in the same status according to G-11.0400 [now G-3.0306]. Member-at-large may be received as an active member, and vice versa.

GA (1989, 226, 21.196, Req. 89-11): Pursuit of a career as a physician in private practice does not qualify for the status of "member-at-large" of a presbytery.

PJC (1996, 208-3, 12.068, Rice v. Pby of Phil.): Presbytery has the right and responsibility to approve or disapprove ministerial tasks undertaken by its members.

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### ***c. Honorably Retired***

Upon request of a member of presbytery, the presbytery may designate the member honorably retired because of age or physical or mental disability.

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GA (2003, 67, 228, Item 03-02, Req 03-2): “An individual may not be released from the exercise of ordained office and continue to retain the designation ‘honorably retired.’”

PJC (1997, 209-2, Veldhuizen & Yoshioka v. Pby of San Francisco): The Constitution recognizes no category of retirement other than Honorable Retirement.

GA (1990, 241, 21.156, Req. 90-7): Every presbytery must treat each individual case separately and for purposes of presbytery transfer, honorably retired ministers are considered to be engaged in validated ministry.

Previous FoG:

Amend (1985, 145, 17.123, Com.): Paragraph substituted to broaden the definition of honorably retired from earlier restriction to “because of physical or mental disability or age.”

Amend Defeated (1999, 64, 97, 12.064-.067, OGA Ref): Pby did not approve modifications to make “retired” the ordinary designation and allow a pby to designate a retired minister as “honorably retired.”

Amend Rejected (1989, 213, 21.033, Ovt. 88-177): Rejected request to grant honorary membership to retired ministers in presbytery in which they labored but who have now transferred membership to presbytery in which they now live.

Amend Rejected (1998, 152, 16.0034, 653, Ovt. 98-4): Rejected proposed section “c” to provide that a retired minister might become a member of a particular church and be eligible for election as elder or deacon.

Amend Rejected (1986, 176, 15.106, Ovt. 28-86): Rejected request to change so that honorably retired ministers shall ordinarily continue to hold membership in the presbytery by which they were retired.

### ***G-2.0504 Pastoral Relationships***

When teaching elders are called as pastor, co-pastor, or associate pastor of a congregation, they are to be responsible for a quality of life and relationships that commends the gospel to all persons and that communicates its joy and justice. They are responsible for studying, teaching, and preaching the Word, for celebrating Baptism and the Lord’s Supper, and for praying with and for the congregation. With the ruling elders, they are to encourage people in the worship and service of God; to equip and enable them for their tasks within the church and their mission in the world; to exercise pastoral care, devoting special attention to the poor, the sick, the troubled, and the dying; to participate in governing responsibilities, including leadership of the congregation in implementing the principles of participation and inclusiveness in the decision-making life of the congregation, and its task of reaching out in concern and service to the life of the human community as a whole. With the deacons they are to share in the ministries of compassion, witness, and service. In addition to these pastoral duties, they are responsible for sharing in the ministry of the church in councils higher than the session and in ecumenical relationships.

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Amend Rejected (2012, 44, 1192, Item 13-04): Rejected proposed changes to the Directory for Worship to redefine marriage. Item 13-04 was then answered by Item 13-NB as were all other items requesting amendment to definition of marriage:(13-01, 13-06, 13-11, 13-13).

GA (2012, 13-02, 13-03, 13-05, 13-08, 13-09, 13-10,13-14): All items requesting authoritative interpretation allowing for pastoral discretion in performing same gender marriages by Item 13-NB.

GA (2012, 13-07, 13-12): All items requesting authoritative interpretation allowing for pastoral discretion if performing same gender marriages by Item 13-NB.

GA (2004, 24, 1001, Item 14-09): GA directed the Board of Pensions to revise the rules for calculation of medical dues coverage for clergy couples installed by a congregation to share one position.

GA (1994, 197, 21.082, Req. 94-11): Only when pby has acted on a call and installed a co-pastor can it be said that a “co-pastor model” exists. There is no difference between a “co-pastor model” and a co-pastor relationship.

GA (1987, 344, 25.162, Rpt of AC on Church and Society): Reaffirmed the historic position of the church that it is a spiritual and professional duty of clergy to hold confidence in matters revealed to them in their counseling ministries. But clergy encouraged to become aware of specific state laws.

PJC (2012, 220-08, Spahr v. PC(USA) through Pby of Redwoods): PC(USA) does not recognize ceremony and the resulting relationship between same-gender persons to be a marriage in the eyes of the church. An offense occurs if teaching elder represents that one is doing something which one cannot constitutionally do. The term “marriage” in the charge of offense relates to “Christian marriage” (or “ecclesiastical marriage” as that term is used in Southard), since that is the only marriage ceremony over which the PC(USA) has authority.

PJC (2012, 220-02, Jean Southard v. Presbytery of Boston): (1) A change in state law does not amend the *Book of Order*. It is the responsibility of the church, following the processes provided in the *Constitution* for amendment, to define what the PCUSA recognizes as a “Christian marriage.” “By the definition in W-4.9001, a same sex ceremony can never be a marriage,” remains in effect.

PJC (2) Officers of the PCUSA who are authorized to perform marriages, when performing a ceremony for a same-gender couple, shall not state, imply, or represent that the same-gender ceremony is an ecclesiastical marriage ceremony as defined by PCUSA polity, whether or not the civil jurisdiction allows same-gender civil marriages.

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### **a. Installed Pastoral Relationships**

The installed pastoral relationships are pastor, co-pastor, and associate pastor. A teaching elder may be installed in a pastoral relationship for an indefinite period or for a designated term determined by the presbytery in consultation with the congregation and specified in the call. When a congregation determines that its strategy for mission under the Word so requires, the congregation may call additional pastors. Such additional pastors shall be called co-pastors or associate pastors, and the duties of each pastor and the relationship between the pastors of the congregation shall be determined by the session with the approval of the presbytery. When a congregation has two pastors serving as co-pastors, and the relationship of one of them is dissolved, the other remains as pastor. The relationship of an associate pastor to a congregation is not dependent upon that of a pastor. An associate pastor is ordinarily not eligible to be the next installed pastor of that congregation.

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GA (2008, 48, 51, 279, Item 04-24): “The Orderly Exchange of Ordained Ministers of Word and Sacrament” is a series of agreements that were mandated by “A Formula of Agreement.” ... These agreements ... are binding on the church, because of our agreements with the partner denominations.” The words “not intended” in the Orderly Exchange document closes the door to ordination to a first call in another denomination.

GA (2003, 68, 237, Item 03-09, Req. 03-11): A session may function as PNC after a term only if the original call came via a PNC.

GA (1998, See Appendix C): “A Formula of Agreement” between the UCC, RCA, ELCA and PCUSA is declared made.

GA (1994, 197, 21.082, Req. 94-11): Only when pby has acted on a call and installed a co-pastor can it be said that a “co-pastor model” exists. There is no difference between a “co-pastor model” and a co-pastor relationship.

GA (1989, 229, 21.233, Req. 89-18): A lay person who is ordainable but in a non-ordainable position may become a, but not the only, candidate to be considered by the nominating committee.

Previous FoG:

GA (1989, 226, 21.186, Req. 89-8): The term of a designated pastor is renewable for another specified term, or the pastor may be considered for a call to that church in accordance with Chapter XIV (now G-2.0504a) . The term “another term” means unlimited number of terms.

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### ***b. Temporary Pastoral Relationships***

Temporary pastoral relationships are approved by the presbytery and do not carry a formal call or installation. When a congregation does not have a pastor, or while the pastor is unable to perform her or his duties, the session, with the approval of presbytery, may obtain the services of a teaching elder, candidate, or ruling elder in a temporary pastoral relationship. No formal call shall be issued and no formal installation shall take place.

Titles and terms of service for temporary relationships shall be determined by the presbytery. A person serving in a temporary pastoral relationship is invited for a specified period not to exceed twelve months in length, which is renewable with the approval of the presbytery. A teaching elder employed in a temporary pastoral relationship is ordinarily not eligible to serve as the next installed pastor, co-pastor, or associate pastor.

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GA (2008, 42, 386, Item 05-15): New wording of G-14.0550 [now G-2.0504b.] appears to intend to give presbyteries flexibility to create or designate temporary pastoral relationships without specifying what those relationships should be.

GA (2) Temporary Pastoral Relations do not change the practice of allowing a commissioned lay pastor, a candidate or inquirer under care, or an elder to serve a congregation as a temporary supply pastor. Therefore, persons in such positions are still permitted to serve a congregation as a temporary supply pastor.”

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### ***c. Exceptions***

A presbytery may determine that its mission strategy permits a teaching elder currently called as an Associate Pastor to be eligible to serve as the next installed pastor or co-pastor, or a teaching elder employed in a temporary pastoral relationship to be eligible to serve as the next installed pastor, co-pastor, or associate pastor. Presbyteries that permit this eligibility shall establish such relationships only by a three-fourths vote of the members of presbytery present and voting.

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GA (1994, 197, 21.082, Req. 94-11): Only when pby has acted on a call and installed a co-pastor can it be said that a “co-pastor model” exists. There is no difference between a “co-pastor model” and a co-pastor relationship.

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## ***G-2.0505 Transfer of Ministers of Other Denominations***

a. When a minister of another Christian church is called to a work properly under the jurisdiction of a presbytery, the presbytery, after the constitutional conditions have been met, shall recognize the minister's previous ordination to ministry. Such ministers shall furnish credentials and evidence of good standing acceptable to the presbytery, and shall submit satisfactory evidence of possessing the qualifications of character and scholarship required of candidates of this church. (G-2.0607 and G-2.0610). In exceptional circumstances the following provisions will apply:

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**GA (1999, 65, 705, 12.006, Ovt. 97-5 and 97-15):** A geographical presbytery may adopt a standing rule that would grant corresponding membership to the ministers and elders of a particular church within its bounds that belongs to a nongeographic presbytery.

**GA (1991, 389, 21.029, Req. 91-1):** Ordination to Word and Sacrament in the PC(USA) and ordination as deacon in the United Methodist Church are not equivalent.

**GA (1989, 225, 21.173, Req. 89-5):** If a minister of another denomination cannot provide evidence of good standing, the person may continue to serve as a lay preacher or the person may become a candidate for ministry fulfilling the requirements for ordination..

Previous FoG:

**Amend (2000, 61-62, 376-77, Ovt. 00-17):** Extensive revision of this section, eliminating requirement that church from which minister is transferring hold Word and Sacrament in fundamental integrity.

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(1) In the case of ministers for immigrant fellowships and congregations, a presbytery may, if it determines that its strategy for mission with that group requires it, recognize the ordination and receive as a member of presbytery a new immigrant minister who furnishes evidence of good standing in a denomination, even though at the time of enrollment that minister lacks the educational history required of candidates, and provide such educational opportunities as seem necessary and prudent for that minister's successful ministry in the presbytery.

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Previous FoG:

**Amend Rejected (2006, 14-5, 1094, Item 12-18):** Rejected adding section "g" to allow recognition of ministers from countries with different practices of ordination based on attestation by members of their own communion or by members of the PC(USA); pby could approve their membership by 3/4 vote.

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(2) A minister of another Reformed church who has been ordained for five or more years may be granted an exemption for some or all of the examinations required of candidates for ordination by a two-thirds vote of the presbytery.

b. Upon enrollment, the minister shall furnish the presbytery with evidence of having surrendered membership in any and all other Christian churches with which the minister has previously been associated.

## ***G-2.0506 Temporary Membership in Presbytery for a Period of Service***

A presbytery may enroll a minister of another Christian church who is serving temporarily in a validated ministry in this church, or in an installed relationship under the provisions of the Formula of Agreement (*Book of Order*, Appendix C; G-5.0202), when the minister has satisfied the requirements of preparation for such service established by the presbytery's own rule.

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Amend Rejected (1992, 298, 21.020, Ovt. 92-14): Rejected request to allow a minister to hold dual membership while serving two churches in different presbyteries.

Amend Rejected (1988, 135, 12.154, Ovt. 56-88): Rejected request to add category of affiliate member of pby for minister who is pastor of churches in two different pbys.

GA (2008, 48, 51, 279, Item 04-24): "The Orderly Exchange of Ordained Ministers of Word and Sacrament" is a series of agreements that were mandated by "A Formula of Agreement." ... These agreements ... are binding on the church, because of our agreements with the partner denominations." The words "not intended" in the Orderly Exchange document closes the door to ordination to a first call in another denomination.

GA (1992, 308, 21.088, Req. 92-10): Moderator must be a member of the PC(USA), because the function of the moderator is to be the presence of the PC(USA) in that governing body. Minister serving as interim pastor but not a Presbyterian (U.S.A.) cannot moderate the session.

GA (1989, 225, 21.173, Req. 89-5): If a minister of another denomination cannot provide evidence of good standing, the person may continue to serve as a lay preacher or the person may become a candidate for ministry fulfilling the requirements for ordination..

GA (1986, 192, 15.241, CR 9-85): A minister of another denomination is called to be a minister of a union church, the minister is a member of presbytery only for the period of service in the union church. When his or her service with the church ends, so does membership in presbytery.

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## ***G-2.0507 Release from Ministry as a Teaching Elder***

When a teaching elder against whom no inquiry has been initiated pursuant to D-10.0101 and D-10.0201, against whom no charges have been filed, and who otherwise is in good standing shall make application to be released from the exercise of the ordered ministry of teaching elder, the presbytery shall delete that person's name from the roll and upon request of a session dismiss that person to a congregation. Release from the exercise of ordered ministry requires discontinuance of all functions of that ministry. The designations that refer to teaching elders shall not be used. The person so released shall engage in the ministry shared by all active members of congregations. Should a person released under this section later desire to be restored to the ordered ministry of teaching elder, that person shall apply through the presbytery which granted the release, and upon approval of that presbytery, the reaffirmation of the ordination questions, and the resumption of a ministry that qualifies that person for membership in the presbytery, shall be restored to the exercise of the ordered ministry as a teaching elder without re-ordination.

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GA (2003, 67, 228, Item 03-02, Req 03-2): Honorably retired minister who seeks release from ordained office is required to discontinue use of ministerial title and functions.

GA (1996, 259, 21.084, Req. 96-3): Person against whom no charges pending at time removed may be restored by process described in [former] G-11.0414 [now G-2.0507]

GA (1990, 246, 21.215, Req. 90-19): A former minister making application to be restored to continuing membership in presbytery must in every case make such application to the presbytery that granted the release.

GA (1988, 135, 12.168, Com. 2-88): A minister divested without censure or permitted to demit under *Book of Order* 87.05 (1972-73) or the *Book of Church Order* 104-3 (1982-83) may be restored by [former] G-6.0600c [now G-2.0507] should not be reordained.

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### ***G-2.0508 Failure to Engage in Validated Ministry***

A teaching elder whom the presbytery determines no longer to be engaged in a validated ministry (G-2.0503a) or to fulfill the criteria for membership-at-large (G-2.0503b), and who is not honorably retired (G-2.0503c), shall not have voice or vote in meetings of the presbytery, except when the matter under consideration pertains to his or her relationship to the presbytery. Names of such persons shall be reported annually to the presbytery by the stated clerk. If after three years the teaching elder does not meet the criteria for validated ministry or membership-at-large, the presbytery may delete that person's name from the roll of membership and, upon request of a session, dismiss that person to a congregation.

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GA (1996, 259, 21.084, Req. 96-3): Person against whom no charges pending at time removed may be restored by process described in [Prev G-11.0414. G-6.0600c; Now G-2.0507]

PJC (1996, 208-9, 12.105, Jackson v. Pby of Susq. Val.): It is abuse of discretion for pby to remove minister from its roll so long as viable alternative exist.

Previous FoG:

Amend (1987, 152, 15.263, 41.067, 41.147, Joint Rpt of GAMB and the Vocation Agency Recs.): Added provision to limit to three years the period on inactive roll.

GA (1996, 259, 21.081, Req. 96-2): Inactive member has no standing to make motion on own behalf.

GA (1992, 305, 21.045, Req. 92-3): Members-at-large and inactive members may be transferred to another pby in the same status according to [prev. G-11.0400].

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### ***G-2.0509 Renunciation of Jurisdiction***

When a teaching elder (or authorized representative) submits to the stated clerk of the presbytery of membership a written statement renouncing the jurisdiction of this church, the renunciation shall be effective upon receipt. When a teaching elder persists in work disapproved by the presbytery having jurisdiction, the presbytery shall consult with the teaching elder and shall give notice of its disapproval. If after having been provided opportunity for consultation and upon written notice of its disapproval, the teaching elder persists in the work, the presbytery may then conclude that he or she has renounced the jurisdiction of this church.

When a teaching elder accepts or continues membership of any character in another denomination, except as provided in this Constitution, the presbytery shall record the fact and delete the teaching elder's name from the roll.



Renunciation of jurisdiction shall remove the teaching elder from membership and ordered ministry and shall terminate the exercise of that ministry. The renunciation shall be reported by the stated clerk at the next meeting of the presbytery, which shall record the renunciation, delete her or his name from the appropriate roll, and take such other administrative actions as may be required by this Constitution, including public communication of such a renunciation.

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GA (2010, 59, 335, Item 05-15): The written statement of renunciation “must be signed by the officer renouncing, and may not be signed on his or her behalf by another party.”

GA (2008, 14, 15, 544, 546, Item 07-13): Pbys may dismiss ministers to transitional pby of Evangelical Presbyterian Church if they determine such pby has jurisdiction over work to which minister is called. Expressed GA’s grave concern over uncertainty & impermanence of such pbys and of future consequences.

GA (2008, 48, 51, 274, Item 04-21): “A person who has renounced membership and/or church office in a PC(USA) congregation may, at some subsequent point, seek admission to membership in another PC(USA) congregation by reaffirmation of faith.”

GA (2004, 78, 387, Item 05-02): Outline of procedures required to implement “persists in work” provision, incorporates findings in *Stimage-Norwood* and *Wilson*.

GA (1990, 239, 21.121, Req. 90-4): See D-3.0105 and notes there for termination of disciplinary action.

GA (1990, 239, 21.121, Req. 90-4): Membership in another denomination by a minister is equivalent to renouncing jurisdiction.

GA (1990, 239, 21.121, Req. 90-4): If a pastor of a particular church renounces the jurisdiction of the church under [now G-2.0405] the pastoral relationship is thereby dissolved, and the pulpit is vacant.

GA (1989, 228, 21.224, Req. 89-16): Person who renounced the jurisdiction of the Church must return to the ministry only as a member of a particular church and initiate the process and procedures in preparation for ministry.

PJC (2010, 219-05, Lee et al v. Midwest Hanmi Pby): Before an administrative commission can act on matters of renunciation of jurisdiction, the presbytery must have granted the commission authority to act on that matter.

PJC (2006, 217-6, Raines v. Session of Miami Shores PC): Renunciation requires a written statement, delivered to the clerk of the governing body, which states in clear and certain terms the act of renunciation of jurisdiction.

PJC (2002, 214-07, Stimage-Norwood v. Pby of S. New England): Due process requires council to try to meet face-to-face if possible, but is not required in all circumstances. When face-to-face consultation requested, pby required to do so.

PJC (1996, 208-9, 12.105, Jackson v. Pby of Susq. Val.): Before entering into service outside jurisdiction of PCUSA, minister is required to obtain permission of pby of membership.

PJC (1994, 206-8, Wilson v. Pby of Donegal): A governing body must take action to disapprove a work before “consultation and notice” that persistence in that work is grounds for presumption of renunciation.

PJC (1993, 205-7, Veldhuizen v. Pby of San Francisco): No PJC has the authority to declare sections of the *Book of Order* unconstitutional.

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## **G-2.06 Preparation for Ministry**

### ***G-2.0601 Nature and Purpose of Preparation***

It is important that those who are to be ordained as teaching elders receive full preparation for their task under the direction of the presbytery. For this purpose, a presbytery shall enter into



covenant relationship with those preparing to become teaching elders and with their sessions and congregations. This relationship shall be divided into the two phases of inquiry and candidacy.

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GA (1999, 65, 706, 12.013-019, CR 97-1): Pby possess sufficient authority to utilize psychological and psychiatric services in evaluating candidates for ministry.

GA (1989, 228, 21.224, Req. 89-16): Person who renounced the jurisdiction of the Church must return to the ministry only as a member of a particular church and initiate the process and procedures in preparation for ministry.

PJC (2006, 217-1, Hope, et. al. v. Pby of San Francisco): (1) Specific *Book of Order* provision did not mandate that pby provide guidance and training in conflict resolution, so not required. Pby provided a history of guidance and care that was deemed adequate.

PJC (2) Presbytery has authority and responsibility to make judgment about candidate.

PJC (1987, 199-01, Bedford-Central PC v. Pby of NYC): The responsibility of making a judgement about the wisdom of a person remaining on the roll of candidates belongs to the candidate's presbytery.

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### **G-2.0602 Time Requirements**

To be enrolled as an inquirer, the applicant shall be a member of the sponsoring congregation, shall have been active in the work and worship of that congregation for at least six months, and shall have received the endorsement of the session of the sponsoring congregation. The inquiry and candidacy phases shall continue for a period of no less than two years, including at least one year as a candidate.

### **G-2.0603 Purpose of Inquiry**

The purpose of the inquiry phase is to provide an opportunity for the church and those who believe themselves called to ordered ministry as teaching elders to explore that call together so that the presbytery can make an informed decision about the inquirer's suitability for ordered ministry.

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GA (1999, 65, 706, 12.013-.019, CR 97-1): Allows use of psychological or psychiatric evaluation in examining inquirers and candidates. Any applicant who objects is free to withdraw.

PJC (2006, 217-1, Hope, et. al. v. Pby of San Francisco): (1) Specific *Book of Order* provision did not mandate that pby provide guidance and training in conflict resolution, so not required. Pby provided a history of guidance and care that was deemed adequate.

PJC (2) Presbytery has authority and responsibility to make judgment about candidate.

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### **G-2.0604 Purpose of Candidacy**

The purpose of the candidacy phase is to provide for the full preparation of persons to serve the church as teaching elders. This shall be accomplished through the presbytery's support,

guidance, and evaluation of a candidate's fitness and readiness for a call to ministry requiring ordination J.

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PJC (2006, 217-1, Hope, et. al. v. Pby of San Francisco): (1) Specific *Book of Order* provision did not mandate that pby provide guidance and training in conflict resolution, so not required. Pby provided a history of guidance and care that was deemed adequate.

PJC (2) Presbytery has authority and responsibility to make judgment about candidate.

PJC (2004, 216-6, Hope v. Pby of San Francisco): Pby hs wide discretion in evaluating a candidate's readiness for ministry.

PCJ (2): Pby must communicate substance of concerns that form the basis for a recommendation of removal to allow the candidate a fair opportunity to respond.

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**G-2.0605 Oversight**

During the phases of inquiry and candidacy the individual continues to be an active member of his or her congregation and subject to the concern and discipline of the session. In matters relating to preparation for ministry, the individual is subject to the oversight of the presbytery within the context of their covenant relationship.

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GA (1999, 65, 706, 12.013-019, CR 97-1): Pby possess sufficient authority to utilize psychological and psychiatric services in evaluating candidates for ministry.

PJC (2006, 217-1, Hope, et. al. v. Pby of San Francisco): Specific *Book of Order* provision did not mandate that pby provide guidance and training in conflict resolution, so not required. Pby provided a history of guidance and care that was deemed adequate.

PJC (2004, 216-6, Hope v. Pby of San Francisco): (1) Pby has wide discretion in evaluating a candidate's readiness for ministry.

PCJ (2): Pby must communicate substance of concerns that form the basis for a recommendation of removal to allow the candidate a fair opportunity to respond.

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**G-2.0606 Service in Covenant Relationship**

Inquirers and candidates shall, with the permission of the presbytery of care, engage in some form of supervised service to the church. No inquirer or candidate who has not been previously ordained as a ruling elder may serve as moderator of a session, administer the Sacraments, or perform a marriage service. An inquirer or candidate previously ordained as a ruling elder may be authorized by the presbytery to preside at the Lord's Supper when invited by a session.

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Amend Rejected (2012, 44, 1192, Item 13-04): Rejected proposed changes to the Directory for Worship to redefine marriage. Item 13-04 was then answered by Item 13-NB as were all other items requesting amendment to definition of marriage:(13-01, 13-06, 13-11, 13-13).

GA (2012, 13-02, 13-03, 13-05, 13-08, 13-09, 13-10,13-14): All items requesting authoritative interpretation allowing for pastoral discretion in performing same gender marriages by Item 13-NB.

GA (2012, 13-07, 13-12): All items requesting authoritative interpretation allowing for pastoral discretion if performing same gender marriages by Item 13-NB.

GA (2008, 42, 386, Item 05-15): All temporary relationships do not change the practice of allowing a [former] commissioned lay pastor, a candidate or inquirer under care, or an elder to serve a congregation as a temporary supply pastor. Therefore, persons in such positions are still permitted to serve a congregation as a temporary supply pastor.”

PJC (2012, 220-02, Jean Southard v. Presbytery of Boston): (1) A change in state law does not amend the *Book of Order*. It is the responsibility of the church, following the processes provided in the Constitution for amendment, to define what the PCUSA recognizes as a “Christian marriage.” “By the definition in W-4.9001, a same sex ceremony can never be a marriage,” remains in effect.

PJC (2): Officers of the PCUSA who are authorized to perform marriages, when performing a ceremony for a same-gender couple, shall not state, imply, or represent that the same-gender ceremony is an ecclesiastical marriage ceremony as defined by PCUSA polity, whether or not the civil jurisdiction allows same-gender civil marriages.

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### ***G-2.0607 Final Assessment and Negotiation for Service***

A candidate may not enter into negotiation for his or her service as a teaching elder without approval of the presbytery. The presbytery shall record when it has certified a candidate ready for examination for ordination, pending a call. Evidence of readiness to begin ordered ministry as a teaching elder shall include:

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GA (2010, 60, 337, Item 05-17): Allows a candidate who has met all these requirements to enter into negotiation for ministerial service, even if the candidate has not had the final assessment from the presbytery’s committee on preparation for ministry. If the committee on preparation for ministry has given its approval, that candidate may circulate a Personal Information Form or other biographical information.

PJC (2010, 219-11, Naegeli et al v Pby of San Francisco): The proper time to determine whether a candidate has expressed a departure from the essentials of the Reformed faith and polity is at the time of a presbytery’s examination of the candidate for ordination, not determination of readiness for examination.

PJC (1987, 199-01, Bedford-Central PC v. Pby of NYC): The responsibility of making a judgement about the wisdom of a person remaining on the roll of candidates belongs to the candidate’s presbytery.

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- a. a candidate’s wisdom and maturity of faith, leadership skills, compassionate spirit, honest repute, and sound judgment;
- b. a transcript showing graduation, with satisfactory grades, at a regionally accredited college or university;
- c. a transcript from a theological institution accredited by the Association of Theological Schools acceptable to the presbytery, showing a course of study including Hebrew and Greek, exegesis of the Old and New Testaments using Hebrew and Greek, satisfactory grades in all areas of study, and graduation or proximity to graduation; and

d. satisfactory grades, together with the examination papers in the areas covered by any standard ordination examination approved by the General Assembly. Such examinations shall be prepared and administered by a body created by the presbyteries.

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GA (1984, 602, 55.078, Ovt. 19-84, 53-84): A presbytery may permit a student to take any of the examinations orally provided presbytery takes the responsibility to transcribe and type the exams for grading.  
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### ***G-2.0608 Transfer of Relationship***

At the request of the inquirer or candidate and with the approval of the sessions and presbyteries involved, a presbytery may transfer the covenant relationship of an inquirer or candidate.

### ***G-2.0609 Removal from Relationship***

An inquirer or candidate may, after consultation with the session and the presbytery, withdraw from covenant relationship. A presbytery may also, for sufficient reasons, remove an individual's name from the roll of inquirers and candidates, reporting this action and the reasons to the session, to the individual, and, if appropriate, to the educational institution in which the individual is enrolled. Prior to taking such action, the presbytery or its designated entity shall make a reasonable attempt to give the candidate or inquirer an opportunity to be heard concerning the proposed removal.

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PJC (2010, 219-11, 390, Naegeli et al v Pby of San Francisco): Presbytery "has discretion whether to maintain or remove a candidate from its rolls" of candidates for minister of Word and Sacrament.

PJC (2006, 217-1, Hope, et. al. v. Pby of San Francisco): Confidential documents do not need to be disclosed by the CPM to the candidate, but the substance of the concerns within the confidential documents must be disclosed.

PJC (1998, 210-2, Bevenssee v. Pby of New Brunswick): (1) A pby has authority to dismiss a candidate from preparation process on the recommendation of presbytery's Committee on Preparation.

PJC (2) A candidate for ministry may be dismissed for failure to comply with directives.

PJC (1987, 199-01, Bedford-Central PC v. Pby of NYC): Pby followed clear and open procedures in evaluating candidate with opportunity for interested person and group to be heard.  
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### ***G-2.0610 Exceptions***

By a three-fourths vote, a presbytery may waive any of the requirements for ordination in G-2.06, except for those of G-2.0607d. If a presbytery judges that there are good and sufficient reasons why a candidate should not be required to satisfy the requirements of G-2.0607d, it shall approve by three-quarters vote some alternate means by which to ascertain the readiness of the candidate for ministry in the areas covered by the standard ordination examinations. A full account of the reasons for exception shall be included in the minutes of the presbytery and communicated to the presbytery to which an inquirer or candidate may be transferred.

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GA (1995, 281, 21.120, Reqs. 91-18, 92-3, and 93-14): List of powers not to be delegated (to council, commission, or committee) developed in response to request (1991, 394, 21.107, Req. 91-18).

GA (1994, 195, 21.065, Req. 94-8): (1) Allows the possibility that in extraordinary circumstances a presbytery might grant an exception to either or both of the requirements, specifying the evidence of an alternate course of study for either.

GA (2) Interpretation by past General Assemblies emphasized that “extraordinary” means rare, exceptional, and exceeding the common degree, limit or measure.” (the word “extraordinary” is no longer used in FoG).

GA (3) Exceptions are not to be acted upon lightly, as evidenced by the requirement for a three-quarters affirmative vote.

PJC (2010, 219-11, Naegeli et al v Pby of San Francisco): (1) Departures under old G-6.0108 (now G-2.0105) are not the same as waivers under old 14:0470 through G-14.0474 (now G-2.0610).

PJC (2) The proper time to determine whether a candidate has expressed a departure from the essentials of the Reformed faith and polity is at the time of a presbytery’s examination of the candidate for ordination, not determination of readiness for examination.

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## **G-2.07 Ordination**

### ***G-2.0701 Ordination***

Ordination to the ordered ministry of teaching elder is an act of the whole church carried out by the presbytery, setting apart a person to ordered ministry. Such a person shall have fulfilled the ordination requirements of the presbytery of care and received the call of God to service to a congregation or other work in the mission of the church that is acceptable to the candidate and to the presbytery of call.

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GA (2008, 48, 51, 279, Item 04-24): “A Formula of Agreement” between the UCC, RCA, ELCA and PCUSA was approved by GA and presbyteries and is binding on the whole church. The four denominations will, among other requirements, “recognize each others’ various ministries and make provision for the orderly exchange of ordained ministers of Word and Sacrament.”

GA (2) “The words “not intended” in the Orderly Exchange document closes the door to ordination to a first call in another denomination.

GA (1993, 334, 21.126, Req. 93-14): (1) “Received the call” as a prerequisite for ordination is not to be interpreted as limited to “permanent pastoral relations.”

GA (2) It is the responsibility of pby, through its appropriate committees, to evaluate individual circumstances in determining which other pastoral relationship serve as a prerequisite for ordination and/or membership.

GA (1991, 93, 96, 21.254, Req. 91-5): The invitation of persons other than presbytery commissioners to lay hands on the candidate and pray, including unordained persons, is permitted.

GA (1990, 246, 21.217, Req. 90-20): When an elder is ordained to the ministry of the Word and Sacrament he or she is enrolled as a member of pby and deleted from the rolls of the congregation.

GA (1987, 147, 15.210, Com. 8-87): A ministry need not include proclaiming the good news in Word and Sacrament for a presbytery to validate it or to approve it as valid for ordination.

PJC (2010, 219-11, Naegeli et al v Pby of San Francisco): Pby must provide opportunity for examination of candidate consistent with procedures. Pby is responsible for determining whether person has departed from essentials of reformed faith.

PJC (1987, 199-01, Bedford-Central PC v. Pby of NYC): The responsibility of making a judgement about the wisdom of a person remaining on the roll of candidates belongs to the candidate's presbytery.

PJC (1985, 197-4, Simmons et. al. v. Pby of Suwannee): (1) Discussion regarding faith and practice and freedom of conscience and actions which "infringe upon the rights of others."

PJC (2) Discussion regarding deference given to ordaining body and powers of review.

PJC (3) "...[T]he church permits diversity of theological beliefs but in many areas requires uniformity of practice that does not exalt polity over theology." Quoting 1983 Historic Principles, Conscience, and Church Government.

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### ***G-2.0702 Place of Ordination***

The presbytery placing the call to the candidate for ministry shall ordinarily examine, ordain, and install the candidate.

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GA (2012, 52, 55, 706, Item 07-20): AI of G-2.0702: The qualifier "ordinarily" applies to the word "presbytery." The acts of examination and ordination are not optional.

GA (2008, 48, 51, 279, Item 04-24): "The Orderly Exchange of Ordained Ministers of Word and Sacrament" is a series of agreements that were mandated by "A Formula of Agreement." ... These agreements ... are binding on the church, because of our agreements with the partner denominations." The words "not intended" in the Orderly Exchange document closes the door to ordination to a first call in another denomination.

GA (2008, 42, 385, Item 05-14): A pby may ordain a person to a "call" that is not an installed pastoral relationship.

GA (2006, 38, 40, 441, Item 05-26): The responsibility to appoint an administrative commission to conduct an ordination may be delegated by the presbytery to a committee or an officer and each presbytery may provide by rule for the manner in which such appointment shall be made within its bounds.

PJC (2010, 219-11, Naegeli et al v Pby of San Francisco): (1) Departures under old G-6.0108 (now G-2.0105) are not the same as waivers under old 14:0470 through G-14.0474 (now G-2.0610).

PJC (2) The proper time to determine whether a candidate has expressed a departure from the essentials of the Reformed faith and polity is at the time of a presbytery's examination of the candidate for ordination, not determination of readiness for examination.

PJC (3) Pby must provide opportunity for examination of candidate consistent with procedures. Pby is responsible for determining whether person has departed from essentials of reformed faith.

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### ***G-2.0703 Service of Ordination***

The order for that service of worship in the Directory for Worship (W-4.4000) shall be followed.

### ***G-2.0704 Record of Ordination***

The presbytery of call shall record the ordination and installation, along with written affirmation of the new teaching elder to the obligations undertaken in the ordination questions, and enroll the

teaching elder as a member of the presbytery. The stated clerk of the presbytery shall report these actions to the General Assembly, the presbytery of care, and to the congregation of which the candidate was formerly a member.

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GA (1990, 246, 21.217, Req. 90-20): When an elder is ordained to the ministry of the Word and Sacrament he or she is enrolled as a member of pby and deleted from the rolls of the congregation.  
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## **G-2.08 Call and Installation**

### ***G-2.0801 Pastoral Vacancy***

When a congregation has a vacancy in a pastoral position, or after the presbytery approves the effective date of the dissolution of an existing pastoral relationship, the congregation shall, with the guidance and permission of the presbytery, proceed to fill the vacancy in the following manner.

### ***G-2.0802 Election of a Pastor Nominating Committee***

The session shall call a congregational meeting to elect a pastor nominating committee that shall be representative of the whole congregation. The committee's duty shall be to nominate a pastor for election by the congregation.

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PJC (1995, 207-1, Bolton v. Alamance PC): Session's request of existing officer nominating committee to prepare a slate of nominees for PNC for the congregation's consideration is proper and in order.  
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### ***G-2.0803 Call Process***

According to the process of the presbytery and prior to making its report to the congregation, the pastor nominating committee shall receive and consider the presbytery's counsel on the merits, suitability, and availability of those considered for the call. When the way is clear for the committee to report to the congregation, the committee shall notify the session, which shall call a congregational meeting.

### ***G-2.0804 Terms of Call***

The terms of call shall always meet or exceed any minimum requirement of the presbytery in effect when the call is made. The session shall review annually the minister's terms of call and shall propose for congregational action (G-1.0501) such changes as the session deems appropriate, provided that they meet the presbytery's minimum requirements. The call shall include participation in the benefits plan of the Presbyterian Church (U.S.A.), including both pension and medical coverage, or any successor plan approved by the General Assembly.

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Amend Rejected (2012, 36, 38, 1665, Item 20-11): Rejected allowing non participation in PC(USA) benefits plan, on theological grounds, as a matter of conscience.  
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GA (2010, 59, 336, Item 05-16): In response to questions on the practice of financial gifts to a minister that amount to undisclosed compensation additional to the terms of call and that may not meet the requirements of federal and state tax laws. This section leaves “latitude and responsibility for presbyteries to determine fiscal policies for their member churches and standards of financial ethical conduct for members of the presbytery, consistent with current and applicable federal and state tax laws.”

GA (2004, 23, 25, 1012, Item 14-14): Employing body may not omit “payment based on a sum equal to the requisite percent of minister’s compensation” even though the minister may decline to be enrolled in the Benefits Plan. This wording was in former G-14.0506b(2).

GA (2004, 24, 1001, Item 14-09): GA directed the Board of Pensions to revise the rules for calculation of medical dues coverage for clergy couples installed by a congregation to share one position.

GA (2003, 63, 326, Item 04-08, Req 03-10): Suggested that presbytery include provisions in the terms of call to deal with possible allegations of sexual misconduct.

GA (1993, 334, 21.120, Req. 93-13): Congregations must be fully informed as to the terms of call at the time they receive the report of a pastor nominating committee.

GA (1993, 824, 43.007, 1992 Ref. Req. 92-14; 1992, 310, 21.112, Req. 92-14): The Pension plan has provisions for comity in cases where the pastor has dual standing and can waive participation in the plan for persons whose secular employment has mandatory benefits.

GA (1991, 389, 21.041, Req. 91-4): For those conscientiously objecting to insurance that provides abortions, avenues open still include protest and efforts to the change the policy.

GA (1985, 147, 17.142, Ovt. 185-84): Participation by a particular church in the pension plan of the denomination is mandatory. Another pension plan may not be substituted.

PJC (1994, 206-13, Saurbaugh v. Pby of Great Rivers): Terms for compensation after dissolution of a pastoral relationship require congregational approval.

PJC (1993, 205-12, Wilson v. Pby of Donegal): Pby properly voted not to approve call which excluded participation in the Benefits Plan.

PJC (1990, 202-1, Baumann v. Bellefield Church): “Confidential Statement” changing terms of call requires approval by the congregation. Government of this church is representative.

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## ***G-2.0805 Installation Service***

When the congregation, the presbytery, and the teaching elder (or candidate) have all concurred in a call to a permanent or designated pastoral position, the presbytery shall complete the call process by organizing and conducting a service of installation. Installation is an act of the presbytery establishing the pastoral relationship. A service of installation occurs in the context of worship. The order for that service of worship in the Directory for Worship (W-4.4000) shall be followed.

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GA (1998, 165, 16.0199, Req. 98-4): Status of minister between effective date call begins and date of installation is “pastor-elect” and has same rights as other ministers in pby of membership. See 1992 note below.

GA (1992, 306, 21.055, Req. 92-4; 307, 21.074, Req. 92-8): The installation service is part of the calling process. That process is incomplete until such service has taken place.

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## **G-2.09 Dissolution of Pastoral Relationships**

### ***G-2.0901 Congregational Meeting***

An installed pastoral relationship may be dissolved only by the presbytery. Whether the teaching elder, the congregation, or the presbytery initiates proceedings for dissolution of the relationship, there shall always be a meeting of the congregation to consider the matter and to consent, or decline to consent, to dissolution.

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PJC (1994, 206-13, Saurbaugh v. Pby of Great Rivers): Terms for compensation after dissolution of the pastoral relationship (severance terms) require approval of the congregation.

PJC (1994, 206-2, Phinisee v. Pby of Grace): Presbytery has a right to dissolve pastoral relationship regardless of who requests.

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### ***G-2.0902 Pastor, Co-Pastor or Associate Pastor Requests***

A pastor, co-pastor, or associate pastor may request the presbytery to dissolve the pastoral relationship. The minister must also state her or his intention to the session. The session shall call a congregational meeting to act upon the request and to make recommendations to the presbytery. If the congregation does not concur, the presbytery shall hear from the congregation, through its elected commissioners, the reasons why the presbytery should not dissolve the pastoral relationship. If the congregation fails to appear, or if its reasons for retaining the relationship are judged insufficient, the request may be granted and the pastoral relationship dissolved.

### ***G-2.0903 Congregation Requests***

If any congregation desires the pastoral relationship to be dissolved, a procedure similar to G-2.0902, above, shall be followed. When a congregation requests the session to call a congregational meeting to dissolve its relationship with its pastor, the session shall call the meeting and request the presbytery to appoint a moderator for the meeting. If the pastor does not concur with the request to dissolve the relationship, the presbytery shall hear from him or her the reasons why the presbytery should not dissolve the relationship. If the pastor fails to appear, or if the reasons for maintaining the relationship are judged insufficient, the relationship may be dissolved.

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GA (2004, 87, 332, Item 04-16 and 1992, 307, 21.083, Req. 92-9): Motion to dissolve pastoral relationship may be made at annual meeting, but must be announced in call for meeting.

PJC (1994, 206-2, Phinisee v. Pby of Grace): (1) Presbytery appropriately appointed Admin. Comm. to hear objections of minister to dissolution and to act on dissolution.

PJC (2) Because the congregation voted overwhelmingly for dissolution, the administrative commission action to dissolve was not reversed, even though the makeup of the commission (1/2 COM members) and the circumstances rendered a fair hearing unlikely.

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## ***G-2.0904 Presbytery Action***

The presbytery may inquire into reported difficulties in a congregation and may dissolve the pastoral relationship if, after consultation with the minister, the session, and the congregation, it finds the church's mission under the Word imperatively demands it.

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PJC (2006, 218-05, Essinger-Hileman v. Pby of Miami): Fundamental fairness ordinarily requires that pastor and congregation be given notice and opportunity to be heard before a pby votes to dissolve pastoral relationship.

PJC (2002, 215-05, Gaba v. Pby E. VA): When the pastoral relationship is dissolved without the concurrence of pastor or congregation, pby is required to provide fundamental fairness--opportunity to be heard and consideration of positions without prejudice.

PJC (1995, 207-13, Lewis v. Presbytery of New York City): When presbytery decides to dissolve a pastoral relationship, it is exercising its administrative powers, not judicial powers. The appropriate safeguards are those required to ensure fundamental fairness.

PJC (1994, 206-2, Phinisee v. Pby of Grace): Decision about dissolving a pastoral relationship when pastor does not concur may be delegated to administrative commission.

PJC (1993, 205-13, Cooper v. Pby of Muskingum Valley): Where pby found reconciliation would be impossible, pastoral relationship was dissolved.

PJC (1991, 203-2, Anderson v. Pby of Central Florida): Discussion of finding that "the church's mission under the Word imperatively demands."

PJC (1990, 202-1, Baumann v. Bellefield Church): Error for session not to inform congregation of presbytery commission's recommendation to dissolve pastoral relation.

PJC (1988, 200-7, Campbell, Jr. et. al. v. Pby of Atlantic): Presbytery may dissolve the pastoral relationship without the request of either pastor or congregation, but upon recommendation of its COM, after the COM has met with the pastor and the session and has offered to be available to consult with the congregation.

## ***G-2.0905 Officiate by Invitation Only***

After the dissolution of the pastoral relationship, former pastors and associate pastors shall not provide their pastoral services to members of their former congregations without the invitation of the moderator of session.

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References:

See notes at W-4.9002a and W.4.9003 for amendments to reinforce pastor's authority over weddings and W-4.10002 concerning funerals.

## **G-2.10 Commissioning Ruling Elders to Particular Pastoral Service**

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GA (2006, 38, 40, 438, Item 05-24): The decision to allow a commissioned lay pastor from another presbytery to labor within the bounds of a presbytery is determined by the presbytery in which such ministry occurs.

GA (1998, 165, 16.0199, Req. 98-4): There is no provision for laypersons commissioned for pastoral ministry by other denominations to administer the sacraments, perform weddings, or moderate session.

GA (1997, 182, 21.0221, 1996 Ref.): No amendment needed to allow a CLP to serve as a supply preacher (Referral: 1996, 60, Floor Motion).

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### ***G-2.1001 Functions***

When the presbytery, in consultation with the session or other responsible committee, determines that its strategy for mission requires it, the presbytery may authorize a ruling elder to be commissioned to limited pastoral service as assigned by the presbytery. A ruling elder so designated may be commissioned to serve in a validated ministry of the presbytery. Presbytery, in its commission, may authorize the ruling elder to moderate the session of the congregation to which he or she is commissioned, to administer the Sacraments, and to officiate at marriages where permitted by state law. This commission shall also specify the term of service, which shall not exceed three years but shall be renewable. The presbytery shall review the commission at least annually.

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Amend Rejected (2012, 44, 1192, Item 13-04): Rejected proposed changes to the Directory for Worship to redefine marriage. Item 13-04 was then answered by Item 13-NB as were all other items requesting amendment to definition of marriage:(13-01, 13-06, 13-11, 13-13).

GA (2012, 13-02, 13-03, 13-05, 13-08, 13-09, 13-10,13-14): All items requesting authoritative interpretation allowing for pastoral discretion in performing same gender marriages by Item 13-NB.

GA (2012, 13-07, 13-12): All items requesting authoritative interpretation allowing for pastoral discretion if performing same gender marriages by Item 13-NB.

GA (1997, 181, 21.0197, Req. 97-4): If CLP is “moderator” of session, he or she may lead a service of ordination and installation of elders and deacons.

PJC (2012, 220-08, Spahr v. PC(USA) through Pby of Redwoods): Presbyterian Church (U.S.A.) does not recognize ceremony and the resulting relationship between same-gender persons to be a marriage in the eyes of the church. An offense occurs if teaching elder represents that one is doing something which one cannot constitutionally do. The term “marriage” in the charge of offense relates to “Christian marriage” (or “ecclesiastical marriage” as that term is used in Southard), since that is the only marriage ceremony over which the PC(USA) has authority.

PJC (2012, 220-02, Jean Southard v. Presbytery of Boston): (1) A change in state law does not amend the *Book of Order*. It is the responsibility of the church, following the processes provided in the Constitution for amendment, to define what the PCUSA recognizes as a “Christian marriage.” “By the definition in W-4.9001, a same sex ceremony can never be a marriage,” remains in effect.

PJC (2) Officers of the PCUSA who are authorized to perform marriages, when performing a ceremony for a same-gender couple, shall not state, imply, or represent that the same-gender ceremony is an ecclesiastical marriage ceremony as defined by PCUSA polity, whether or not the civil jurisdiction allows same-gender civil marriages.

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### ***G-2.1002 Training, Examination and Commissioning***

A ruling elder who seeks to serve under the terms of G-2.1001 shall receive such preparation and instruction as determined by the presbytery to be appropriate to the particular commission. The

ruling elder shall be examined by the presbytery as to personal faith, motives for seeking the commission, and the areas of instruction determined by presbytery. A ruling elder who has been commissioned and later ceases to serve in the specified ministry may continue to be listed as available to serve, but is not authorized to perform the functions specified in G-2.1001 until commissioned again to a congregation or ministry by the presbytery.

### ***G-2.1003 Commissioning Service***

When the presbytery is satisfied with the qualifications of a ruling elder to serve a congregation providing the services described above, it shall commission the ruling elder to pastoral service as designated by the presbytery, employing the questions contained in W-4.4000.

### ***G-2.1004 Supervision***

The ruling elder commissioned under the terms of G-2.1001 shall work under the supervision of the presbytery. The presbytery may at any time withdraw the commission for reasons it deems good and sufficient. A teaching elder shall be assigned as a mentor and supervisor.

## **G-2.11 Certified Church Service**

### ***G-2.1101 Forms of Certified Church Service***

Persons may be certified and called to service within congregations, councils, and church-related entities, serving in staff positions. These individuals endeavor to reflect their faith through their work and to strengthen the church through their dedication. They should be encouraged by their session and presbytery to meet, or be prepared to meet, the certification requirements in a handbook provided by a national certifying body approved by the General Assembly. Names of those who have earned certification through a national certifying body shall be transmitted to the appropriate body of the General Assembly, which will forward them to the stated clerk of the presbyteries in which those persons labor.

### ***G-2.1102 Presbytery and Certified Church Service***

The presbytery shall encourage sessions to make continuing education funds and time available to those seeking certification, and shall affirm the skill and dedication of these certified persons by providing a service of recognition at the time of certification. The presbytery may grant the privilege of voice at all its meetings to persons in certified church service.

### ***G-2.1103 Christian Educators***

#### ***a. Skills and Training***

Certified Christian educators are persons certified and called to service in the ministry of education in congregations or councils. They shall have skills and training in biblical interpretation, Reformed theology, worship and sacraments, human development, faith development, religious educational theory and practice, and the polity, programs, and mission of the Presbyterian Church (U.S.A.).

## ***b. Presbytery Responsibility***

The presbytery shall establish minimum requirements for compensation and benefits for Certified Christian Educators and Certified Associate Christian Educators and shall provide access to the area of presbytery that oversees ministry (G-3.0307). During their term of service in an educational ministry under the jurisdiction of the presbytery, Certified Christian Educators are entitled to the privilege of the floor with voice only at all presbytery meetings, and in the case of Certified Christian Educators who are ruling elders, the privilege of voice and vote at all its meetings.

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Amend (2010, 47, 423, Item 06-01): Added language to give Certified Christian Educators who are elders vote at all presbytery meetings.

Amend (2002, 62, 375, Item 05-04, Rpt of CE Certification Council): There are two levels at which educators are certified:

Amend Referred (2000, 54, 193, 22.187, 434, Ovt. 00-57; 1997, 171, 21.0056, Ovt. 97-16): Role and Status of Christian Educators in the Presbyterian Church (U.S.A.)

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### **Endnote**

<sup>1</sup> Very early in the history of the Presbyterian Church in the United States of America, even before the General Assembly was established, the plan of reunion of the Synod of New York and Philadelphia contained the following sentences: 'That when any matter is determined by a majority vote, every member shall either actively concur with or passively submit to such determination; or if his conscience permit him to do neither, he shall, after sufficient liberty modestly to reason and remonstrate, peaceable withdraw from our communion without attempting to make any schism. Provided always that this shall be understood to extend only to such determination as the body shall judge indispensable in doctrine or Presbyterian government.' (Hist. Dig. (P) p. 1310.) (Plan of Union of 1758, par. II.)



## Chapter Three - Councils of the Church

### G-3.01 General Principles of Councils

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GA (2012, 20, 21-22, 274, Item 05-12): Mid Council Report to the 220th General Assembly, items 1-4, referred to a task force to review the nature and function of the Presbytery Mission Agency and the Office of the General Assembly “with respect to their relationship with and support of mid councils as they serve the vitality and mission of congregations in our changing context” and to report to the 221st General Assembly.

GA (2003, 68, 232, Item 03-04, Req 03-4): “It is assumed that members, officers, and governing bodies of the church will abide by lawful orders issued by permanent judicial commissions.”

GA (1992, 310, 21.125, Req. 92-15): Bylaw of a presbytery which limits service on presbytery committees to elders and ministers only is not legal.

Previous FoG:

Amend Rejected (1988, 133, 12.128, Ovt. 46-88): Rejected request to require that committees be composed of elders and ministers of Word and Sacrament in numbers as equal as possible.

Amend Rejected (1987, 134, 15.053, Ovt. 22-87): Rejected request to replace “Committees of governing bodies . . . being laypersons,” with requirement that at least one-quarter of the membership be elders.

#### *G-3.0101 Councils as an Expression of Unity of the Church*

The mutual interconnection of the church through its councils is a sign of the unity of the church. Congregations of the Presbyterian Church (U.S.A.), while possessing all the gifts necessary to be the church, are nonetheless not sufficient in themselves to be the church. Rather, they are called to share with others both within and beyond the congregation the task of bearing witness to the Lordship of Jesus Christ in the world. This call to bear witness is the work of all believers. The particular responsibility of the councils of the church is to nurture, guide, and govern those who witness as part of the Presbyterian Church (U.S.A.), to the end that such witness strengthens the whole church and gives glory to God.

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PJC (2010, 219-03, 362, Sundquist v. Heartland Pby ): (1) Our unity in Christ and of the relational nature of our polity is fundamental to Presbyterianism and a gracious witness to Scripture and the Holy Spirit. We are bound together in covenantal relationships that assume and require the blessings and difficulties of dialogue based on trust and love.

PJC (2) Presbyteries and congregations have a reciprocal obligation for [dialogue] when discussing the mission of dismissing a congregation from pby membership.

PJC (3) The jurisdiction of each council is limited by the express provisions of the Constitution, and that powers not mentioned in this Constitution are reserved to the presbyteries.

PJC (4) When an administrative commission reaches a decision on a matter referred to it, the commission’s decision becomes the action of the appointing body.

PJC (2006, 217-2, Johnston, et.al. v. Heartland Pby): “Our unity in Christ and the relational nature of our governance require dialogue between and among governing bodies [councils] ,” thus giving “life to the mutuality and reciprocity between sessions and presbyteries in furthering the great ends of the Church.”

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The Presbyterian Church (U.S.A.) is governed by councils composed of presbyters elected by the people (F-3.0202). These councils are called the session, the presbytery, the synod, and the General Assembly. All councils of the church are united by the nature of the church and share with one another responsibilities, rights, and powers as provided in this Constitution. The councils are distinct, but have such mutual relations that the act of one of them is the act of the whole church. The jurisdiction of each council is limited by the express provisions of the Constitution, with the acts of each subject to review by the next higher council. Powers not mentioned in this Constitution are reserved to the presbyteries.

Councils of the church exist to help congregations and the church as a whole to be more faithful participants in the mission of Christ. They do so as they

*Provide that the Word of God may be truly preached and heard,*  
responding to the promise of God's new creation in Christ, and  
inviting all people to participate in that new creation;

*Provide that the Sacraments may be rightly administered and received,*  
welcoming those who are being engrafted into Christ,  
bearing witness to Christ's saving death and resurrection,  
anticipating the heavenly banquet that is to come, and  
committing itself in the present to solidarity with the marginalized and the hungry; and

*Nurture a covenant community of disciples of Christ,*  
living in the strength of God's promise, and  
giving itself in service to God's mission.

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**GA (2006, 38, 40, 438, Item 05-24):** The decision to allow a commissioned lay pastor from another presbytery to labor within the bounds of a presbytery is determined by the presbytery in which such ministry occurs.

Earlier References:

Historical Note: In UPCNA Book of Government & Worship, Sec. 73, powers not specified belong to general assembly. The same was true in the UPC Plan of Union (**FG, 1958, 14.10**). Amended to delete (**UPC, 1959, 37 & 311**).

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### ***G-3.0102 Ecclesiastical Jurisdiction***

Councils of this church have only ecclesiastical jurisdiction for the purpose of serving Jesus Christ and declaring and obeying his will in relation to truth and service, order and discipline. They may frame statements of faith, bear testimony against error in doctrine and immorality in life, resolve questions of doctrine and discipline, give counsel in matters of conscience, and decide issues properly brought before them under the provisions of this *Book of Order*. They may authorize the administration of the sacraments in accordance with the Directory for Worship. They have power to establish plans and rules for the worship, mission, government, and discipline of the church and to do those things necessary to the peace, purity, unity, and progress of the church under the will of Christ. They have responsibility for the leadership, guidance, and government of that portion of the church that is under their jurisdiction.



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PJC (2002, 215-05, McKittrick v. West End PC): When presumed trust granted to governing bodies is violated, the rule and benefit of law are placed in danger.  
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### **G-3.0103 Participation and Representation**

The councils of the church shall give full expression to the rich diversity of the church's membership and shall provide for full participation and access to representation in decision-making and employment practices (F-1.0403). In fulfilling this commitment, councils shall give due consideration to both the gifts and requirements for ministry (G-2.0104) and the right of people in congregations and councils to elect their officers (F-3.0106).

Each council shall develop procedures and mechanisms for promoting and reviewing that body's implementation of the church's commitment to inclusiveness and representation. Councils above the session shall establish by their own rule committees on representation to fulfill the following functions: to advise the council regarding the implementation of principles of unity and diversity, to advocate for diversity in leadership, and to consult with the council on the employment of personnel, in accordance with the principles of unity and diversity in F-1.0403. A committee on representation should not be merged with another committee or made a subcommittee of another committee.

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GA (1995, 79, 137, GACOR Response to 1993 Ref., 13.001): COR's are important part of denomination. The work of COR's should be emphasized.

PJC (2010, 219-03, 362, Sundquist v. Heartland Pby ): (1) Our unity in Christ and of the relational nature of our polity is fundamental to Presbyterianism and a gracious witness to Scripture and the Holy Spirit. We are bound together in covenantal relationships that assume and require the blessings and difficulties of dialogue based on trust and love.

PJC (2) Presbyteries and congregations have a reciprocal obligation for [dialogue] when discussing the mission of dismissing a congregation from pby membership.

PJC (1991, 203-3, Santin v. Church Vocations Unit): All executive and administrative staff positions in all governing bodies (councils) above the session shall be filled in accordance with the principles of participation and representation.

PJC (1985, 197-01, Heartland Pby v. John Doe): Adoption of guidelines for pregnancy leave for clergywomen not a violation of church's commitment to inclusiveness or affirmative action hiring procedures but within the pby's constitutional authority.

Previous FoG:

Amend (2010, 57, 318, Item 05-05): Changed membership requirement of COR and GANC to "ministers and elders (both women and men) in numbers nearly as equal as possible".

Amend (1992, 303, 21.034, Church Vocations Min. Unit Rec. 31.020): Struck "to correct" and inserted "shall pursue . . . correcting".

Earlier References:

(1977, 99-108) Ovt. 16: *That All May Enter*, responding to concerns of the handicapped..

Historical Note: Women officers, effective: UPCNA deacon 1906, 595; PCUSA report 1920, 126, 139; amend defeated 1921, 43; ovt. 1921, 201; deacon 1922, 196; report 1929, 186; elder 1930, 48, 50; report 1955, 95; min. 1956, 105; PCUS report 1956, 42, 138; amend defeated 1957, 38; report 1963, 108; all 1964, 110.

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### **G-3.0104 Officers**

The pastor of a congregation shall be the moderator of the session of that congregation. In congregations where there are co-pastors, they shall both be considered moderators and have provisions for designating who presides at a particular meeting. If it is impractical for the pastor to moderate, he or she shall invite another teaching elder who is a member of the presbytery or a person authorized by the presbytery to serve as moderator. If there is no installed pastor, or if the installed pastor is unable to invite another moderator, the presbytery shall make provision for a moderator.

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GA (1999, 60, 577, Ovt. 99-4): Added language to allow a pby to appoint a CLP as moderator for church to which CLP is commissioned.

GA (2004, 86, 331, Item 04-15): Former G-9.0705 [now G-3.0110] is not applicable to the termination of officers.

GA (2012, 52, 55, 707, Item 07-21): “(T)he presbytery must counsel the candidate under examination that, once ordained or installed, he or she has a duty to fulfill constitutionally mandated responsibilities, including serving as regular moderator of session...”

GA (1992, 308, 21.088, Req. 92-10): The pby may not appoint a minister who is not a member of the Presbyterian Church (U.S.A.) to regularly moderate a session while serving as interim pastor; the function of the moderator is to be the presence of the pby and/or PC(USA).

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The moderator possesses the authority necessary for preserving order and for conducting efficiently the business of the body. He or she shall convene and adjourn the body in accordance with its own action.

Each council higher than the session shall elect a moderator for such terms as the council determines. At the time of their election, moderators must be continuing members of, or commissioners to, the council over which they are elected to preside. They shall preside at meetings of the council during their term of office; councils shall provide by rule who shall preside in the absence of the moderator.

Each council shall elect a clerk who shall record the transactions of the council, keep its rolls of membership and attendance **including the rolls of all Certified Christian Educators and Certified Associate Christian Educators and all Ruling Elders commissioned to particular pastoral service**, preserve its records, and furnish extracts from them when required by another council of the church. Such extracts, verified by the clerk, shall be evidence in any council of the church. The clerk of the session shall be a ruling elder elected by the session for such term as it may determine. The clerk of a presbytery, a synod, and the General Assembly shall be called stated clerk, shall be elected by the council for a definite term as it may determine, and must be a ruling elder or teaching elder. **A stated clerk may be removed from office prior to completion of his or her term of service through the use of the process outlined in G-3.0110.**

Councils may elect such other officers as the council requires.

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Amend Proposed (2012, 26, 28, 614, Item 06-19): Intent is to correct editorial wording and misplacement of amendment insertion into the new Form of Government. Move is from G-3.0104 (council rolls) to G-3.0305 (presbytery rolls).

Amend (2010, 60, 315, Item 05-04): Moved lists of Certified (and Associate) Christian Educators and Commissioned Ruling Elders to registers kept by the stated clerk of presbytery.

Amend (2010, 59, 333, Item 05-14): Added statement [to G-3.0104] that stated clerks may be removed through the use of [former G-9.0705 [now G-3.0110].

GA (2010, 59, 333, Item 05-14): Distinguishes ecclesiastical duties of stated clerks and administrative duties that the same person may carry.

GA (2008, 48, 51, 272, Item 04-20): (1) "... in congregations where there is an installed pastor, the pby would be acting outside its authority to require that someone other than the pastor or session moderator be accepted by the congregation as its moderator for the meeting.

GA (2) Pby may suggest the pastor invite a minister named by the presbytery to moderate, in order that the congregational decision may be free of undue influence from the installed pastor, protecting both the process and the pastor. An installed pastor is not bound to act on the suggestion.

GA (1995, 281, 21.120, Reqs. 91-18, 92-3, and 93-14): Presbytery may not delegate power "to elect officers of presbytery."

GA (1992, 308, 21.088, Req. 92-10): Moderator must be a member of the PC(USA), because the function of the moderator is to be the presence of the PC(USA) in that governing body. Minister serving as interim pastor but not a Presbyterian (U.S.A.) cannot moderate the session.

GA (1991, 26, Floor Motion): Moderator of the GA is not eligible for election as a continuing member, because GA has no continuing members; must be a commissioner.

GA (1990, 242, 21.158, Req. 90-8): Presbytery minutes should reflect accurately what was done, and not be overly technical.

GA (1988, 137, 12.187, Com. 4-88): An elder, not currently active on session, may serve as clerk of session.

PJC (2012, 220-09, Pby of New York City v. Edmonds): Stated clerk elected for a "definite term as [the council] determines" is not irrevocable contract for fixed term, but rather term that may be adjusted for financial crisis or mission reevaluation so long as fundamental fairness is given to stated clerk. [interpreting former G-9.0203b, G-6.0201 and G-14.0522]

Previous FoG:

Amend (1999, 60, 577, Ovt. 99-4): Added language to allow a pby to appoint a CLP as moderator for church to which CLP is commissioned.

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### **G-3.0105 Meetings**

Meetings of councils shall be opened and closed with prayer.<sup>a</sup> Meetings shall be conducted in accordance with the most recent edition of *Robert's Rules of Order Newly Revised*, except when it is in contradiction to this Constitution. Councils may also make use of processes of discernment in their deliberations prior to a vote as agreed upon by the body.

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GA (2010, 59, 337, Item 05-18): Robert's Rules of Order, Newly Revised, 10th Edition states that "only business mentioned in the call of a special meeting can be transacted at such a meeting. If, at a special meeting, it becomes urgent in an emergency to take action for which no notice was given, that action, to become legal, must be ratified ... by the organization at a regular meeting."

GA (2004, 87, 329, Item 04-14): E-mail voting is permitted only if there has been provision for deliberation and the governing documents of the governing body provide for vote by mail or e-mail.

PJC (2012, 220-09, Pby of New York City v. Edmonds): *Robert's Rules of Order (RONR)* terms of officers are applied by means of decisions of assemblies rendered in the course of their meetings. Council should use RONR to supplement and interpret G-9.0203b (now G- 3.0104) provision regarding the terms of call of a stated clerk. Appropriate RONR provision goes to the amendment of a society's own rules relating to its officers that may affect officers rather than the removal of officers for cause.

PJC (1995, 207-05, Shack Church v Bryan): An elder who has been elected but not yet installed cannot be counted for a quorum.

PJC (1995, 207-08, Mt. Auburn PC v. Pby of Cincinnati): Robert's Rules of Order enhance Pby's broad discretion as to appointments to an AC and support that it may appoint persons in favor of the Pby's action.

PJC (1983, 195-02, Rodrigues-Morales et al v. Synod of Puerto Rico): A ruling of the chair cannot be overturned if remedies available at the time are not exhausted.

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When a council makes a decision, a member of the body who voted against the decision is entitled to file a dissent or a protest. Filing a dissent or protest neither initiates nor prevents judicial process.

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PJC (1998, 210-06, Veldhuizen v. Pby of San Francisco): Upholds the right of dissent and protest of a PJC decision by a member of governing body to which the decision is reported.

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a. A dissent is a declaration expressing disagreement with a decision of a council. It shall be made at the particular session during which the decision is made. The names of members dissenting shall be recorded.

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PJC (2001, 213-2, Londonderry v. Pby of N.N.E.): Decorous dissent is affirmed, but it does not include statement of intent to violate a constitutional provision.

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b. A protest is a written declaration, supported by reasons, alleging that a decision of a council is or contains an irregularity or a delinquency. Written notice of the protest shall be given at the particular session of the council during which it arose and shall be filed with the clerk before adjournment. If the protest is expressed in decorous and respectful language, it shall be entered in the minutes of the meeting, and may be accompanied by an answer prepared by the council. No further action is required.

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GA (2006, 28-29, 523, Item 06-01): Assembly adopted amended recommendations of the Theological Task Force on Peace, Unity and Purity of the Church. Recommendation 4 urged governing bodies to "explore the use of alternative forms of discernment preliminary to decision-making, especially in dealing with potentially divisive issues."

GA (1990, 246, 21.205, Req. 90-18): Robert's Rules of Order, Newly Revised, or some other comparable compilation of parliamentary procedures, with respect to fairness and due process, should be used in the conduct of congregational meetings.

GA (1990, 242, 21.158, Req. 90-8): Presbytery minutes should follow the requirements of Robert's Rules of Order, Newly Revised, reflect accurately what was done, and not be overly technical.

GA (1984, 599, 55.046, Ovt. 51-84): Robert's Rules of Order, Newly Revised, does not permit proxy voting unless required by laws of state. (see RRONR, 2011, 428).

Earlier References:

(PCUSA-OS, 1848, 60) and (PCUS, 1891, 258): A pby may meet outside its own bounds.

Hist. Note (UPC, 1979, 310-319): Report of Task Force on Polity and Reconciliation discusses the uses of parliamentary procedure.

Hist. Note: The right to protest on the record appears in Plan of Union, 1758, par. III.

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### ***G-3.0106 Administration of Mission***

Mission determines the forms and structures needed for the church to do its work. Administration is the process by which a council implements its decisions. Administration enables the church to give effective witness in the world to God's new creation in Jesus Christ and strengthens the church's witness to the mission of the triune God.

Councils higher than the session may provide examples of policies and procedures that may be gathered into advisory handbooks. These examples illumine practices required by the Constitution but left to councils for specific implementation. Such handbooks may also offer information that enhances or secures the ministry of the particular council.

Each council shall develop a manual of administrative operations that will specify the form and guide the work of mission in that council.

**All councils shall adopt and implement a sexual misconduct policy.**

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Amend (2010, 79, 227, Item 03-26): Added new section requiring all governing bodies to adopt and implement a sexual misconduct policy.

GA (2010, 128, 24-25, Item 07-01): Adopted Advisory Handbook for Councils for the Development of Policies and Procedures Required by the Form of Government. Handbook can be found in the Supplemental Materials (Advisory Handbook for Councils).

PJC (2010, 219-07, Pby of Wyoming v. Gordon King): "Individuals have the responsibility to know the policies of the governing bodies they serve."

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A council may delegate aspects of its tasks to such entities as it deems appropriate, provided that those entities remain accountable to the council.

The administration of mission demonstrates the unity and interdependence of the church, in that councils share with one another responsibilities, rights, and powers (F-3.0203). Through their members and elected commissioners, lower councils participate in planning and administration of the work of higher councils, and in consultation between bodies concerning mission, budget, staffing and fair employment practices, and matters of equitable compensation.

The funding of mission similarly demonstrates the unity and interdependence of the church. The failure of any part of the church to participate in the stewardship of the mission of the whole church diminishes that unity and interdependence. All mission funding should enable the church to give effective witness in the world to God's new creation in Jesus Christ, and should strengthen the church's witness to the mission of God.

Each council above the session shall prepare a budget for its operating expenses, including administrative personnel, and may fund it with a per capita apportionment among the particular congregations within its bounds. Presbyteries are responsible for raising their own funds and for raising and timely transmission of per capita funds to their respective synods and the General Assembly. Presbyteries may direct per capita apportionments to sessions within their bounds, but in no case shall the authority of the session to direct its benevolences be compromised.

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Amend Rejected (**2012, 10, 79, Item 03-02**): Rejected request to allow presbyteries to forward only per capita funds received to synod and GA.

Amend Rejected (**2002, 41, 182, Item 03-07, Ovt 02-15**): Rejected allowing pbys to forward to synod and GA only the amount they can collect, and would have nullified 1999 Authoritative Interpretations (see below). But pbys are urged to partner and work pastorally with churches and work to alleviate reasons for sessions' withholding per capita.

Amend Rejected (**1985, 150, 17.199, Ovt. 75-85**): Rejected request for change to require approval of the next higher governing body for establishment of administrative staff positions.

GA (**2010, 79, 240, Item 03-28**): "A presbytery is required to remit to the General Assembly and the synod per capita funds remitted by the session of member churches for per capita, even if the presbytery lacks sufficient funds to pay its own expenses."

GA (**2006, 46-47, Item 03-08**): Disapproved an overture asking for Authoritative Interpretation of per capita; instead encouraged congregations to take seriously their commitment to connectional nature of church and presbyteries to use pastoral care with congregations that withhold per capita.

GA (**2006, 46, 48, Item 03-12**): Rejected request to speculate on circumstances that would prevent pby payment.

GA (**1999, 65, 107, 16.001-.007, Req. 99-1**): (1) Presbytery has responsibility to remit per capita allocations to synod and GA, even if a cong. does not pay per capita allocated to it by pby.

GA (2) Pby may use unrestricted funds (whether collected as per capita or general benevolence) to pay per capita allocations to synod and GA.

GA, (**1995, 281ff. 21.120, Reqs. 91-18, 92-3, and 93-14**): Extensive treatment on powers which a pby should not delegate.

GA (**1995, 280, 21.112, Ref. Ovt 92-54**): General Assembly Council is required to report to GA all task force recommendations.

GA (**1991, 390, 21.047, Req. 91-5**): The form of reports to pby of those accountable to it is left to the discretion of pby.

GA (**1990, 238, 21.111, Req. 90-1**): Participation in presbytery actions is limited to ministers and elders. If non-elders are members of a delegated body, they serve with voice but no vote.

GA (**1987, 146, 15.207, Com. 7-87**): A governing body may delegate particular aspects of its task to other entities, but always on the basis of accountability to the governing body. Requires reporting of all actions of pby council to pby; no exceptions.

PJC (2010, 219-07, Pby of Wyoming v Gordon R.J. King): “Individuals have the responsibility to know the policies of the governing bodies [now councils] they serve.”

PJC (2006, 217-9, Synod of the Northeast v. Board of Pensions): The 195th GA established the Board of Pensions; the 198th GA approved the Benefits Plan; the GA thus delegated to the Board fiduciary responsibility under Pennsylvania law.

PJC (2006, 217-2, 462, Johnston, et.al. v. Heartland Pby): PJC (1) “Payment of per capita apportionments is a high moral obligation, the fulfillment of which visibly demonstrates the covenantal ties that bind us as the one church of Jesus Christ.”

PJC (2) Pby’s declaration that a church is ineligible to request financial assistance if per capita is not fully paid is misuse of discretion.

PJC (2006, 217-1, Hope, et.al. v. Pby of San Francisco): Failure to follow its own stated policy does not rise to the level of a constitutional error reviewable by the GAPJC.

PJC (2004, 216-6, Hope v. Pby of San Francisco): Pby has wide discretion in evaluating a candidate’s readiness for ministry.

PCJ (2) Pby must communicate substance of concerns that form the basis for a recommendation of removal to allow the candidate a fair opportunity to respond.

PJC (2004, 216-1, Minihan v. Pby of Scioto Valley): (1) 1992 Amendment did not grant a presbytery power to compel a session to transmit its per capita apportionment.

PJC (2) The term “benevolences” in responsibilities of the session includes per capita funds.

PJC (3) Withholding per capita as a means of protest or dissent evidences a serious breach of the trust and love with which our Lord Jesus intends the covenant community to function together.

PJC (1998, 210-10, Dickson v. Synod of SW): Correspondence and overtures from one governing body to another must be communicated to members, commissioners.

PJC (1992, 204-5, Session of Central Church v. Pby of Long Island): Pby may not compel or punish a church whose session determines the distribution of the congregation’s benevolences in a way contrary to the pby’s approved policy of financing higher governing body mission with per capita.

Earlier References:

(UPC, 1976, 228, Westminster Church v. Pby of Detroit):

(UPC 1977, 412-415): GAMC report on per capita related to Westminster Church case (1976, 228) and Ovt. 71 (1976, 197).

(UPC 1969, 459-555): Report of Spec. Comm. on Regional Synods and Church Administration. Ovt H adopted 1970. (UPC 1978, 164; UPC 1979, 215): Review of synods and presbyteries.

Hist. Note (PCUSA, 1870, 59): per member contribution; (PCUSA, 1803, 282; 1807, 384-6): decision to aid commissioners from distant pby’s attending GA.

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### ***G-3.0107 Records***

Each council shall keep a full and accurate record of its proceedings. Minutes and all other official records of councils are the property in perpetuity of said councils or their legal successors. When a council ceases to exist, its records shall become the property of the next higher council within whose bounds the lower council was prior to its cessation. The clerk of each council shall make recommendation to that body for the permanent safekeeping of the body’s records with the Presbyterian Historical Society or in a temperature and humidity controlled environment of a seminary of the Presbyterian Church (U.S.A.).



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GA (2010, 61, 330, Item 05-12): Sessions are required to produce any amendments to articles of incorporation and bylaws adopted by the congregation as part of the annual review of session records and may be required to produce such documents as part of a special administrative review.

GA (1990, 242, 21.158, Req. 90-8): Presbytery minutes should reflect accurately what was done, and not be overly technical.

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### ***G-3.0108 Administrative Review***

Higher councils shall review the work of lower councils in the following ways:

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GA (2010, 61, 330, Item 05-12): (1) As part of their responsibility to review the proceedings of session, presbyteries have a responsibility to determine that the proceedings of session “have been regular and in accordance with the Constitution.”

GA (2) Sessions are required to produce any amendments to articles of incorporation and bylaws adopted by the congregation as part of the annual review of session records and may be required to produce such documents as part of a special administrative review.

GA (2006, 46, 48, Item 03-14, Recommendation 3): GA may use synod stated clerks to review synod minutes but GA must also “read the substance of such minutes” to learn of reasons for celebration and concerns that might need further inquiry, oversight or pastoral care.

GA (1997, 179, 21.0180, Req. 97-2): “Body” or “organization” means any individual or group arising within cong. that “affects theol. instruction, spiritual development, mission programs, raises money, uses property, or purports in any way to represent the cong. to the public.”

GA (2) Reporting for the congregation is accomplished by minutes attested by moderator and secretary (clerk of session).

GA (1992, 322, 21.244, Req. 91-28): Synod or pby may use clerk of next lower gov. body to read and review minutes and records of another gov. body. However, higher gov. body cannot require clerk of lower gov. body to be present at meeting where records are examined.

PJC (2006, 217-1, Hope, et.al. v. Pby of San Francisco): Failure to follow its own stated policy does not rise to the level of a constitutional error reviewable by the GAPJC.

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#### ***a. General Administrative Review***

Each council shall review annually or biennially, based on the body’s meeting frequency, the proceedings and actions of all entities related to the body, all officers able to act on behalf of the body, and lower councils within its jurisdiction. In reviewing the procedures of the lower council, the higher body shall determine whether the proceedings have been correctly recorded, have been in accordance with this Constitution <sup>b</sup>, have been prudent and equitable, and have been faithful to the mission of the whole church. It shall also determine whether lawful injunctions of a higher body have been obeyed.

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GA (2010, 61, 330, Item 05-12): “Sessions are required to produce any articles of incorporation and bylaws adopted by the congregation as part of the annual review of session records and may be required to produce such documents as part of a special administrative review “



GA (2004, 87, 333, Item 04-17): Adopted additional standing rule to provide for a further way to initiate special administrative review of a synod.

GA (2003, 68, 232, Item 03-04, Req 03-4): Synods may assume original jurisdiction over presbytery functions.

GA (2003, 69, 240, Item 03-13, Ovt 03-8): (1) Synods possess power to undertake administrative review in carrying out responsibility to assure that presbyteries observe Constitution.

GA (2) Synods encouraged to adopt bylaw permitting appointment of group to undertake administrative review between meetings of synod.

GA (1984, 604, 55.099, Com. 6-84): The requirement that minutes and other official records of the session shall be available to the presbytry upon request may be interpreted to include the bylaws of the particular church.

GA (2) Pby power to review session minutes and records at least once a year may be interpreted to provide review more frequently than an annual basis.

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### ***b. Special Administrative Review***

If a higher council learns at any time of an alleged irregularity or delinquency of a lower council, it may require the lower body to produce any records and to take appropriate action.

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GA (2010, 61, 330, Item 05-12): “Sessions are required to produce any articles of incorporation and bylaws adopted by the congregation as part of the annual review of session records and may be required to produce such documents as part of a special administrative review “

GA (1984, 604, 55.099, Com. 6-84): The requirement that minutes and other official records of the session shall be available to the presbytry upon request may be interpreted to include the bylaws of the particular church.

GA (2) Pby power to review session minutes and records at least once a year may be interpreted to provide review more frequently than an annual basis.

PJC (2012, 220-05, Hwang v. Synod of S. CA and Hawaii): A synod may appoint an administrative commission with original jurisdiction over some or all of the functions of a presbytery Committee on Ministry (G-9.0503a); it may do so without giving the Commission complete jurisdiction over the Presbytery (G-9.0503a(4)). (but see concurring and dissenting opinions regarding power and wisdom of Synod to take Original Jurisdiction over Presbytery).

PJC (1996, 208-04, Session Central Church v. Pby Long Island): Pby’s Council has liberty to take cognizance of an alleged error. Council has discretion as to how, when and whether it will respond to an alleged irregularity through an administrative review.

Earlier References:

(UPC 1977, 160, Mekeel v. Pby of Albany): Pby may not use authority to review to restrict church’s use of funds. (See Appendix B in print Anno. BO)

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### ***c. Directed Response***

The higher council may direct the lower council to reconsider and take corrective action if matters are determined to be out of compliance. In addition to administrative review, review and correction may be sought by initiating judicial process as described in the Rules of Discipline.

## ***G-3.0109 Committees and Commissions***

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GA (2008, 48, 51, 272, Item 04-20): Since the meeting to consider whether a congregation wants to leave the denomination is not a congregational meeting but rather a hearing, the presbytery is free to name any moderator it wishes

GA (2003, 68, 232, Item 03-04, Req 03-4): “It is assumed that members, officers, and governing bodies of the church will abide by lawful orders issued by permanent judicial commissions.”

GA (2001, 149, 16.001-.012, Req. 01-1): Fair notice is defined as “a short and plain statement of the matters at issue as identified by the commission and of the time and place for a hearing upon the matters at issue.”

GA (1995, 280, 21.112, Ref. Ovt 92-54): General Assembly Council is required to report to GA all task force recommendations.

GA (1990, 238, 21.111, Req. 90-1): Participation in presbytery actions is limited to ministers and elders. If non-elders are members of a delegated body, they serve with voice but no vote.

PJC (2012, 221-01, Priest v. Pby of Detroit): Action taken by Committee on Preparation for Ministry was not action of pby and therefore synod PJC did not have jurisdiction to hear remedial complaint against pby.

PJC (2006, 217-1, Hope, et.al. v. Pby of San Francisco): Failure to follow its own stated policy does not rise to the level of a constitutional error reviewable by the GAPJC.

PJC (1987, 199-01, Bedford-Central PC v. Pby of NYC): Pby followed clear and open procedures in evaluating candidate with opportunity for interested person and group to be heard.

PJC (1983, 195-02, Rodrigues-Morales et al v. Synod of Puerto Rico): A synod may establish, dissolve, and replace its committees.

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Councils may designate by their own rule such committees and commissions as they deem necessary and helpful for the accomplishment of the mission of the church, and may create such structures jointly with other councils, in consultation with the next higher council. In appointing such committees and commissions councils shall be mindful of the principles of unity in diversity consistent with the provisions of this Constitution (F-1.0403, G-3.0103).

A committee shall study and recommend action or carry out decisions already made by a council. It shall make a full report to the council that created it, and its recommendations shall require action by that body. Committees of councils higher than the session shall consist of both teaching elders and members of congregations, with at least one half being members of the congregation.

A commission is empowered to consider and conclude matters referred to it by a council. The designating council shall state specifically the scope of the commission’s powers and any restrictions on those powers.

A council may designate two types of commissions:

### ***a. Judicial Commissions***

Judicial commissions shall consider and decide cases of process for the council according to the Rules of Discipline. Sessions shall perform the function of a judicial commission for the

congregation; each council higher than the session shall elect a permanent judicial commission (see D-5.0000).

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Amend Proposed (2012, 20, 23, 341, Item 05-13): Would provide for two or more synods sharing common boundaries to form a shared PJC.

GA (2006, 38, 40, 443, Item 05-27): (1) Decisions of the PJCs of synods and pby are binding on the parties to the particular cases in which the decisions are rendered unless overturned on appeal. No synod or pby PJC is able to make its decisions binding beyond the parties to the particular case by simply declaring it to be so.

GA (2) Governing bodies and members in the same jurisdiction and a jurisdiction below the one rendering a decision should be aware that the PJC will render similar decisions in cases on the same issues and with like fact situations. *Wefer v. Synod of Pennsylvania (Minutes, UPC, 1957, Part I, pp. 188 - 93)*.

GA (3) Only the General Assembly Permanent Judicial Commission has the power to render decisions that are authoritative interpretations binding on the entire church, because the *Book of Order* so provides.

GA (2006, 38, 40, 441, Item 05-26): The responsibility to appoint an administrative commission to conduct an ordination may be delegated by the presbytery to a committee or an officer and each presbytery may provide by rule for the manner in which such appointment shall be made within its bounds.

PJC (2006, 217-7, Williamson v. Pby of W. North Carolina): No PJC in our denomination has the authority to amend or to invalidate any part of the Constitution.

PJC (2006, 217-1, Hope, et.al. v. Pby of San Francisco): GAPJC decides only PC(USA) constitutional error and cannot interpret presbytery policy.

PJC (1995, 207-8, Mt. Auburn Presbyterian Church v. Pby of Cincinnati): The *Book of Order* provides for both judicial and administrative review processes. These processes are not sequential, but alternatives.

PJC (1995, 207-7, Broad Ave. PC, et al. v. General Assembly Council): Judicial process is inherently limited to specific cases. Judicial Commission is not a general board of review.

PJC (1993, 205-11, Session of Witherspoon PC v. Pby of Whitewater Valley): Complaints or appeals dealing with procedures are appropriately raised after final determination on the merits.

PJC (1993, 205-7, Veldhuizen v. Pby of San Francisco): No PJC has the authority to declare sections of the *Book of Order* unconstitutional.

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## **b. Administrative Commissions**

Administrative commissions are designated to consider and conclude matters not involving ecclesiastical judicial process, except that in the discharge of their assigned responsibilities they may discover and report to the designating council matters that may require judicial action by the council.

Functions that may be entrusted to administrative commissions include, but are not limited to:

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GA (2010, 61, 330, Item 05-12): Deals with consequences of adoption of corporate documents containing provisions contrary to the *Constitution*.

GA (2010, 58, 331, Item 05-13): (1) It is constitutional ... for a governing body to provide by rule for appointment of an administrative commission as might be needed under emergency circumstances such as a natural disaster or a public health order forbidding social gatherings.

GA (2) A governing body may approve a group of members who serve by virtue of office as the core membership of an administrative commission if it annually reviews the composition of that group for its representational sufficiency and by recorded action augments it as needed.

GA (2008, 14, 15, 544, 546, Item 07-13): Administrative commissions may not be empowered to approve dismissal of congregation.

GA (2008, 48, 51, 272, Item 04-20): Pby, acting through an AC to settle differences within a church, must hold hearings that “afford to all persons to be affected by the decision fair notice and an opportunity to be heard on the matters at issue.” Such hearings are for the advice of pby, so that the commission may make informed decisions. No congregational business may be transacted at these hearings.

GA (2006, 38, 40, 441, Item 05-26): The responsibility to appoint an administrative commission to conduct an ordination may be delegated by the presbytery to a committee or an officer and each presbytery may provide by rule for the manner in which such appointment shall be made within its bounds.”

GA (2003, 68, 234, Item 03-05, Req 03-5): No separate hearing is required when administrative commission is determining whether to recommend that the presbytery dissolve the pastoral relationship.

GA (2001, 149, 16.001-.012, Req. 01-1): (1) Fair notice is defined as “a short and plain statement of the matters at issue as identified by the commission and of the time and place for a hearing upon the matters at issue.”

GA (2) Notice shall be given to all persons expected to be affect by the decision(s) of the commission.

GA (3) Method of notice will vary. If it is necessary to obtain proof that an individual or group has received notification, written communication sent by certified mail with a return receipt or by personal deliver with signed receipt should be used.

GA (4) A hearing is an opportunity for the AC to hear the opinions and coners of those who it expects to be affect by its decision(s). It is not necessarily open to the public although the AC may decide to make it open.

GA (5) If asserts of unsatisfactory conduct are made in meetings between an AC and inviduals, the AC should arrange for meeting where the right of a person to face those who make assertions can be honored. Time must be allowed for the accused to “prepare and make a reasoned defense.”

GA (1996, 261, 21.094, Req. 96-7): Pby may grant to ACs powers deemed necessary for the effective ministry of the pby, as long as those delgated powers are not in violation of the Constitution of the PC(USA).

GA (1991, 391, 21.055, Req. 91-6): Any minister, lay member, or employee of the church can be represented by counsel when the need for such counsel is felt by that person. Counsel must be a Presbyterian.

GA (1988, 142, 12.249, Req. 13-88): The list of administrative powers is not exhaustive.

PJC (2010, 219-05, Lee et al v. Midwest Hanmi Pby): (1) Before an administrative commission can act on matters of renunciation of jurisdiction, the presbytery must have granted the commission authority to act on that matter.

PJC (2) When a governing body establishes an adminisitrative commission, it shall state specifically the scope of power given to the commission. Powers not delegated by a governing body are reserved to that body.

PJC (2010, 219-04, Wolfe v Pby of Winnebago): (1) A minister member is accountable to the presbytery for the performance of her work. Pby has the authority to determine how she can be helpful to the mission of the church.

PJC (2) Pby has the authority to address the work of a minister of Word and Sacrament through administrative means.

PJC (2010, 219-03, Sundquist v. Heartland Pby): (1) When an administrative commission has been appointed to settle differences within a church or other entity, there are requirements that it must observe in order to assure the fair exercise of authority. All persons to be affected by the decision must be given fair notice and an opportunity to be heard on the matters at issue.

PJC (2) The functions of an administrative commission are limited by the appointing body and may include any function that the appointing body wishes to delegate (with few exceptions expressly provided for in the BoO).  
d.

PJC (3) A governing body may amend or rescind an action or decision of an administrative commission in the same manner that it may change its own decisions and actions.

PJC (4) The mere creation of an administrative commission is not an act of discipline.

PJC (2002, 215-05, Gaba v. Pby E. VA): All persons affected by AC decision must be given fair notice and an opportunity to be heard.

PJC (1995, 207-8, Mt. Auburn Presbyterian Church v. Pby of Cincinnati): Judicial and administrative review processes are not sequential, but are alternatives.

PJC (1994, 206-2, Phinisee v. Pby of Grace): The right to be heard by presbytery is fulfilled when the matter is heard by an administrative commission authorized to resolve a matter.

PJC (1991, 203-02, Anderson v. Pby of Central Florida): (1) Members of the administrative commission are not barred from voting on the AC's final report because of absence from a meeting.

PJC (2) Direction to AC to settle difficulties within church implies power to dissolve pastoral relationship, although this power should be explicitly stated.

PJC (1991, 203-1, Hoy, et al. v. Pby of Tropical Florida): When an administrative commission is established, it may exercise only those powers which are specifically granted to it.

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(1) (by sessions) ordaining and installing ruling elders and deacons, receiving and dismissing members, and visiting organizations within the congregation to settle differences therein;

(2) (by presbyteries) ordaining and installing teaching elders;

(3) (by presbyteries) examining and receiving into membership teaching elders seeking admission to presbytery, including approval of terms of call and commissions for ordination and installation; and receiving candidates under care;

(4) (by presbyteries) developing immigrant fellowships, organizing new congregations, merging congregations, or forming union or federated congregations (G-5.05);

(5) (by presbyteries, synods, and the General Assembly) visiting particular councils, congregations, or agencies over which they have immediate jurisdiction reported to be affected with disorder<sup>c</sup>, and inquiring into and settling the difficulties therein, except that no commission of a presbytery shall be empowered to dissolve a pastoral relationship without the specific authorization by the designating body (G-2.0901);

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GA (2004, 87, 332, Item 04-16 and 1992, 307, 21.083, Req. 92-9): Motion to dissolve pastoral relationship may be made at annual meeting, but must be announced in call for meeting.

PJC (2102, 220-12, Cubbin-Will v. Pby of Tropical Florida): All persons were given sufficient notice and opportunity to be heard when presbytery deliberated and appointed administrative commission.

PJC (2012, 220-05, Hwang v. Synod of S. CA and Hawaii): A synod may appoint an administrative commission with original jurisdiction over some or all of the functions of a presbytery Committee on Ministry

(G-9.0503a); it may do so without giving the Commission complete jurisdiction over the Presbytery (G-9.0503a(4)). (but see concurring and dissenting opinions regarding power and wisdom of Synod to take Original Jurisdiction over Presbytery).

PJC (2010, 219-02, Pby of Greater Atlanta v. Ransom): Attempts at Administrative resolutions of conflict are permissible.

PJC (2010, 219-03, Sundquist v. Heartland Pby): (1) The pby may appoint an administrative commission or delegate power to it without investigation, notice and an opportunity to be heard. AC must then investigate, give notice and opportunity to be heard prior to making any decisions.

PJC (2) An administrative commission may not dissolve a pastoral relationship without adhering to constitutional requirements.

PJC (2010, 219-12, Phinisee v. Pby of Charleston Atlantic): Decision to appoint AC by pby is a discretionary function that resides solely with pby.

PJC (2006, 217-5, Session of 2nd PC of Tulsa v. Eastern Oklahoma Pby): Pby may delegate authority to dissolve congregation to an AC.

PJC (2006, 218-05, Essinger-Hileman v. Pby of Miami): Fundamental fairness ordinarily requires that pastor and congregation be given notice and opportunity to be heard before a pby votes to dissolve pastoral relationship.

PJC (2000, 212-10, Bower v. Pby of Pittsburgh): Administrative Commission not required to hold a hearing unless empowered to act.

PJC (1994, 206-2, Phinisee v. Pby of Grace): A presbytery's power to dissolve a pastoral relationship may be delegated to an administrative commission.

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(6) (by all councils) making pastoral inquiry into persons accused of sexual abuse of another person (D-10.0401c) when jurisdiction in a judicial proceeding against such persons has ended due to death or renunciation of the accused; such inquiries shall not be understood as judicial proceedings but shall seek to reach a determination of truth related to the accusation and to make appropriate recommendations to the designating council.

A commission of presbytery, synod, or General Assembly shall be composed of ruling elders and teaching elders in numbers as nearly equal as possible and sufficient to accomplish their work. A quorum of any commission shall be established by the designating council but in no case shall be less than a majority of its members (except as limited by D-5.0204).

A commission of a session shall be composed of at least two ruling elders, and a teaching elder in an installed or temporary relationship with the congregation governed by that session or a ruling elder commissioned to pastoral service.

A commission shall keep a full record of its proceedings and shall submit that record to the council for incorporation into its records. Actions of a commission shall be regarded as actions of the council that created it. A commission may be assigned additional duties as a committee, which duties shall be reported and handled as the report of a committee.

The decisions of an administrative commission shall be reported to the clerk of the designating council, who shall report it to the council at its next stated meeting. A council may rescind or amend an action of its administrative commission in the same way actions of the council are modified.

When an administrative commission has been designated to settle differences within a particular organization or council, it shall, before making its decision final, afford to all persons affected by its decision fair notice and an opportunity to be heard on matters at issue.

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**Amend Proposed (2012, 20, 23, 341, Item 05-13):** Would provide for two or more synods sharing common boundaries to form a shared PJC.  
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### ***G-3.0110 Administrative Staff***

Councils higher than the session may employ such staff as is required by the mission of the body in accordance with the principles of unity in diversity (F-1.0403). Councils may, in consultation with the next higher council, share staff as required by the mission of the body. A council shall make provision in its manual of administrative operations (G-3.0106) for the process of electing executive staff and the hiring of other staff, the description of the responsibilities of the positions, the method of performance review, and the manner of termination of employment. (**G-3.0104**)

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**Amend (2010, 59, 333, Item 05-14):** Added statement [to G-3.0104] that stated clerks may be removed through the use of [former G-9.0705 [now G-3.0110].

**GA (2010, 59, 333, Item 05-14):** Distinguishes ecclesiastical duties of stated clerks and administrative duties that the same person may carry.

**GA (2004, 86, 331, Item 04-15):** Former G-9.0705 [now G-3.0110] is not applicable to the termination of officers.

**GA (1997, 181, 21.0211, Req. 97-6):** There is no role for COM in the process of hiring pby staff or in the voluntary resignation of pby staff unless such a role is assigned in the manual of operations or bylaws of the presbytery.

**GA (1997, 181, 21.0216, Req. 97-7):** It is the prerogative of the GA to review the adequacy of the search process and the suitability of the person elected by a GA agency. Election process not complete until GA concurs.

**GA (1995, 281, 21.120, Reqs. 91-18, 92-3, and 93-14):** Presbytery may not delegate power to elect executive.

**GA (1991, 404, 21.211, Ref. 91-1, Req. 91-11 & 91-12):** The GA. cannot require the Board of Pensions to adhere to the Personnel Policies of the GA., and of the GAC, if such adherence creates conflict with the Board's civil law responsibilities.

**GA (1991, 391, 21.055, Req. 91-6):** Any minister, lay member, or employee of the church can be represented by counsel when the need for such counsel is felt by that person. Counsel must be a Presbyterian.

**PJC (1998, 210-10, Dickson v. Synod of the Southwest):** Governing body must abide by terms of negotiated separation; may not withhold communication addressed to it requesting a hearing.

### ***G-3.0111 Nominating Process***

All councils higher than the session shall have a process for nominating persons to serve in positions requiring election by the council. The process shall ensure that nominations are made



by an entity broadly representative of the constituency of the council, and in conformity with the church's commitment to unity in diversity (F-1.0403).

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PJC (1995, 207-1, Bolton v. Alamance PC): Requiring prior consent of nominee before election is not unconstitutional.

PJC (1983, 195-02, Rodrigues-Morales et al v. Synod of Puerto Rico): A synod may establish, dissolve, and replace its committees.

Previous FoG:

Amend (2010, 57, 318, Item 05-05): Changed membership requirement of COR and GANC to "ministers and elders (both women and men) in numbers nearly as equal as possible".

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### ***G-3.0112 Insurance***

Each council shall obtain property and liability insurance coverage to protect its facilities, programs, staff, and elected and appointed officers.

### ***G-3.0113 Finances***

Each council shall prepare and adopt a budget to support the church's mission within its area.

A full financial review of all financial books and records shall be conducted every year by a public accountant or committee of members versed in accounting procedures. Reviewers should not be related to the treasurer(s). Terminology in this section is meant to provide general guidance and is not intended to require or not require specific audit procedures or practices as understood within the professional accounting community.

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GA: (1991, 396, 21.133, Req. 91-25): (1) Where civil law specifies who is qualified to perform audits, churches and governing bodies shall comply to the fullest extent economically feasible.

GA (2) When an audit is deemed to not be feasible, churches and governing bodies shall make some decision for the some responsible review to comply with the intent of exercising adequate fiscal accountability.

GA (3) "Certified audit" is to be understood to mean that an audit and/or review should be conducted in accordance with generally accepted auditing standards.

GA (1988, 141, 12.231a, Req. 10-88): (1) Audit defined to be an examination or review of financial statements and records to determine that they present fairly the financial position and results of operation for the period then ended.

GA (2) Audits and/or reviews should be conducted in accordance with generally accepted standards and from sufficient information to enable the independent auditor or committee of members to render an opinion about the financial position and results of operations of the church.

PJC (2006, 217-2, Johnston, et.al. v. Heartland Pby): (1) A pby's constitutional responsibilities to develop a mission budget does not permit it to compel a congregation to pay per capita and impose sanctions.

PJC (2) "It is within the ... discretion of a pby to consider a congregation's financial participation in the life of the larger church as one of the many relevant factors" in acting upon a congregation's request for assistance.



PJC (3) "... [A] congregation's failure to pay full per capita apportionments or to fulfill a mission pledge ordinarily cannot become determinative or dispositive" in eligibility to request assistance.

PJC (2002, 215-02, Cuthbertson v. Matthews Murkland PC): Session has responsibility of "assuring that all offerings are distributed to the objects toward which they were contributed."

Previous FoG:

Amend Rejected (2008, 48, 49, 243, Item 04-03): Rejected adding detail about audit/financial review requirements. Sessions and presbyteries have the authority to institute suggested procedures.

Amend Rejected (2002, 66, 290, Item 04-08, Ovt 02-27): Rejected making explicit presbytery's right to adopt plans for financial review; ACC said presbyteries already have the power.

Amend Rejected (1989, 222, 21.141, Ovt. 89-42): Rejected request to change minimum standards for financial procedure. But see later amendments.

GA (1994, 193, 21.045, Req. 94-5): Added second sentence to conform to similar language with regard to financial review at session and presbytery level.

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## **G-3.02 The Session**

### ***G-3.0201 Composition and Responsibilities***

The session is the council for the congregation. It shall be composed of those persons elected by the congregation to active service <sup>d</sup> as ruling elders, together with all installed pastors and associate pastors. All members of the session are entitled to vote. The pastor shall be the moderator of the session, and the session shall not meet without the pastor or designated moderator. If there is no installed pastor, or if the installed pastor is unable to invite another moderator, the presbytery shall make provisions for a moderator. Presbyteries shall provide by rule for moderators when the session is without a moderator for reasons of vacancy or inconvenience.

The session shall have responsibility for governing the congregation <sup>e</sup> and guiding its witness to the sovereign activity of God in the world, so that the congregation is and becomes a community of faith, hope, love, and witness. As it leads and guides the witness of the congregation, the session shall keep before it the marks of the Church (F-1.0302), the notes by which Presbyterian and Reformed congregations have identified themselves throughout history (F-1.0303) and the six Great Ends of the Church (F-1.0304).

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GA (1998, 127, 12.0087, OGA Ref.): It is not necessary for BO to expressly name each of the actions pby or session may take to carry out responsibility for mission and governance throughout its geographical district.

GA (1997, 181, 21.0200, Req. 97-5): Elders must consult with appointed moderator in setting meeting. [former] G-10.0201 requires the minister's involvement in setting meeting and deciding who will preside.

GA (1993, 322, 21.051, Rec. Spec. Com. on Nature of Church and the Practice of Governance, 381, 26.322c): (1) Reaffirmed the shared responsibility of pastors and elders together as the session.

GA (2) Sessions are called as deliberative bodies responsible for the mission and government of particular churches as delineated in this section.

GA (1992, 308, 21.088, Req. 92-10): The pby may not appoint a minister who is not a member of the Presbyterian Church (U.S.A.) to regularly moderate a session while serving as interim pastor; the function of the moderator is to be the presence of the pby and/or PC(USA).

GA (1987, 151, 15.252, Com. 17-87): The conscience of elders is not bound by pronouncements of the General Assembly in considering the application of individuals for membership.

GA (1987, 157, 15.298, Com. 41-87): Pby may appoint member of another pby to moderate session of church without a pastor.

GA (1987, 157, 15.306, refers back to 15.228 (Com. 10-87): Pby may appoint member of another pby to moderate session of church without a pastor.

GA (1985, 143, 17.107, Item 27 Req.): Only presbytery can name an associate pastor moderator when the church is without a pastor.

PJC (1995, 207-1, Bolton v. Alamance Presbyterian Church): (1) Session acted within its constitutional authority to provide an orderly process for the congregation to exercise its responsibility to elect an associate pastor nominating committee.

PJC (2) Session has flexibility as to precisely how it will carry out its basic functions.

Previous FoG:

Amend (1999, 60, 577, Ovt. 99-4): Added language to allow a pby to appoint a CLP as moderator for church to which CLP is commissioned.

Amend Rejected (2008, 48, 49, 243, Item 04-03): Rejected statement that pastor members of session are not corporate officers or trustees, so cannot moderate the meetings of the board of trustees.

Amend Rejected (1988, 129, 12.062, Ovt. 18-88): Rejected request to add statement that moderator is head of staff on grounds that these sections, together with the power of presbytery to consult with member churches, adequately resolve the problem expressed in this overture.

Amend Rejected (1992, 295, 21.008, Ovt. 91-82): Rejected request to prohibit ministers of the Word and Sacrament from voting at session meetings.

GA (1999, 60, 577, Ovt. 99-4): Added language to allow a pby to appoint a CLP as moderator for church to which CLP is commissioned.

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In light of this charge, the session has responsibility and power to:

a. *provide that the Word of God may be truly preached and heard.* This responsibility shall include providing a place where the congregation may regularly gather for worship, education, and spiritual nurture; providing for regular preaching of the Word by a teaching elder or other person prepared and approved for the work; planning and leading regular efforts to reach into the community and the world with the message of salvation and the invitation to enter into committed discipleship; planning and leading ministries of social healing and reconciliation in the community in accordance with the prophetic witness of Jesus Christ; and initiating and responding to ecumenical efforts that bear witness to the love and grace of God.

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GA (2001, 152, 16.017-.028, Req. 01-3): Adopted interpretations concerning session's authority to use funds given to a church for restricted purposes.

GA (1989, 224, 21.162, Req. 89-2): "The presbytery has the authority to require in the call of associate pastors that the session designate certain minimum preaching opportunities."

GA (1989, 231, 21.261, Req. 89-26): There is implied authority in *Book of Order* for governing bodies to take appropriate steps to enable them to accomplish their constitutional responsibilities.

PJC (1990, 202-3, 142, 11.098, Staffa v. Hill United Church): Session authority to order worship affirmed.

Earlier References:

Hist. Note (UPCNA 1954, 921; 1955, 1301); (PCUS 1920, 79): Display of the national flag and the Christian flag in places of worship is for the session to determine.

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b. provide that the Sacraments may be rightly administered and received. This responsibility shall include authorizing the celebration of the Lord's Supper at least quarterly and the administration of Baptism as appropriate, in accordance with the principles of the Directory for Worship; and exercising pastoral care among the congregation; in order that the Sacraments may be received as a means of grace, and the congregation may live in the unity represented in the Sacraments.

c. nurture the covenant community of disciples of Christ. This responsibility shall include receiving and dismissing members; reviewing the roll of active members at least annually and counseling with those who have neglected the responsibilities of membership; providing programs of nurture, education, and fellowship; training, examining, ordaining, and installing those elected by the congregation as ruling elders and deacons; encouraging the graces of generosity and faithful stewardship of personal and financial resources; managing the physical property of the congregation for the furtherance of its mission; directing the ministry of deacons, trustees, and all organizations of the congregation; employing the administrative staff of the congregation; leading the congregation in participating in the mission of the whole church; warning and bearing witness against error in doctrine and immorality in practice within the congregation and community; and serving in judicial matters in accordance with the Rules of Discipline <sup>f</sup>.

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GA (2008, 48, 51, 274, Item 04-21): (1) A person who has renounced membership and/or church office in a PC(USA) congregation may, at some subsequent point, seek admission to membership in another PC(USA) congregation by reaffirmation of faith. Membership may not be denied "for any ... reason not related to profession of faith." It is the session's responsibility to receive such persons, and to determine if their reaffirmation of faith is consistent with the requirements for a profession of faith in W-4.2003a-c.

GA (2006, 28-29, 523, Item 06-01): (1) The *Book of Confessions* and the *Book of Order* set forth the scriptural and constitutional standards for ordination and installation.

GA (2) These standards are determined by the whole church, after the careful study of Scripture and theology, solely by the constitutional process of approval by the GA and the approval of the presbyteries. These standards may be interpreted by GA and its PJC.

GA (3) Ordaining and installing bodies, acting as corporate expression of the church, have the responsibility to determine their membership by applying these standards to those elected to office. These determinations include: (a) whether a candidate being examined for ordination and/or installation has departed from scriptural and constitutional standards for fitness for office, (b) whether any departure constitutes a failure to adhere to the essentials of Reformed faith and polity, thus barring the candidate from ordination and/or installation.

GA (4) Whether ordination and installation decisions comply with the Constitution of the PC(USA) and whether examinations were conducted reasonably, responsibly, prayerfully, and deliberately is subject to review by higher governing bodies.

GA (5) All parties should endeavor to outdo one another in honoring one another's decisions, according to the presumption of wisdom to ordaining/installing bodies in examining candidates and to the GA, with presbyteries' approval, in setting standards.

GA (1997, 181, 21.0197, Req. 97-4): If CLP is "moderator" of session, he or she may lead a service of ordination and installation of elders and deacons.

GA (1992, 323, 21.257, Ref. 90-1): Session may require training or examination of elders and deacons previously ordained.

GA (1991, 395, 21.124, Req. 91-23): Since session is responsible and accountable for determination of appropriate use of church facilities, it should not allow use of church facilities for same sex union ceremony that the session determines to be the same as a marriage ceremony.

GA (1991, 403, 21.198, Req. 90-16): The congregation is not a governing body in the *Book of Order*. The congregation has only specific and very limited powers.

PJC (2006, 217-11, Kuipers v. Session of Elkton PC): *Book of Order* gives session authority and responsibility for mission and government of congregation including responsibility for church financial matters and constitution of its committees.

PJC (2002, 214-02, Leslie v. First PC Manhattan, KS): A session must exercise discretion in determining the means, scope, and duration of instruction for membership, provided the content of proposed instruction includes meaning of profession of faith, responsibilities of membership and the faith and order of our denomination.

PJC (1991, 203-4, Matsuda, et al. v. Pby of San Francisco): Presbytery exceeded its own authority and usurped the authority of the session to determine the use of the physical facilities of the church.

PJC (1985, 197-93, Hardwick v. Session of Pearsall Church): Notes the rights of every member to pastoral care and the responsibilities of pastor and session to provide such care.

Previous FoG:

Amend Rejected (1985, 149, 17.175, Ovt. 199-84): Rejected requirement that business to be transacted at a meeting of the congregation include matters related to its proposed budget if such a procedure is included in the bylaws of that particular church.

Earlier References:

(UPCUSA, 1955, 101, UPCUSA, 1956, 107): Ovt D on session, deacons, and trustees.

(PCUS, 1916, 73): Government of the local church is entirely in the hands of the session.

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### ***G-3.0202 Relations with Other Councils***

Sessions have a particular responsibility to participate in the life of the whole church through participation in other councils. It is of particular importance that sessions:

- a. elect, as commissioners to presbytery, ruling elders from the congregation, preferably for at least a year, and receive their reports;
- b. nominate to presbytery ruling elders from the congregation who may be considered for election as commissioners to synod and General Assembly, and to serve on committees or commissions of the same, bearing in mind principles of inclusiveness and fair representation in the decision making of the church (F-1.0403);
- c. see that the guidance and communication of presbytery, synod, and General Assembly are considered, and that any binding actions are observed and carried out;
- d. welcome representatives of the presbytery on the occasions of their visits;

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GA (1991, 395, 21.124, Req. 91-23): Session should not allow use of church facilities for a same sex union ceremony that the session determines to be the same as a marriage ceremony.  
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e. propose to the presbytery, or through it to the synod and General Assembly, such measures as may be of common concern to the mission of the church; and

f. send to presbytery **g** and General Assembly requested statistics and other information according to the requirements of those bodies, as well as voluntary financial contributions.

### ***G-3.0203 Meetings***

The session shall hold stated meetings at least quarterly. The moderator **h** shall call a special meeting when he or she deems necessary or when requested in writing by any two members of the session. The business to be transacted at special meetings shall be limited to items specifically listed in the call for the meeting. There shall be reasonable notice given of all special meetings. The session shall also meet when directed by presbytery. Sessions shall provide by rule for a quorum for meetings; such quorum shall include the moderator and either a specific number of ruling elders or a specific percentage of those ruling elders in current service on the session.

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Amend Rejected (2002, 66, 289, Item 04-07, Ovt 02-3): Rejected allowing former COM members to moderate; ACC said presbyteries already have the power to authorize this action.

Amend Rejected (1989, 213, 21.027, Ovt. 88-175): Rejected request to exclude members of the session who are relatives of the pastor or staff persons, “during discussion of personnel matters pertaining directly to such staff.”

GA (2010, 59, 337, Item 05-18): Robert’s Rules of Order, Newly Revised, 10th Edition states that “only business mentioned in the call of a special meeting can be transacted at such a meeting. If, at a special meeting, it becomes urgent in an emergency to take action for which no notice was given, that action, to become legal, must be ratified ... by the organization at a regular meeting.”

GA (1997, 181, 21.0200, Req. 97-5): “The elders of a church may not circumvent the moderator’s role by calling meetings in a manner contrary to G-10.0201.” (now G-3.0203).

PJC (2010, 219-12, Phinisee v. Pby of Charleston Atlantic): (1) The presbytery may delegate authority to call a session meeting to a commission.

PJC (2) When a special session meeting has been called constitutionally, the moderator must call the meeting and the presbytery may not appoint a different moderator.

Earlier References:

(UPC, 1980, 240): Policy affirming meetings be open for observation adopted, “...particularly sessions and their work groups.”  
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### ***G-3.0204 Minutes and Records***

Minutes of the session shall be subject to the provisions of G-3.0107. They shall contain the minutes of all meetings of the congregation and all joint meetings with deacons and trustees.

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GA (1997, 179, 21.0180, Req. 97-2): The clerk of session , as the clerk of congregational meetings, reports to session on behalf of congregation through minutes of the congregational meeting.

GA (1990, 242, 21.158, Req. 90-8): Common sense should be used in determining what should go in the accurate record of what was done in a meeting.

GA (1984, 604, 55.099, Com. 6-84): Presbytery has the authority to require a report of the age and ethnic descent of each person elected to the nominating committees of its member churches.

GA (1984, 604, 55.099, Com. 6-84): Presbytery may require sessions to submit proposed amendments to bylaws and to submit bylaws for annual review.

Previous FoG:

Amend Rejected (1989, 218, 21.084, Ovt. 89-21): Rejected request to clarify procedure regarding the restoration of inactive members to the active roll of the church.

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Each session shall maintain the following roll and registers:

**a. *Membership Roll***

There shall be rolls of baptized, active, and affiliate members in accordance with G-1.0401, G-1.0402 and G-1.0403. The session shall delete names from the roll of the congregation upon the member's death, admission to membership in another congregation or presbytery, or renunciation of jurisdiction. The session may delete names from the roll of the congregation when a member so requests, or has moved or otherwise ceased to participate actively in the work and worship of the congregation for a period of two years. The session shall seek to restore members to active participation and shall provide written notice before deleting names due to member inactivity.

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GA (1986, 174, 15.062, Com. 14): When a session receives a request for transfer from a member whose name has been stricken, the session should restore the member to the roll on reaffirmation of faith and then transfer the member.

GA (1984, 604, 55.099, Com. 6-84): Presbytery may specify the format for the rolls of its member churches.

PJC (2006, 217-6, Raines v. Session of Miami Shores PC): The request for termination of membership of an active member, including elders and deacons, is governed by [former G-10.0302b(3). now G-3.0204a]

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**b. *Registers***

There shall be registers of baptisms authorized by the session, of ruling elders and deacons, of installed pastors with dates of service, and such other registers as the session may deem necessary.

***G-3.0205 Finances***

In addition to those responsibilities described in G-3.0113, the session shall prepare and adopt a budget and determine the distribution of the congregation's benevolences. It shall authorize

offerings for Christian purposes and shall account for the proceeds of such offerings and their disbursement. It shall provide full information to the congregation concerning its decisions in such matters.

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PJC (2006, 217-2, 462, Johnston, et.al. v. Heartland Pby): “Payment of per capita apportionments is a high moral obligation, the fulfillment of which visibly demonstrates the covenantal ties that bind us as the one church of Jesus Christ.”

PJC (2004, 216-1, Minihan v. Pby of Scioto Valley): (1) The term “benevolences” in responsibilities of the session includes per capita funds.

PJC (2) Withholding per capita as a means of protest or dissent evidences a serious breach of the trust and love with which our Lord Jesus intends the covenant community to function together.

PJC (2002, 215-02, Cuthbertson v. Matthews Murkland PC): Session has responsibility of “assuring that all offerings are distributed to the objects toward which they were contributed.”

PJC (1992, 204-5, 11.050, Session of Central Church v. Pby of Long Island): (1) Pby may not compel or punish a church whose session determines the distribution of the congregation’s benevolences in a way contrary to the pby’s approved policy.

PJC (2) Pby may publish a list of churches whose voluntary per capita or mission funds upon a predetermined schedule or voluntary commitment are in arrears.

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The session shall elect a treasurer for such term as the session shall decide and shall supervise his or her work or delegate that supervision to a board of deacons or trustees. Those in charge of various congregational funds shall report at least annually to the session and more often as requested. Sessions may provide by rule for standard financial practices of the congregation, but shall in no case fail to observe the following procedures:

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GA (1992, 322, 21.234, Req. 91-27): Congregation can declare that the treasurer must be an active member of the session without violating the BO.

GA (1990, 21.205, Req. 90-18): The session should define the duties and responsibilities of the treasurer for each particular church.

Previous FoG:

Amend (1986, 176, 15.096, Ovt 18-86): Amended to require annual election of the treasurer by the session if permitted by state law.

Earlier References:

(UPC, 1959, 503-506): Financial Practices.

(UPCUSA, 1963, 431): Overture proposing an annual audit.

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a. All offerings shall be counted and recorded by at least two duly appointed persons, or by one fidelity bonded person;

b. Financial books and records adequate to reflect all financial transactions shall be kept and shall be open to inspection by authorized church officers at reasonable times;



c. Periodic, and in no case less than annual, reports of all financial activities shall be made to the session or entity vested with financial oversight.

### **G-3.03 The Presbytery**

#### ***G-3.0301 Composition and Responsibilities***

The presbytery is the council serving as a corporate expression of the church within a certain district and is composed of all the congregations <sup>i</sup> and teaching elders within that district. The presbytery shall adopt and communicate to the sessions a plan for determining how many ruling elders each session should elect as commissioners to presbytery, with a goal of numerical parity of teaching elders and ruling elders. This plan shall require each session to elect at least one commissioner <sup>j</sup> and shall take into consideration the size of congregations as well as a method to fulfill the principles of participation and representation found in F-1.0403 and G-3.0103. Ruling elders elected as officers of the presbytery shall be enrolled as members during the period of their service. A presbytery may provide by its own rule for the enrollment of ruling elders serving as moderators of committees or commissions.

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Amend Proposed (2012, 20, 21, 253, Item 05-01): Would allow for enrollment of ruling elders as members of presbytery during terms of elected service.

GA (1999, 65, 705, 12.006, Ovt. 97-5 and 97-15): A geographical presbytery may adopt a standing rule that would grant corresponding membership to the ministers and elders of a particular church within its bounds that belongs to a nongeographic presbytery.

PJC (2006, 218-02, Fair-Booth v. National Captial Pby): (Ruling) elder commissioners are elected by session from a particular church but are members of a pby only when enrolled at a particular pby meeting.

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The minimum composition of a presbytery is ten duly constituted sessions and ten teaching elders.

The presbytery is responsible for the government of the church throughout its district, and for assisting and supporting the witness of congregations <sup>k</sup> to the sovereign activity of God in the world, so that all congregations become communities of faith, hope, love, and witness. As it leads and guides the witness of its congregations, the presbytery shall keep before it the marks of the Church (F-1.0302), the notes by which Presbyterian and Reformed communities have identified themselves through history (F-1.0303) and the six Great Ends of the Church (F-1.0304)

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Amend Rejected (2012, 20, 21, 253, Item 05-01): Rejected enabling flexible boundaries within or beyond the bounds of a presbytery.

Amend Rejected (2010, 28, 268, Item 04-04), (2008, 34, 140, Item 03-05), (2006, 38, 40, 433, Item 05-23): Rejected changing definition of presbytery to churches and ministers “who have chosen to affiliate based on geographic, theological, missional, or other considerations of importance to those congregations.”



GA (2010, 61, 351, Item 05-27): Instructed the Office of the General Assembly to ask for gracious dismissal policies to be posted on the middle governing bodies website.

GA (1998, 127, 12.0087, OGA Ref.): It is not necessary for BO to expressly name each of the actions pby or session may take to carry out responsibility for mission and governance throughout its geographical district.

GA (1998, 66, 392, 22.0243-.0246): Pby urged to grant Cert. Christian. Educators who are elders vote; sessions to elect CCE's as elders.

GA (1995, 281, 21.127, Reqs. 91-18, 92-3, and 93-14): Powers that presbytery should not delegate.

PJC (2006, 217-2, Johnston, et.al. v. Heartland Pby): (1) A pby's constitutional responsibilities to develop a mission budget consistent with the priorities of the whole church do not permit it to make budgetary decisions that would violate the *Book of Order*.

PJC (2) "A presbytery's duty to 'provide pastoral care to churches' includes a duty to engage them in conversation about their efforts to participate fully in the mission of the larger church."

PJC (3): Constitutional responsibilities to develop a mission budget does not permit the pby to compel a congregation to pay per capita and impose sanctions.

PJC (1983, 194-04, Lightner v. Pby of Middle Tennessee): Geographic pby has jurisdiction of congregation within its bounds after synod and GA approved dissolution of one pby and transfer of congregations to remaining pby.

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In light of this charge, the presbytery has responsibility and power to:

a. *provide that the Word of God may be truly preached and heard.* This responsibility shall include organizing, receiving, merging, dismissing, and dissolving congregations in consultation with their members; overseeing congregations without pastors; establishing pastoral relationships and dissolving them; guiding the preparation of those preparing to become teaching elders; establishing and maintaining those ecumenical relationships that will enlarge the life and mission of the church in its district; providing encouragement, guidance, and resources to congregations in the areas of mission, prophetic witness, leadership development, worship, evangelism, and responsible administration to the end that the church's witness to the love and grace of God may be heard in the world.

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GA (2008, 14, 15, 544, 546, Item 07-13): Dismissing pby must determine whether receiving body's organization is conformed to the doctrines and order of PC(USA), including satisfying itself about whether this is true of transitional pby of EPC.

GA (2) No congregation may be dismissed to independent status.

GA (3) Administrative commissions may not be empowered to approve dismissal.

GA (2008, 49, 51, 284, Item 04-28): Asked that presbyteries and synods develop and make available to lower governing bodies and local congregations a process that exercises the responsibility to divide, dismiss, or dissolve churches in consultation with their members with consistency, pastoral responsibility, accountability, gracious witness, openness, and transparency.

GA (1999, 65, 706, 12.013-019, CR 97-1): (1) "It is entirely constitutional to use psychological and psychiatric evaluations in supervising work of ministers when a pby deems them necessary."

GA (2) Pby possess sufficient authority to utilize psychological and psychiatric services in evaluating candidates for ministry.

GA (1994, 185, 21.009, Ovt. 93-93): To the extent that guidance incorporates requirements established by the pby in fulfillment of its unique responsibility, such advice to sessions is mandatory.

GA (1992, 321, 21.220, Req. 91-21): Presbytery has interest in the compensation and benefits received by its members, even when serving “beyond the jurisdiction” of the Church. Presbytery has the power to revoke the call and declare the ministry not valid. Response to Vanderbilt case.

PJC (2010, 219-03, 362, Sundquist v. Heartland Pby): “Withdrawal from the Presbyterian Church (U.S.A.) is not a matter that can be considered at a congregational meeting.”

(2) “ ... it is the presbytery (or its duly appointed administrative commission) that has the responsibility to consult with the members of a church about dismissal. The presbytery is required to afford all persons affected by a dismissal notice ... an opportunity to be heard on the subject.” (see G-9.0505b(2))

(3) “These consultations (which may be in the form of listening sessions, hearings or other consultations) are for the benefit of informing the presbytery as it considers a request for dismissal, but are not meetings at which any business of the congregation may be conducted.”

(4) “Presbyteries and congregations have a reciprocal obligation for this process (G-4.0302). Whether the presbytery’s power ‘to divide, dismiss, or dissolve churches in consultation with their members’ (G-11.0103i) is retained or delegated to an administrative commission, it is to be exercised in a pastoral manner, with litigation seen as a last resort, ‘deadly to the cause of Christ’.”

PJC (2006, 218-05, Essinger-Hileman v. Pby of Miami): Fundamental fairness ordinarily requires that pastor and congregation be given notice and opportunity to be heard before a pby votes to dissolve pastoral relationship.

PJC (2000, 212-3, Cong. for Reconciliation v. Pby of Miami): Defines the authority of presbytery to dissolve a congregation and the degree of consultation with members required.

PJC (1995, 207-13, Lewis v. Presbytery of New York City): When presbytery decides to dissolve a pastoral relationship, it is exercising its administrative powers, not judicial powers. The appropriate safeguards are those required to ensure fundamental fairness.

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b. provide that the Sacraments may be rightly administered and received. This responsibility shall include authorizing the celebration of the Lord’s Supper at its meetings at least annually and for fellowship groups, new church developments, and other non-congregational entities meeting within its bounds; authorizing and training specific ruling elders to administer or preside at the Lord’s Supper when it deems it necessary to meet the needs for the administration of the Sacrament; and exercising pastoral care for the congregations and members of presbytery in order that the Sacraments may be received as a means of grace, and the presbytery may live in the unity represented in the Sacraments.

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GA (2008, 42, 386, Item 05-15): (1) New wording of G-14.0550 [now G-2.0504b] appears to intend to give presbyteries flexibility to create or designate temporary pastoral relationships without specifying what those relationships should be.

GA (2) Temporary Pastoral Relations do not change the practice of allowing a commissioned lay pastor, a candidate or inquirer under care, or an elder to serve a congregation as a temporary supply pastor. Therefore, persons in such positions are still permitted to serve a congregation as a temporary supply pastor.”

GA (2006, 38, 40, 438, Item 05-24): The decision to allow a commissioned lay pastor from another presbytery to labor within the bounds of a presbytery is totally determined by the presbytery in which such ministry occurs.

GA (1995, 281, 21.127, Reqs. 91-18, 92-3, and 93-14): Presbytery should not delegate this power.

GA: (1994, 185, 21.009, Ovt. 93-93): To the extent that guidance incorporates requirements established by the pby in fulfillment of its unique responsibility, such advice to sessions is mandatory. A session's actions may be limited by pby requirements.

GA (1989, 226, 21.188, Req. 89-9): Pby must approve change of name of particular church.

GA (1989, 224, 21.162, Req. 89-2): Presbytery has the authority to require the minimum number of times that associate pastors should be allowed to preach per year.

Previous FoG:

Amend (1984, 592, 55.009, Ovt. 8-84, 103-84): Added commissioned lay preachers with authorization to administer the Lord's Supper.

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c. nurture the covenant community of disciples of Christ. This responsibility shall include ordaining, receiving, dismissing, installing, removing, and disciplining its members who are teaching elders<sup>1</sup>; commissioning ruling elders to limited pastoral service; promoting the peace and harmony of congregations and inquiring into the sources of congregational discord; supporting congregations in developing the graces of generosity, stewardship, and service; assisting congregations in developing mission and participating in the mission of the whole church; taking jurisdiction over the members of dissolved congregations and granting transfers of their membership to other congregations; warning and bearing witness against error in doctrine and immorality in practice within its bounds; and serving in judicial matters in accordance with the Rules of Discipline.

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Amend Rejected (2012, 20, 21, 262, Item 05-05): Rejected adding a fourth responsibility and power to the presbytery: to receive congregations whether that congregation lies within the geographical boundaries of presbytery or not.

GA (2008, 14, 15, 544, 546, Item 07-13): (1) Dismissing pby must determine whether receiving body's organization is conformed to the doctrines and order of PC(USA), including satisfying itself about whether this is true of transitional pby of Evangelical Presbyterian Church.

GA (2) No congregation may be dismissed to independent or non-denominational status.

GA (3) Administrative commissions may not be empowered to approve dismissal.

GA (2006, 28-29, 523, Item 06-01): (1) The *Book of Confessions* and the *Book of Order* set forth the scriptural and constitutional standards for ordination and installation.

GA (2) These standards are determined by the whole church, after the careful study of Scripture and theology, solely by the constitutional process of approval by the GA and the approval of the presbyteries. These standards may be interpreted by GA and its PJC.

GA (3) Ordaining and installing bodies, acting as corporate expression of the church, have the responsibility to determine their membership by applying these standards to those elected to office. These determinations include: (a) whether a candidate being examined for ordination and/or installation has departed from scriptural and constitutional standards for fitness for office, (b) whether any departure constitutes a failure to adhere to the essentials of Reformed faith and polity, thus barring the candidate from ordination and/or installation.

GA (4) Whether ordination and installation decisions comply with the Constitution of the PC(USA) and whether examinations were conducted reasonably, responsibly, prayerfully, and deliberately is subject to review by higher governing bodies.

GA (5) All parties should endeavor to outdo one another in honoring one another's decisions, according to the presumption of wisdom to ordaining/installing bodies in examining candidates and to the GA, with presbyteries' approval, in setting standards.

GA (1995, 281, 21.127, Reqs. 91-18, 92-3, and 93-14): Presbytery should not delegate this power

GA (1988, 140, 12.229, Req. 9-88): When dismissing a church with its property, a presbytery is required to give proper consideration to the interests of the PC(USA).

PJC (2006, 218-05, Essinger-Hileman v. Pby of Miami): Fundamental fairness ordinarily requires that pastor and congregation be given notice and opportunity to be heard before a pby votes to dissolve pastoral relationship.

PJC (2006, 217-2, Johnston, et.al. v. Heartland Pby): "A presbytery's duty to 'provide pastoral care to churches' includes a duty to engage them in conversation about their efforts to participate fully in the mission of the larger church."

PJC (2002, 215-05, Gaba v. Pby E. VA): When the pastoral relationship is dissolved without the concurrence of pastor or congregation, pby is required to provide fundamental fairness--opportunity to be heard and consideration of positions without prejudice.

PJC (1993, 205-7, Veldhuizen v. Pby of San Francisco): The failure of pby to act promptly as required by RD to investigate allegations and find them to be without cause or proceed to file charges which can be tried and resolved is error.

PJC (1990, 202-1, Baumann v. Bellefield Church): Presbytery has the responsibility to "establish" and "dissolve" pastoral relationships.

PJC (1985, 197-9, Union PC of Blasdell v. Pby Western New York) When finding the call of a congregation in order, it is the responsibility of a presbytery, through its committee on ministry, to offer counsel regarding the standards which represent the "voice of the whole Church."

Previous FoG:

GA (1987, 144, 15.178, Com. 1-87): The congregation must decide the name of the other Reformed body when voting on dismissal under Article 13 of Articles of Agreement (1983). Provision expired in 1991.

Earlier References:

(UPCUSA, 1958, 60) Deals with congregations wanting to withdraw at time of union of PCUSA and UPCNA.

### ***G-3.0302 Relations with Synod and General Assembly***

The presbytery has a responsibility to maintain regular and continuing relationship to synod and General Assembly by:

- a. electing commissioners to synod and General Assembly and receiving their reports;

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GA (1995, 282, 21.131, Reqs. 91-18, 92-3, and 93-14): Presbytery may not delegate this power.  
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- b. electing ruling and teaching elders to be readers of standard ordination examinations;
- c. seeing that the guidance and communication of synod and General Assembly are considered and that any binding actions are observed and carried out;
- d. proposing to synod or General Assembly such measures as may be of common concern to the mission of the church; and

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Amend Proposed (2012, 72-72, 241, Item 04-01, Recommendation 3): Would require that proposed overtures to GA receive concurrence from at least one other presbytery.  
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e. sending annually to synod and General Assembly statistical and other information according to the requirements of those bodies.

### **G-3.0303    *Relations with Sessions***

Presbytery, being composed of the teaching elders and commissioners elected by the session of congregations within its district, has a particular responsibility to coordinate, guide, encourage, support, and resource the work of its congregations for the most effective witness to the broader community. In order to accomplish this responsibility, the presbytery has authority to:

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Amend Rejected (2012, 20, 22, 276, Item 05-12, Recommendation 6): Rejected adding a new section “g” allowing presbyteries to “approve the temporary dismissal of congregations, for particular missional purposes, to another presbytery...”

GA (2010, 61, 330, Item 05-12): As part of their responsibility to review the proceedings of session, presbyteries have a responsibility to determine that the proceedings of session “have been regular and in accordance with the Constitution.”

PJC (1983, 194-04, Lightner v. Pby of Middle Tennessee): Presbytery may dissolve a local congregation after inquiry and deliberation.

Previous FoG:

Amend (2000, 53, 367, Ovt. 00-8): Added language to emphasize pby authority, rather than CPM, to certify candidates ready for examination for ordination.

Amend (1986, 179, 15.136, Ovts 62-86, 86-86, 87-86, and Rpt of Joint TF on Candidacy): Provide for inquiry and candidacy. (Change in process of care.)  
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a. develop strategy for the mission of the church in its district;

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GA (1992, 311, 21.133, Req. 92-16): Pby does have the power, authority, and responsibility to approve pastoral positions, as well as personnel, for various ministries within congregations of the pby.

PJC (1986, 198-06, Spangler v. Pby of Georgia): Pby has the responsibility for the oversight of the call process.  
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b. control the location of new congregations and of congregations desiring to move as well as to divide, dismiss, or dissolve congregations in consultation with their members;

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PJC (2006, 217-5, Session of 2nd PC Tulsa v. Eastern Oklahoma Pby): (1) Affirmed power of a pby to dissolve a congregation.

PJC (2) Affirmed power of a pby to delegate authority to dissolve congregation to an administrative commission.  
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c. establish minimum compensation standards for pastoral calls and Certified Christian Educators and Certified Associate Christian Educators within the presbytery;

d. counsel with a session concerning reported difficulties within a congregation, including:

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PJC (2010, 219-03, Sundquist v. Heartland Pby): (1) it is the presbytery (or its duly appointed administrative commission) that has the responsibility to consult with the members of a church about dismissal. The presbytery is required to afford all persons affected by a dismissal notice ... an opportunity to be heard on the subject.

PJC (2006, 218-05, Essinger-Hileman v. Pby of Miami): Fundamental fairness ordinarily requires that pastor and congregation be given notice and opportunity to be heard before a pby votes to dissolve pastoral relationship.

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(1) advising the session as to appropriate actions to be taken to resolve the reported difficulties,

(2) offering to help as a mediator, and

(3) acting to correct the difficulties if requested to do so by the session or if the session is unable or unwilling to do so, following the procedural safeguards of the Rules of Discipline;

e. assume original jurisdiction in any situation in which it determines that a session cannot exercise its authority. After a thorough investigation, and after full opportunity to be heard has been accorded to the session, the presbytery may conclude that the session of a congregation is unable or unwilling to manage wisely its affairs, and may appoint an administrative commission with the full power of session. This commission shall assume original jurisdiction of the existing session, if any, which shall cease to act until such time as the presbytery shall otherwise direct.

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GA (2003, 63, 319, Item 04-03, Req 03-8): Caution urged in agreeing to confidentiality in dissolution agreements.

GA (2003, 68, 234, Item 03-05, Req 03-5): Hearing is not required when presbytery itself is deciding dissolution.

GA (1999, 65, 706, 12.013-019, CR 97-1): Section permits use of psychological and psychiatric evaluations in supervising work of ministers.

GA (1995, 282, 21.130, Reqs. 91-18, 92-3, and 93-14): Presbytery should not delegate this power.

GA (1995, 279, 21.103, Req. 95-10) The *Constitution* does not allow for the presbytery or its constituent parts to require the placement of [then] a minister of the Word and Sacrament on temporary leave simply because there is a formal accusation of sexual abuse or misconduct.

GA (1991, 78, 89, VI. B. 4); 1989, 231, 21.252, Req. 89-23; 1987, 140, 15.137, Ovt. 53-87): Procedures for administrative leave in relation to allegations of sexual misconduct.

GA (1988, 142, 12.249, Req. 13-88): List of administrative commission powers.

GA (1986, 188, 15.203, Ovt. 78-86): Rejected request to add ROD provision, that presbytery shall have jurisdiction over the officers of a particular congregation in which the session is unable or unwilling to exercise original jurisdiction. See PCUS BCO 1982-83, 16-7(5), 29-8, 107-8, procedure in jurisdiction over officers by pby.

PJC (2010, 219-03, Sundquist v. Heartland Pby): (1) Neither the presbytery nor an administrative commission may automatically assume original jurisdiction over a session.

PJC (2) Pby may appoint an administrative commission or delegate power to it without investigation, notice and an opportunity to be heard. AC must then investigate, give notice and opportunity to be heard prior to making any decisions.

PJC (1992, 204-5, Central Church v. Pby of Long Island): Presbytery may not take original jurisdiction for refusal to pay per capita allocation. Presbytery must use restraint in using the power granted in this section.

PJC (1983, 194-04, Lightner v. Pby of Middle Tennessee): Presbytery may assume original jurisdiction of session after giving session opportunity to be heard.

Previous FoG:

Amend (1989, 222, 21.147, Ovt. 89-45): Added the following sentences at the end of subparagraph s: "Whenever, after a thorough . . . otherwise direct;"

Amend Rejected (2006, 38-39, 390-395, 397, Item 05-11, Amendment B.6.): Rejected addition about pastoral/congregational match being incompatible as a reason for dissolution.

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f. consider and act upon requests from congregations for permission to take the actions regarding real property as described in G-4.0206.

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GA (1991, 390, 21.047, Req. 91-5): The form of reports to pby of those accountable to it is left to the discretion of pby.

GA (1990, 238, 21.111, Req. 90-1): Participation in presbytery actions is limited to ministers and elders. If non-elders are members of the council, they serve with voice but no vote.

GA (1987, 146, 15.207, Com. 7-87): There can be no exception to provision that actions of council shall be reported to pby.

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### ***G-3.0304 Meetings and Quorum***

The presbytery shall hold stated meetings at least twice each year, shall meet at the direction of synod, and may call special meetings in accordance with its own rules.

A presbytery may set its own quorum <sup>m</sup>, but it shall be not fewer than three teaching elders who are members of the presbytery and three ruling elder commissioners from three different congregations.

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Amend Rejected (1995, 292, 21.160, 664, Ovt. 95-10): Rejected proposal to explicitly allow for all but stated meetings via video or audio teleconference. Such an amendment is unnecessary since governing bodies already possess the authority to establish and utilize this method.

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### ***G-3.0305 Minutes and Records***

Minutes and other official records of the presbytery are the property of the presbytery, and are subject to the review specified in G-3.0108. The stated clerk is responsible for the preservation of the presbytery's minutes and records.

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**Amend Proposed (2012, 26, 28, 614, Item 06-19): Intent is to correct editorial wording and misplacement of amendment insertion into the new Form of Government. Move is from G-3.0104 (council rolls) and insert into G-3.0305 (presbytery rolls).**

**GA (2010, 59, 333, Item 05-14): Distinguishes ecclesiastical duties of stated clerks and administrative duties that the same person may carry.**

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### ***G-3.0306 Membership of Presbytery***

Each presbytery determines the teaching elders who are its members and validates the ministries in which they are to be engaged. It shall be guided in this determination by written criteria developed by the presbytery for validating ministries within its bounds (G-2.0503a).

The presbytery shall examine each teaching elder or candidate who seeks membership in it on his or her Christian faith and views in theology, the Sacraments, and the government of this church.

The presbytery may designate teaching elders to work as teachers, evangelists, administrators, chaplains, and in other forms of ministry recognized as appropriate by the presbytery. Those so designated may administer the Sacraments at times and places authorized by the presbytery.

Every teaching elder shall ordinarily be a member of the presbytery where his or her work is situated or of the presbytery where she or he resides.

A teaching elder who is serving in a church outside the United States may, with the approval of the presbytery, accept membership in that church for the period of such service without affecting his or her membership in a presbytery of this church.

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**GA (2012, 68, 69, 764, Item 08-02):** Description of when work is and is not properly within the responsibility of a presbytery.

**GA (2006, 38, 40, 438, Item 05-24):** The decision to allow a commissioned lay pastor from another presbytery to labor within the bounds of a presbytery is determined by the presbytery in which such ministry occurs.

**GA (1991, 393, 21.099, Req. 91-17):** The work of a seminary is under the control of GA, not presbytery; faculty from another presbytery do not have to obtain consent of local presbytery in order to teach in the seminary.

**GA (1991, 389, 21.038, Req. 91-3):** There is an underlying principle of our polity that a minister holds membership in only one presbytery; dual membership raises judicial and accountability problems.

**PJC (2010, 219-14, Westbrook v. Pby of New Hope):** Presbytery must have separate, written criteria for validation of ministries.



PJC (1996, 208-9, Jackson v. Pby of Susq. Val.): Oversight for work of a Minister of Word and Sacrament is responsibility of pby of membership when that work is not within the responsibility of pby within whose bounds it lies.

Previous FoG:

GA (1987, 147, 15.210, Com. 8-87): A ministry need not include proclaiming the good news in Word and Sacrament for a presbytery to validate it or to approve it as valid for ordination.

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### ***G-3.0307 Pastor, Counselor, and Advisor to Teaching Elders and Congregations***

Presbyteries shall be open at all times to communication regarding the life and ministry of their congregations.

Each presbytery shall develop and maintain mechanisms and processes to serve as pastor and counselor to teaching elders, ruling elders commissioned to pastoral service, and certified Christian educators of the presbytery; to facilitate the relations between the presbytery and its congregations, teaching elders, ruling elders commissioned to pastoral service, and certified Christian educators; and to settle difficulties on behalf of the presbytery where possible and expedient.

Each presbytery shall develop and maintain mechanisms and processes to guide, nurture and oversee the process of preparing to become a teaching elder.

To facilitate the presbytery's oversight of inquirers and candidates, reception and oversight of teaching elder members, approval of calls for pastoral services and invitations for temporary pastoral services, oversight of congregations without pastors, dissolution of relationships, dismissal of members, and its close relationship with both member congregations and teaching elders, it may delegate its authority to designated entities within the presbytery. Such entities shall be composed of ruling elders and teaching elders in approximately equal numbers, bearing in mind the principles of unity in diversity in F-1.0403. All actions carried out as a result of delegated authority must be reported to the presbytery at its next regular meeting.

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GA (2006, 28-29, 523, Item 06-01): Assembly adopted amended recommendations of the Theological Task Force on Peace, Unity and Purity of the Church. Recommendation 5 includes an Authoritative Interpretation about ordination standards: they are determined by national church; ordaining & installing bodies apply these standards to those elected to office, with the application and standards being subject to review.

GA (2006, 38, 40, 441, Item 05-26): The responsibility to appoint an administrative commission to conduct an ordination may be delegated by the pby to a committee or an officer; each pby may provide by rule for how appointment shall be made.

GA (2003, 63, 319, Item 04-03, Req 03-8): Caution urged in agreeing to confidentiality in dissolution agreements.

GA (1999, 65, 706, 12.013-.019, CR 97-1): In carrying out duties under "a" and "i" COM may request a minister to undergo psychological or psychiatric evaluation. Refusal may lead to recommended dissolution.

GA (1998, 165, 16.0199, Req. 98-4): There is no right of confidentiality in conversations between ministers and members of divisions and committees.

GA (1996, 261, 21.094, Req. 96-7): Pby may create regional AC to carry out responsibilities of COM within geographical regions. (GA 1995, 281, 21.120-.136, Reqs. 91-18, 92-3, and 93-14)

GA (1995, 281, 21.120, Reqs. 91-18, 92-3, and 93-14): Guidance on delegation of powers.

GA (1993, 330, 21.066, Req. 93-4): When the pby has exercised its authority to delegate approval of calls, pby has delegated its authority to approve plans for installation and the power to appoint the necessary administrative commission to carry out those plans.

GA (1992, 311, 21.133, Req. 92-16): Presbytery, through its committee on ministry, does have the power, authority, and responsibility to approve pastoral positions, as well as personnel, in a local church.

GA (1992, 295, 21.011, Ovt. 91-85) A single examination conducted before the vote of a congregation to call the minister is sufficient if thorough and complete.

GA (1990, 242, 21.162, Req. 90-10): Presbytery, or its appropriate committee, may not conduct the examination required prior to the issuance of a call or by entering work defined in the *Book of Order*.

PJC (2010, 219-12, Phinisee v. Pby of Charleston Atlantic): Pby may delegate power to a presbytery entity (such as to call a special meeting of session) but power must be explicit.

PJC (1995, 207-1, Bolton v. Alamance Presbyterian Church): (1) Pby's role in counseling with churches in regard to the calling of a pastor need not be done with the congregation as a whole.

PJC (2) [Former] Committee on Ministry conferring with session and PNC conforms with the requirements of presbytery.

PJC (1995, 207-13, Lewis v. Presbytery of New York City): After a committee has taken significant steps at seeking reconciliation between a minister and a congregation, albeit without success, it is appropriate to recommend dissolution of the relationship.

PJC (1994, 206-12, Phillipy v. Pby of Middle TN): Restrictions on minister's relations with secular agencies following censure not part of the "care, oversight and discipline" powers of pby.

PJC (1993, 205-7, Veldhuizen v. Pby of SF): It is not an error for the PJC to fail to order mediation.

PJC (1993, 205-13, Cooper v. Pby of Muskingum Valley): Where pby found reconciliation would be impossible, pastoral relation was dissolved.

PJC (1986 198-06, Spangler v. Pby of Georgia): Pby has the responsibility for the oversight of the call process.

Previous FoG:

Amend (2006, 38-39, Item 05-05): Added "elders who are commissioned as lay pastors" to have access to COM.

Amend (2002, 62, 372, Ovt. 02-11, Item 05-03): Added Certified Christian Educators to pastoral duties of COM.

Amend (1991, 386, 21.018, Ovt. 91-14): Added "and Certified Christian Educator. . . presbytery."

Amend Rejected (1993, 315, 21.030, Ovt. 93-36): Rejected amendment to permit COM to appoint moderators to sessions/congregations in which the pastoral relationship is dissolved. Amendment is not necessary; pby may delegate responsibilities.

Amend Rejected (1987, 139, 15.123, Ovt. 43-87): Refused to add the requirement that the committee shall confer separately with a minister and individual members of session when a church officer is the subject of criminal investigation. Committee has discretion.

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## **G-3.04 The Synod <sup>n</sup>**

### ***G-3.0401 Composition and Responsibilities***

The synod is the intermediate council serving as a corporate expression of the church throughout its region. It shall consist of not fewer than three presbyteries within a specific geographic region.

When a synod meets, it shall be composed of commissioners elected by the presbyteries. Each presbytery shall elect at least one ruling elder and one teaching elder to serve as commissioners to synod. A synod shall determine a plan for the election of commissioners to the synod, as well as the method to fulfill the principles of participation and representation found in F-1.0403 and G-3.0103; both plans shall be subject to approval by a majority of the presbyteries in the synod. The commissioners from each presbytery shall be divided equally between ruling elders and teaching elders. Each person elected moderator or other officer shall be enrolled as a member of the synod until a successor is elected and installed.

Synod is responsible for the life and mission of the church throughout its region and for supporting the ministry and mission of its presbyteries as they seek to support the witness of congregations, to the end that the church throughout its region becomes a community of faith, hope, love, and witness. As it leads and guides the witness of the church throughout its region, it shall keep before it the marks of the Church (F-1.0302), the notes by which Presbyterian and Reformed communities have identified themselves through history (F-1.0303) and the six Great Ends of the Church (F-1.0304).

In light of this charge, the synod has responsibility and power to:

a. *provide that the Word of God may be truly preached and heard.* This responsibility may include developing, in conjunction with its presbyteries, a broad strategy for the mission of the church within its bounds and in accord with the larger strategy of the General Assembly; assisting its member presbyteries when requested in matters related to the calling, ordaining, and placement of teaching elders; establishing and maintaining, in conjunction with its presbyteries, those ecumenical relationships that will enlarge the life and mission of the church in its region; facilitating joint action in mission with other denominations and agencies in its region; facilitating communication among its presbyteries and between its presbyteries and the General Assembly; providing services for presbyteries within its area that can be performed more effectively from a broad regional base.

b. provide that the Sacraments may be rightly administered and received. This responsibility may include authorizing the celebration of the Lord's Supper at its meetings and at other events and gatherings under its jurisdiction; and exercising pastoral care among its presbyteries; in order that the Sacraments may be received as a means of grace, and the synod may live in the unity represented in the Sacraments.

c. nurture the covenant community of disciples of Christ. This responsibility shall include providing such services of education and nurture as its presbyteries may require; providing encouragement, guidance, and resources to presbyteries in the areas of mission, prophetic witness, leadership development, worship, evangelism, and responsible administration; reviewing the work of its presbyteries; warning or bearing witness against error in doctrine or immorality in practice within its bounds; and serving in judicial matters in accordance with the Rules of Discipline.

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[Amend Proposed \(2012, 20, 23, 341, Item 05-13\): Would allow for two or more synods sharing common boundaries to form a shared permanent judicial commission.](#)

Amend Rejected (2012, 20, 22, 276, **Item 05-12, Recommendation 6**): Rejected adding a new section allowing synods to approve the formation of “provisional nongeographic presbyteries for particular missional purposes.”

Amend Referred (2010, 28, 257, **Item 04-01**): Referred wording on shared permanent judicial commissions at the synod level to the Office of the General Assembly for revision and report back with recommendation to the 220th General Assembly (2012).

GA (2003, 68, 232, **Item 03-04, Req 03-4**): “It is assumed that members, offices, and governing bodies of the church will abide by lawful orders issued by permanent judicial commissions.”

PJC (2012, 220-05, Hwang v. Synod of S. CA and Hawaii): A synod may appoint an administrative commission with original jurisdiction over some or all of the functions of a presbytery Committee on Ministry (G-9.0503a); it may do so without giving the Commission complete jurisdiction over the Presbytery (G-9.0503a(4)). (but see concurring and dissenting opinions regarding power and wisdom of Synod to take Original Jurisdiction over Presbytery).

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### ***G-3.0402 Relations with General Assembly***

The synod has responsibility to maintain regular and continuing relationship with the General Assembly by seeing that the guidance and communication of the General Assembly are considered and that any binding actions are observed and carried out, and by proposing to the General Assembly such measures as may be of common concern to the mission of the whole church <sup>o</sup>.

### ***G-3.0403 Relations with Presbyteries***

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Amend Rejected (2012, 20, 22, 276, **Item 05-12, Recommendation 6**): Rejected adding a new section allowing synods to approve the formation of “provisional nongeographic presbyteries for particular missional purposes.”

Amend Referred (2010, 28, 257, **Item 04-01**): Referred wording on shared permanent judicial commissions at the synod level to the Office of the General Assembly for revision and report back with recommendation to the 220th General Assembly (2012).

GA (2003, 69, 240, **Item 03-13, Ovt 03-8**): (1) Synods possess power to undertake administrative review in carrying out responsibility to assure that presbyteries observe Constitution.

GA (2) Synods encouraged to adopt bylaw permitting appointment of group to undertake administrative review between meetings of synod.

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Each presbytery shall participate in the synod’s responsibility and service through its elected commissioners to the synod. The synod has responsibility for supporting the work of the presbyteries within its bounds and as such is charged with:

- a. developing, in conjunction with its presbyteries, joint plans and objectives for the fulfillment of mission, providing encouragement and guidance to its presbyteries and overseeing their work;
- b. developing and providing, when requested, resources as needed to facilitate the mission of its presbyteries;
- c. organizing new presbyteries, dividing, uniting, or otherwise combining presbyteries or portions of presbyteries previously existing, and, with the concurrence of existing

presbyteries, creating non-geographic presbyteries, subject to the approval of the General Assembly, or taking other such actions as may be deemed necessary in order to meet the mission needs of racial ethnic or immigrant congregations. Such presbyteries shall be formed in compliance with the requirements of G-3.0301 and be accountable to the synod within which they were created.

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Amend Rejected (2012, 20, 21, 253, Item 05-01): Rejected enabling flexible boundaries within or beyond the bounds of a presbytery.

Amend Rejected (2012, 20, 21, 268, Item 05-08): Rejected deletion of General Assembly approval from the synod's responsibilities listed G-3.0403c.

GA (2012, 20, 23, 344, Item 05-14): The charge to synods regarding the creation of non-geographic presbyteries is only for the purposes of meeting the mission needs of racial ethnic or immigrant congregations and does not permit the creation of other non-geographic presbyteries.

GA (1999, 65, 705, 12.006, Ovt. 97-5 and 97-15): For action on request for changes to allow congregations in language phys to also hold membership in geo. phys.

Previous FoG:

Amend (2008, 19, 1262, Item 03-07): Added wording about nongeographic language presbyteries.

Amend (2001, 109, 12.024-.025, OGA Rec.): In answer to 1996 referral, added language of authority for synods, with concurrence of existing presbyteries, to form non-geographic presbyteries.

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***G-3.0404 Reduced Function***

A synod may decide, with the approval of a two-thirds majority of its presbyteries, to reduce its function. In no case shall synod function be less than the provision of judicial process and administrative review of the work of the presbyteries (G-3.0401c). Such a synod shall meet at least every two years for the purposes of setting budget, electing members to its permanent judicial commission, and admitting to record the actions of its permanent judicial and administrative commissions. Presbyteries of such a synod shall assume for themselves, by mutual agreement, such other synod functions as may be deemed necessary by **the presbyteries and the synod. Two or more synods sharing common boundaries, with the approval of a two-thirds majority of the presbyteries in each of the synods, may share administrative services.**

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Amend Proposed (2012, 20, 23, 341, Item 05-13): Would provide for two or more synods sharing common boundaries to form a shared PJC.

Amend (2010, 28, 257, Item 04-01): Added two new sections, one allowing a synod to reduce its function, and one allowing synods, with certain qualifications, to share administrative services.

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***G-3.0405 Meetings and Quorum***

The synod shall hold stated meetings at least biennially, shall meet at the direction of the General Assembly, and may call special meetings in accordance with its own rules.

A synod may set its own quorum, but it shall include an equal number of ruling elders and teaching elders representing at least three presbyteries or one-third of its presbyteries, whichever is larger.

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Previous FoG:

Amend (2000, 61, 360, Ovt. 00-2): New language allows synods to set their own quorums, with equal numbers of ministers and elders.

Amend (1994, 78, 191, 21.023, Ovt. 94-24): New language provides an alternate way to determine the quorum for a synod meeting.

Amend Rejected (1995, 292, 21.160, 664, Ovt. 95-10): Rejected proposal to explicitly allow for all but stated meetings via video or audio teleconference. Such an amendment is unnecessary since governing bodies already possess the authority to establish and utilize this method.

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### ***G-3.0406 Minutes and Records***

The synod shall keep a full and accurate record of its proceedings that shall be submitted to the next succeeding meeting of the General Assembly for its general review and control. It shall report to the General Assembly the number of its presbyteries and, in general, all important changes that have occurred within its bounds.

## **G-3.05 The General Assembly**

### ***G-3.0501 Composition and Responsibilities***

The General Assembly **P** is the council of the whole church and it is representative of the unity of the synods, presbyteries, sessions, and congregations of the Presbyterian Church (U.S.A.). It shall consist of equal numbers of ruling elders and teaching elders elected by the presbyteries and reflective of the diversity within their bounds (F-1.0403 and G-3.0103), to serve as commissioners according to the following proportions:

8,000 members or less: 1 ruling elder and 1 teaching elder

8,001–16,000: 2 ruling elders and 2 teaching elders

16,001–24,000: 3 ruling elders and 3 teaching elders

24,001–32,000: 4 ruling elders and 4 teaching elders

32,001–40,000: 5 ruling elders and 5 teaching elders

40,001–48,000: 6 ruling elders and 6 teaching elders

48,001 or more: 7 ruling elders and 7 teaching elders

Each person elected Moderator shall be enrolled as a member of the General Assembly until a successor is elected and installed.

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Previous FoG:

Amend Rejected (1985, 149, 17.178, Ovt 203-84): Rejected request to provide that commissioners serve for two meetings in order that continuity may be enhanced.

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The General Assembly constitutes the bond of union, community, and mission among all its congregations and councils, to the end that the whole church becomes a community of faith, hope, love, and witness. As it leads and guides the witness of the whole church, it shall keep before it the marks of the Church (F-1.0302), the notes by which Presbyterian and Reformed communities have identified themselves through history (F-1.0303) and the six Great Ends of the Church (F-1.0304).

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GA (1989, 231, 21.261, Req. 89-26): There is legal precedence for direct solicitation of constituent churches (PJC, PCUS, 1982, 97, Cowan, et al. v PJC, Synod of Virginias).

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In light of this charge, the General Assembly has responsibility and power to:

a. *provide that the Word of God may be truly preached and heard.* This responsibility shall include establishing a comprehensive mission strategy and priorities for the church; establishing and maintaining ecumenical relationships and correspondence with other ecclesiastical bodies; uniting with or receiving under its jurisdiction other ecclesiastical bodies consistent with the faith and order of this church, subject to the provisions of G-5.02 and G-5.03; and commissioning, sending, and support of such mission personnel as will spread the good news of the grace of Jesus Christ to the world and foster the growth and development of God's people.

b. *provide that the Sacraments may be rightly administered and received.* This responsibility shall include authorizing the celebration of the Lord's Supper at meetings of the General Assembly and other events and gatherings under its jurisdiction; authorizing the participation in the celebration of the Lord's Supper in ecumenical gatherings attended by authorized representatives of the General Assembly; and exercising pastoral care throughout the whole church in order that the Sacraments may be received as a means of grace, and the church may live in the unity represented in the Sacraments.

c. *nurture the covenant community of disciples.* This responsibility shall include providing those services, resources, and programs performed most effectively at a national level; communicating with the whole church on matters of common concern; warning and bearing witness against errors in doctrine or immorality in the church and in the world; providing such services of education and nurture as its presbyteries may require; providing encouragement, guidance, and resources to presbyteries in the areas of mission, prophetic witness, leadership development, worship, evangelism, and responsible administration; discerning and presenting with the guidance of the Holy Spirit, matters of truth and vision that may inspire, challenge, and educate both church and world; serving in judicial matters in accordance with the Rules of Discipline; deciding controversies brought before it and advising and instructing in cases submitted to it, in conformity with this Constitution; authoritatively interpreting the most recent



edition of the *Book of Order* in a manner binding on the whole church, in accordance with the provisions of G-6.02 or through a decision of the General Assembly Permanent Judicial Commission in a remedial or disciplinary case, with the most recent interpretation of the Book of Order being binding; and establishing and maintaining an office of the Stated Clerk.

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GA (2010, 61, 341, Item 05-21): (1) An authoritative interpretation is an interpretation of one or more provisions of the *Book of Order*.

GA (2) An authoritative interpretation of the Constitution is binding on all members and governing bodies of the Presbyterian Church (USA).

GA (3) The most recent interpretation of a provision of the *Book of Order* is binding.

GA (4) An authoritative interpretation is not an amendment to the Constitution.

GA (2006, 38, 40, 443, Item 05-27): Only the General Assembly Permanent Judicial Commission has the power to render decisions that are authoritative interpretations binding on the entire church, because the *Book of Order* so provides.

GA (2003, 64-65, 320, Item 04-04, Req 03-9): Describes process and urges restraint in use of authoritative interpretations.

GA (1991, 404, 21.211, Ref. 91-1, Req. 91-11 & 91-12): The GA. cannot require the Board of Pensions to adhere to the Personnel Policies of the GA., and of the GAC, if such adherence creates conflict with the Board's civil law responsibilities. Recent discussions regarding relationship of Board of Pensions and the GA.

GA (1988, 129, 12.066, Ovt. 20-88): Interpretations of the Constitution arrived at through the means of G-13.0103r (now 3.0502c) are binding on the whole church.

PJC (2012, 220-08, Spahr v. PC(USA) through Pby of Redwoods): No distinction is made between these forms of interpretation in authority or application, and the most recent interpretation is binding.

PJC (2008, 218-09, Buescher et al v. Pby of Olympia): (1) Attempts by governing bodies to adopt resolutions, statements or policies that paraphrase or restate provisions of *Book of Order* and/or declare them as "essentials of Reformed faith and polity" are confusing and unnecessary, and are an obstruction to constitutional governance.

PJC (2) Governing body may not define in advance "essentials" and declare failure to adhere to these mandated "essentials" an absolute bar to ordination and installation.

PJC (2006, 217-9, Preliminary Order, Synod of the Northeast v. Board of Pensions) (1) The 195th GA established the Board of Pensions; the 198th GA approved the Benefits Plan; the GA thus delegated to the Board fiduciary responsibility under Pennsylvania law.

PJC (2) Until a GA has taken back the fiduciary power delegated to the Board of Pensions, the only relief that can be granted by the GAPJC against the Board of Pensions is declaratory in nature.

PJC (3) The GA, acting through its PJC, has jurisdiction to issue constitutional interpretations in cases involving the Board of Pensions.

PJC (1995, 207-07, Broad Ave PC v. GAC): It cannot be a delinquency for a governing body or council simply to fail to adopt specific programs suggested by one or more Presbyterians out of their understanding of Christ's lordship.

PJC (1993, 205-3, Metherell, et al v. 204th G. A. (1992)): The adoption of a report on problem pregnancies and abortion is well within the jurisdiction of the General Assembly.

PJC (1990, 202-1, Baumann v. Bellefield Church): Presbytery has the responsibility to "establish" and "dissolve" pastoral relationships.

PJC (1985, 197-9, Union Presbyterian Church, et al. v. Pby of Western NY): The GA has power to determine matters of authoritative interpretation of the *Constitution*.



PJC (1985, 197-9, Union PC of Blasdel v. Pby Western New York) The GA has power to determine matters of authoritative interpretation of the *Constitution*.

Previous FoG:

Amend (1987, 143, 15.173, Ref. 1-86): Added provision on authoritative interpretation by the GA through its ACC or PJC, in response to GA Committee on Candidates & Ministers recommendation, referred to ACC. (1986, 35, Ref. VII. Interpretation of Constitution)

Amend Rejected (2010, 61, 328, Item 05-11): Rejected deleting decisions of GAPJC as authoritative interpretations.

Amend Rejected (2010, 62, 345, Item 05-24): Rejected adding requirement that a decision of GAPJC must be approved by the next plenary session of the General Assembly before becoming an authoritative interpretation.

Amend Rejected (2010, 62, 356, Item 05-28): Rejected adding “No authoritative interpretation shall be issued by a General Assembly which amends or alters a clear mandate contained in any provision of the *Book of Order*.”

Amend Rejected (2006, 38-39, 360, Item 05-08): Rejected adding that such warning or witnessing “must be supported by and referenced from the Bible and/or the church’s Constitution;”

Amend Rejected (2006, 38-39, 355, Item 05-03): Rejected requiring consent of a majority of all presbyteries for GA Authoritative Interpretation to be binding.

Amend Rejected (1998, 153, 16.0053, Ovt 98-10; 155, 16.0074, Ovt 98-17; 160, 16.0144, Ovt 98-35): Rejected changes in authority PJC to interpret the BO or of ACC to recommend interpretations of the BO.

Amend Rejected (1997, 168, 21.0031, Ovt. 97-9): Rejected proposal to limit authoritative interpretations to PJC cases. See also Ovt. 97-23, Ovt. 97-30.

Amend Rejected (1996, 244, 21.031, Ovt. 96-11): Rejected revoking ACC’s right to give authoritative interpretation (answered by Ovt. 96-13).

Amend Rejected (1995, 288, 21.152, Ovt. 95-1): Rejected proposal to ask for clarification of const. bounds of inclusiveness with regard to sexual orientation to 208th GA.(answered by action on Ovt. 96-13)

Amend Rejected (1993, 314, 21.027, Ovt. 93-33): Rejected request to require that GA. PJC decisions be reviewed and approved by the GA.

Amend Rejected (1992, 294, 21.005, Ovt. 91-79): Rejected request to allow for a referendum process regarding GA. statements.

Amend Rejected (1990, 232, 21.059, Ovt. 90-9): Rejected request that all of the books and records of the General Assembly relating to finances of its entities have a complete annual audit.

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### ***G-3.0502 Relations with Other Councils***

The General Assembly has responsibility to maintain relationships with presbyteries and synods by:

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Previous FoG:

Amend (2008, 49, 266, Item 04-18): Deleted [Prev G-13.0107] on synod membership on permanent GA committees.

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a. consulting with and providing resources for presbyteries and synods as they execute their constitutional responsibilities;

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GA (2004, 87, 333, Item 04-17): Adopted additional standing rule to provide for a further way to initiate special administrative review of a synod.

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b. overseeing the work of synods;

c. reviewing the records of synods, taking care to ensure that they conform to this Constitution;

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GA (2004, 87, 333, Item 04-17): Adopted additional standing rule to provide for a further way to initiate special administrative review of a synod.

GA (2004, 87, 335, Item 04-18): Referred to ACC request for Standing Rule change concerning compliance.

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d. organizing new synods, or dividing, uniting, or otherwise combining previously existing synods or portions of synods; and

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GA (2012, 20, 21-22, 274, Item 05-12): Mid Council Report to the 220th General Assembly, items 1-4, referred to a task force to review the nature and function of the Presbytery Mission Agency and the Office of the General Assembly “with respect to their relationship with and support of mid councils as they serve the vitality and mission of congregations in our changing context” and to report to the 221st General Assembly.

GA (2010, 28, 274, Item 04-06): Approved appointment of administrative commission of 21 to study synods and presbyteries, to report to 220th GA in 2012, and with powers by 2/3 majority vote if majority of those affected governing bodies agree.

Previous FoG:

Amend Rejected (2006, 38, 40, 433, Item 05-23): Rejected changes to provide for effect on synod of flexible membership in pby.

Earlier References:

(UPC 1969, 459-555): Report of Special Committee on Regional Synods and Church Administration. Ovt H adopted 1970. (UPC, 1975, 186, 170): ordered publication of staff and office costs of GA, synods, and pbys.

(UPC 1978, 164; UPC 1979, 215): Review of synods and presbyteries.

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e. approving the acts of synods to organize, divide, unite, or combine presbyteries or portions of presbyteries.

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Amend Rejected (2012, 20, 21, 253, Item 05-01): Rejected enabling flexible boundaries within or beyond the bounds of a presbytery.

Amend Rejected (**2012, 20, 21, 268, Item 05-08**): Rejected removal of GA responsibility for approving the acts of synods to organize, divide, unite, or combine presbyteries or portions of presbyteries.

Amend Referred (**1993, 322, 21.051, Rec. Spec. Com. on Nature of Church and the Practice of Governance, 384**): ACC retained request to make explicit in the responsibilities of synods authorization to organize non-geographic pbys. Referred to SC to report in 2001 (**1996, 264, 21.107, 1993 Ref.**).

GA (**2012, 20, 21-22, 274, Item 05-12**): Mid Council Report to the 220th General Assembly, items 1-4, referred to a task force to review the nature and function of the Presbytery Mission Agency and the Office of the General Assembly “with respect to their relationship with and support of mid councils as they serve the vitality and mission of congregations in our changing context” and to report to the 221st General Assembly.

GA (**2010, 28, 274, Item 04-06**): Approved appointment of administrative commission of 21 to study synods and presbyteries, to report to 220th GA in 2012, and with powers by 2/3 majority vote if majority of those affected governing bodies agree.

GA (**2010, 30, 288, Item 04-08**): Did not approve organizing new non-geographic Korean-language presbytery.

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### ***G-3.0503 Meetings and Quorum***

The General Assembly shall hold a stated meeting at least biennially. The Moderator, or in the event of the incapacity of the Moderator, the Stated Clerk of the General Assembly, shall call a special meeting at the request or with the concurrence of at least one fourth of the ruling elder commissioners and one fourth of the teaching elder commissioners to the last preceding stated meeting of the General Assembly representing at least fifteen presbyteries, under the jurisdiction of at least five synods. Commissioners to the special meeting shall be the commissioners elected to the last preceding stated meeting of the General Assembly or their alternates. Notice of special meetings shall be sent no fewer than sixty days prior to convening and shall set out the purpose of the meeting. No other business than that listed in the notice shall be transacted.

A quorum of the General Assembly shall be one hundred commissioners, fifty of whom shall be ruling elders and fifty teaching elders, representing presbyteries of at least one fourth of its synods.

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Amend Referred (**2010, 79, 211, Item 03-17**): Proposal to hold meetings of General Assembly every six years was referred to the Biennial Review Committee.

PJC (**2003, 215-12, Westminster v. Moderator of GA**): (1) The convening of a special meeting of an assembly is not a continuation of the previous assembly, but is a new meeting of the same assembly subject the standing rules of new assembly.

PJC (2) Moderator is obliged to cease advocacy of a particular position and act with impartiality in the exercise of duties.

PJC (3) Moderator has right and responsibility to verify the standing of commissioners and their signatures in request for special meeting.

Previous FoG:

Amend (**2003, 34, 133, Item 02-05, Ovt 03-13**): Increased number of commissioners required to call a special meeting from 25 each elder and minister commissioners to 1/4 of each group of commissioners.

Amend Rejected (**2004, 45, 173, Item 03-08**): Rejected requiring annual assemblies.

Amend Referred (**2000, 44, 473, Ovt. 00-87**): Referred proposal for adopting biennial assemblies by 2003 to COGA. Answered by action in 2002 to move to biennial assemblies beginning in 2006.

Amend Rejected (**1999, 56, 585, Ovt. 99-11**): Deferred any action on deleting “at least” in the first sentence. Matter of feasibility of biennial assemblies referred to OGA, report due in 2001 through Council of Assembly (COA not approved, so report will be through COGA). See note above for action taken in 2002.

Amend Rejected (**1989, 212, 21.014, Ovt. 88-159**): Rejected request to add a sentence requiring that the first day of General Assembly be spent in prayer and meditation.

Amend Rejected (**1987, 140, 15.130, Ovt. 49-87**): Rejected request to designate a General Assembly only by the year of its meeting, dropping the historical sequence number.

Earlier Reference:

Hist. Note (**UPC, 1981, 57**): Amended to change “at least once in every year” to “once in every two years.”

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## Chapter Four - The Church and Civil Authority

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Note: Information on Deliverances and amending documents: **Presbyterian Church (U.S.A.), A Corporation; Presbyterian Church Foundation ; Board of Pensions; Presbyterian Publishing Corporation; Presbyterian Investment and Loan Program; New Covenant Trust Co.**  
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### G-4.01 Incorporation and Trustees

#### *G-4.0101 Incorporation and Power*

Where permitted by civil law, each congregation shall cause a corporation to be formed and maintained. If incorporation is not permitted, individual trustees shall be elected by the congregation. Any such individual trustees shall be elected from the congregation's members in the same manner as those elected to the ordered ministries of deacon and ruling elder. Terms of service shall be governed by the provisions of G-2.0404.

The corporation so formed, or the individual trustees, shall have the following powers: to receive, hold, encumber, manage, and transfer property, real or personal, for the congregation, provided that in buying, selling, and mortgaging real property, the trustees shall act only after the approval of the congregation, granted in a duly constituted meeting; to accept and execute deeds of title to such property; to hold and defend title to such property; to manage any permanent special funds for the furtherance of the purposes of the congregation, all subject to the authority of the session and under the provisions of the Constitution of the Presbyterian Church (U.S.A.). The powers and duties of the trustees shall not infringe upon the powers and duties of the session or the board of deacons.

Where permitted by civil law, each presbytery, synod, and the General Assembly shall cause a corporation to be formed and maintained and shall determine a method to constitute the board of trustees by its own rule. The corporation so formed, or individual trustees, shall have the following powers: to receive, hold, encumber, manage, and transfer property, real or personal, for and at the direction of the council.

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GA (2010, 61, 330, Item 05-12): (1) Deals with consequences of adoption of corporate documents containing provisions contrary to the *Constitution*.

GA (2) Sessions are required to produce any amendments to articles of incorporation and bylaws adopted by the congregation as part of the annual review of session records and may be required to produce such documents as part of a special administrative review.

GA (1990, 243, 21.167, Req. 90-11): On the constitutionality of a particular church to have more than one civil corporation. (*Minutes*, 1990, Part I, p. 256)

GA (1990, 243, 21.167, Req. 90-11): A particular church establishing a second corporation must very carefully define every power and integrate such powers securely in the session.

Earlier References:

(PCUS, 1961, 6-2; PCUS, 1982-3, 6-2) References to incorporated congregations.

(PCUSA, 1955, 98ff.): Report on Deacons and Trustees; (PCUS, 1949, 58): amended par. 163 on church trustees; (PCUSA, 1930, 157; 1937, 136): 1930 Reply to a reference on the functions of session and trustees reaffirmed in 1937.

(PCUSA, 1927, 196): Created a new chapter in the constitution on the incorporation of general assembly, synods, presbyteries, and particular churches.

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### ***G-4.0102 Members of the Corporation***

Only persons eligible for membership in the congregation or council shall be eligible to be members of the corporation and to be elected as trustees. The ruling elders on the session of a congregation, who are eligible under the civil law, shall be the trustees of the corporation, unless the corporation shall determine another method for electing its trustees. Presbyteries, synods, and the General Assembly shall provide by rule for the election of trustees from among persons eligible for membership in the council.

## **G-4.02 Church Property**

### ***G-4.0201 Property as a Tool for Mission***

The property of the Presbyterian Church (U.S.A), of its councils and entities, and of its congregations, is a tool for the accomplishment of the mission of Jesus Christ in the world.

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Earlier References:

(UPC, 1977, 160, PJC, Mekeel v. Pby of Albany): Presbytery may not use the authority to review to restrict church's use of funds.

(UPC 1974, 310, PJC, Church of the Covenant v. NYC): Presbytery's ownership does not carry with it the authority to displace session of the congregation using that property.

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### ***G-4.0202 Decisions Concerning Property***

The provisions of this Constitution prescribing the manner in which decisions are made, reviewed, and corrected within this church are applicable to all matters pertaining to property.

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GA (1990, 248-252, 21.242, Req. 90-24): A particular church is free to deal with, own, and use its property as it wishes in the furtherance of its charge by the Constitution, within the constraints of the Constitution.

GA (1990, 244, 21.180, Req. 90-14): It is not permissible under the *Constitution* for a particular church to sell all its property without the approval of presbytery.

PJC (2010, 219-03, Sundquist v. Heartland Pby ) Functions of administrative commission are limited by appointing body and may include any function that body wishes to delegate, including assuming original jurisdiction of a session and dissolving or dismissing a congregation.

PJC (2006, 217-2, Johnston, et.al. v. Heartland Pby): Payment of per capita apportionments or fulfillment of a mission pledge cannot be the only criteria when determining conditions of eligibility for a congregation to request a loan guarantee, but they may be included in criteria used.

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### ***G-4.0203 Church Property Held in Trust***

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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Amend Rejected (2012, 26, 27, 579, Item 06-06 and 582, Item 06-07): Rejected adding a new section to provide that property held in trust for the PC(USA) is also owned by the individual congregation and held in trust for the local congregation, and not for any other body.

Amend Rejected (2006, 38-39, 358, Item 05-07): Rejected deleting concept that property of a congregation is held in trust for the whole church.

GA (1990, 248-252, 21.242, Req. 90-24): A particular church is free to deal with, own, and use its property as it wishes in the furtherance of its charge by the Constitution, within the constraints of the Constitution.

GA (1990, 244, 21.180, Req. 90-14): It is not permissible under the *Constitution* for a particular church to sell all its property without the approval of presbytery.

GA (1990, 248, 21.242, Req. 90-24): Answered questions regarding dismissal of churches under Article 13 of Articles of Agreement. Approval of GA not required.

GA (1989, 226, 21.191, Req. 89-10; 1988, 140, 12.229, Req. 9-88): When dealing with a request by a church for dismissal with its property, the pby is responsible for exercising the expressed trust provisions.

PJC (2006, 217-12, Chesterbrook Taiwanese PC v National Capital Pby): (1) The principle that all property held by or for a particular church is held in trust for the Presbyterian Church (U.S.A.) applies to congregations and presbyteries, no matter which entity holds title to church property.

PJC (2) Pby has exclusive power to determine the use and disposition of church property when a property ceases to be used for a particular church.

PJC (3) A dissolving church has the right to dispose of church property only as the pby directs.

Earlier References:

(UPC, 1980, 99; 1968, 633): Committee on Conservation of Church Property, fund for legal expenses of pbys, New Chapter XLII on church property.

(UPC, May 23, 1981, 24): New Chapter XLII on church property.

(PCUS, 1981, 90ff., 224ff.; 1967, 127, par. F; 1953, 43, 143; 1950, 23, 60, 61): New Chapter 6 on church property.

### ***G-4.0204 Property Used Contrary to the Constitution***

Whenever property of, or held for, a congregation of the Presbyterian Church (U.S.A.) ceases to be used by that congregation as a congregation of the Presbyterian Church (U.S.A.) in accordance with this Constitution, such property shall be held, used, applied, transferred, or sold as provided by the presbytery.

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Amend Rejected (2006, 38-39, 358, Item 05-07): Rejected deletion of this paragraph

GA (2010, 61, 330, Item 05-12): Deals with consequences of adoption of corporate documents containing provisions contrary to the *Constitution*.

GA (1990, 244, 21.180, Req. 90-14): It is not permissible under the *Constitution* for a particular church to sell all its property without the approval of presbytery.

PJC (2006, 217-12, Chesterbrook Taiwanese PC v National Capital Pby): (1) The principle that all property held by or for a particular church is held in trust for the Presbyterian Church (U.S.A.) applies to congregations and presbyteries, no matter which entity holds title to church property.

PJC (2) Pby has exclusive power to determine the use and disposition of church property when a property ceases to be used for a particular church.

PJC (3) A dissolving church has the right to dispose of church property only as the pby directs.

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### ***G-4.0205 Property of a Dissolved or Extinct Congregation***

Whenever a congregation is formally dissolved by the presbytery, or has become extinct by reason of the dispersal of its members, the abandonment of its work, or other cause, such property as it may have shall be held, used, and applied for such uses, purposes, and trusts as the presbytery may direct, limit, and appoint, or such property may be sold or disposed of as the presbytery may direct, in conformity with the Constitution of the Presbyterian Church (U.S.A.).

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GA (2008, 49, 51, 284, Item 04-28): Asked that presbyteries and synods develop and make available to lower governing bodies and local congregations a process that exercises the responsibility to divide, dismiss, or dissolve churches in consultation with their members with consistency, pastoral responsibility, accountability, gracious witness, openness, and transparency.

PJC (2006, 217-12, Chesterbrook Taiwanese PC v National Capital Pby): (1) Pby has exclusive power to determine the use and disposition of church property when a property ceases to be used for a particular church.

PJC (2) A dissolving church has the right to dispose of church property only as the pby directs.

Earlier References:

(PCUSA, 1941, 154; 1937, 32, 66, Ovt. 20); (PCUS, 1917, 68, par. 5).

(PCUSA, 1927, 196):

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### ***G-4.0206 Selling, Encumbering, or Leasing Church Property***

#### ***a. Selling or Encumbering Congregational Property***

A congregation shall not sell, mortgage, or otherwise encumber any of its real property and it shall not acquire real property subject to an encumbrance or condition without the written permission of the presbytery transmitted through the session of the congregation.

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Amend Rejected (2006, 38-39, 358, Item 05-07): Rejected adding PC(USA) membership as condition of this provision.

Amend Rejected (2001, 45, 417, Ovt. 01-15): Rejected proposed language to limit need for pby permission to property used for "religious purposes" or "adjacent and contiguous to such property."



GA (1995, 278, 21.090, Req. 95-7): Congregation must approve purchase of real property, even when unencumbered.

Earlier References:

(1957, 188, Wefer v. Synod Pennsylvania): Presbytery may not select a purchaser of its choice; (1969, 608, Ice v. Synod Chesapeake): Particular church is not required to place at presbytery's disposal a portion of the assets derived from the sale of property. (However, see GA (1990, 244, 21.180, Req. 90-14)

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### ***b. Leasing Congregational Property***

A congregation shall not lease its real property used for purposes of worship, or lease for more than five years any of its other real property, without the written permission of the presbytery transmitted through the session of the congregation.

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Amend Rejected (2006, 38-39, 358, Item 05-07): Rejected adding PC(USA) membership as condition of this provision.

Amend Rejected (2001, 45, 417, Ovt. 01-15): Rejected proposed language to limit need for pby permission to property used for "religious purposes" or "adjacent and contiguous to such property."

PJC (1991, 203-4, 11.049, Matsuda, et al. v. Pby of San Francisco): Pby exceeded its own authority and usurped the authority of the session to determine to whom the building might be leased.

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### ***G-4.0207 Property of Congregation in Schism***

The relationship to the Presbyterian Church (U.S.A.) of a congregation can be severed only by constitutional action on the part of the presbytery (G-3.0303b). If there is a schism within the membership of a congregation and the presbytery is unable to effect a reconciliation or a division into separate congregations within the Presbyterian Church (U.S.A.), the presbytery shall determine if one of the factions is entitled to the property because it is identified by the presbytery as the true church within the Presbyterian Church (U.S.A.). This determination does not depend upon which faction received the majority vote within the congregation at the time of the schism.

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GA (1991, 395, 21.129, Req. 91-24): Standing rule proposed by presbytery stating a process for determining the disposition of property of a church wishing to leave the denomination is in conflict with the Form of Government.

GA (1990, 244, 21.180, Req. 90-14): It is not permissible under the Constitution for a particular church to sell all its property without the approval of presbytery.

PJC (PCUS 1976, 92, Strong v. Synod of Mid-South): Presbytery may not abdicate its power to exercise independent judgment in dismissing churches and ministers.

Earlier References:

(PCUS 1974, pp. 119-121, Anderson v. Synod of Florida): Constitution forbids dismissing a church to independence. Presbytery should decline to entertain the request. Dissolution is only course.

(UPCUSA, 1958, 60) Deals with congregations wanting to withdraw at time of union of PCUSA and UPCNA.

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## **G-4.0208**    *Exceptions*

The provisions of this chapter shall apply to all congregations of the Presbyterian Church (U.S.A.) except that any congregation which was not subject to a similar provision of the constitution of the church of which it was a part, prior to the reunion of the Presbyterian Church in the United States and The United Presbyterian Church in the United States of America to form the Presbyterian Church (U.S.A.), has been excused from that provision of this chapter if the congregation, within a period of eight years following the establishment of the Presbyterian Church (U.S.A.), voted to be exempt from such provision in a regularly called meeting and thereafter notified the presbytery of which it was a constituent congregation of such vote. The congregation voting to be so exempt shall hold title to its property and exercise its privileges of incorporation and property ownership under the provisions of the Constitution to which it was subject immediately prior to the establishment of the Presbyterian Church (U.S.A.). This paragraph may not be amended (G-6.05).

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GA (1998, 58, 164, 16.0178, Req. 98-1): Exemption adheres to the particular church, not to a piece of property.

GA (1992, 320, 21.209, Req. 91-16): Where a new church was formed by dissolution of a former PCUS and a former UPCUSA, new church was never a member of either former church and is therefore not entitled to the exemption.

GA (1991, 392, 21.076, Req. 91-8): The exception still applies to a church formed from a merger of two former PCUS churches.

GA (1990, 248, 21.242, Req. 90-24): The section is to be interpreted to mean the Constitution of the PCUS as it existed in 1983. (See also PCUS, 1982 G. A. *Minutes*, pp. 193-194)

GA (1990, 244, 21.180, Req. 90-14): It is not permissible under the Constitution for a particular church to sell all its property without the approval of presbytery.

GA (1990, 247, 21.230, Req. 90-22): A church formerly a member of the PCUS and a member of a union presbytery at the time of reunion may vote to take the exemption provided in G-8.0700.

GA (1987, 146, 15.203, Com. 6-87): An exemption granted to a particular church under G-8.0701 affects only provisions concerning property set forth in Chapter VIII which did not apply to the particular church prior to reunion.

Earlier References:

(PCUS, 1981, 9ff., 224ff, BCO 1982-83, 6-1): Text of Chapter VI, 1982-83 *Book of Church Order*, applicable to churches which took the exemption at reunion.

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## **G-4.03**    **Confidence And Privilege**

### **G-4.0301**    *Trust and Confidentiality*

In the exercise of pastoral care, teaching elders (also called ministers of the Word and Sacrament) and ruling elders who have been commissioned by a presbytery to limited pastoral service (G-2.10), shall maintain a relationship of trust and confidentiality, and shall hold in confidence all information revealed to them in the course of providing care and all information relating to the exercise of such care.

When the person whose confidences are at issue gives express consent to reveal confidential information, then a teaching elder or a ruling elder commissioned to pastoral service may, but cannot be compelled to, reveal confidential information.

A teaching elder or a ruling elder commissioned to pastoral service may reveal confidential information when she or he reasonably believes that there is risk of imminent bodily harm to any person.

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GA (1998, 165, 16.0199, Req. 98-4): There is no right of confidentiality in conversations between ministers and members of divisions and committees. Only provision at D-14.0203.

GA (1987, 344, 25.162, Rpt of AC on Church and Society): It is a spiritual and professional duty of clergy to hold in confidence matters revealed to them in their counseling, caring, and confessional ministries, and that being called to testify in a court of law does not negate this sacred obligation.

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### ***G-4.0302 Mandatory Reporting***

Any member of this church engaged in ordered ministry and any certified Christian educator employed by this church or its congregations, shall report to ecclesiastical and civil legal authorities knowledge of harm, or the risk of harm, related to the physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks mental capacity when (1) such information is gained outside of a confidential communication as defined in G-4.0301, (2) she or he is not bound by an obligation of privileged communication under law, or (3) she or he reasonably believes that there is risk of future physical harm or abuse.

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Previous FoG:

Amend (2004, 85, 316, Item 04-08, Recommendation 11.a.): Requires ministers to report possibility of abuse in certain circumstances.

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## Chapter Five - Ecumenicity and Union

### G-5.01 Ecumenical Commitment

#### *G-5.0101 Ecumenicity*

The Presbyterian Church (U.S.A.) at all levels seeks to manifest more visibly the unity of the body of Christ and will be open to opportunities for conversation, cooperation, and action with other ecclesiastical groups. It will seek to initiate, maintain, and strengthen relations with other Reformed and Christian entities.

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Amend Rejected (1991, 382, 21.005, Ovt. 90-101): Rejected amendment that would explain the use of per capita funds for delegates to meetings of ecumenical bodies.

Earlier References:

(UPC, 1970, 727): Ovt. H, Of Relations with Other Denominations, Sec. I.

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#### *G-5.0102 Interfaith Relations*

The Presbyterian Church (U.S.A.) at all levels seeks new opportunities for conversation and understanding with non-Christian religious entities.

#### *G-5.0103 Secular Organizations*

The Presbyterian Church (U.S.A.) at all level seeks to initiate and respond to approaches for conversation and common action with secular organizations and agencies where such approaches show promise of serving the mission of the Church in the world.

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PJC (2006, 217-12, Chesterbrook Taiwanese PC v National Capital Pby): Presbyteries and congregations are free to transact business with non-members and may take actions and pass resolutions that address their dealings with non-members.

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### G-5.02 Relations with Other Denominations

#### *G-5.0201 Correspondence*

In seeking the unity of the Church of Jesus Christ (G-5.0101), the General Assembly may authorize and direct that covenants, agreements, and statements of purpose and intent be developed with other Christian bodies. Such actions, when authorized and approved by the General Assembly, may address, but are not limited to, the mutual recognition of baptism and the orderly exchange of ministers. All councils of this church are encouraged to engage in opportunities to minister together in mutual affirmation and admonition with other Christian bodies.

The General Assembly, through the Office of the General Assembly, shall maintain a relationship of correspondence with the highest council or governing body:

- a. of those churches with which it has had historical relations outside the United States, as recognized by the General Assembly;
- b. of those churches that are members of the ecumenical bodies in which the Presbyterian Church (U.S.A.) holds membership;
- c. of those churches with which the Presbyterian Church (U.S.A.) has formal ecumenical dialogue approved by the General Assembly.

### ***G-5.0202 Full Communion***

The General Assembly of the Presbyterian Church (U.S.A.) is in full communion with those churches so recognized by the General Assembly. Full communion shall include the mutual recognition of baptism and the orderly exchange of ministers, as defined by ecumenical agreement. Councils of this church are encouraged to engage in opportunities to minister together in mutual affirmation and admonition with churches with which the Presbyterian Church (U.S.A.) is in full communion.

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GA (2008, 48, 51, 279, Item 04-24): “The Orderly Exchange of Ordained Ministers of Word and Sacrament” is a series of agreements that were mandated by “A Formula of Agreement.” ... These agreements ... are binding on the church, because of our agreements with the partner denominations.” The words “not intended” in the Orderly Exchange document closes the door to ordination to a first call in another denomination.

GA (1998, See Appendix C): “A Formula of Agreement” between the UCC, RCA, ELCA and PCUSA is declared made.

### ***G-5.0203 Ecumenical Statements***

In seeking the unity of the Church in Jesus Christ (F-1.0302a and G-5.0101), and in addition to the above relations, the Office of the General Assembly shall develop formal agreements and ecumenical statements of understanding with other Christian bodies. Such statements and agreements shall be approved by the General Assembly as guides for shared action, and shall be submitted to the presbyteries for their affirmative or negative votes.

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GA (2008, 48, 51, 279, Item 04-24): “The Orderly Exchange of Ordained Ministers of Word and Sacrament” is a series of agreements that were mandated by “A Formula of Agreement.” ... These agreements ... are binding on the church, because of our agreements with the partner denominations.” The words “not intended” in the Orderly Exchange document closes the door to ordination to a first call in another denomination.

GA (2008): Four ecumenical statements were approved and sent to the presbyteries for their approval: (2008, 14, 15, 513, Item 07-04) Covenant Relationship with the Korean Presbyterian Church of America; (2008, 14, 15, 527, Item 07-08) Common Agreement on Baptism with the United States Conference of [Roman] Catholic Bishops; (2008, 14, 15, 531, Item 07-10) Covenant Agreement with the Moravian Church; and (2008, 14, 15, 538, Item 07-11) Episcopal Presbyterian Agreement.

GA (1998, See Appendix C): “A Formula of Agreement” between the UCC, RCA, ELCA and PCUSA is declared made.

### **G-5.03 Full Organic Union**

Full organic union of the Presbyterian Church (U.S.A.) with any other ecclesiastical body shall be effected subject to the following approvals:

- a. the approval of the proposed plan of union by the General Assembly and its recommendation to the presbyteries;
- b. the approval in writing of two-thirds of the presbyteries; and
- c. the approval and consummation by the next General Assembly, or other General Assembly specified in the proposed plan of union.

### **G-5.04 Union Presbyteries**

A presbytery of the Presbyterian Church (U.S.A.) may unite to form a union presbytery with one or more comparable councils or governing bodies <sup>a</sup>, each of which is a member of another Reformed body, with the approval of the synod or comparable council or governing body of which each is a part.

#### ***G-5.0401 Constitutional Authority***

The union presbytery shall be subject to the constitution of each denomination represented in the union. Wherever the constitutions of the denominations differ, any mandatory provisions of one shall apply in all cases where the others are permissive. Where there are conflicting mandatory provisions, the union presbytery shall overture the highest council or governing body of the denominations involved to resolve the conflict either by authoritative interpretation or by constitutional amendment.

Amend Rejected (2012, 20, 21, 260, Item 05-04 and 267, Item 05-07): Rejected allowing the union presbytery to decide between conflicting constitutional mandates.

#### ***G-5.0402 Plan of Union***

A union presbytery shall be created by the adoption of a plan of union by two-thirds vote of each presbytery or governing body that is party to the union. The synod and/or governing body having jurisdiction over each of the uniting bodies shall approve the plan of union.

### **G-5.05 Joint Congregational Witness**

When its strategy for mission requires it, a presbytery may approve the creation of a joint witness between congregations of this denomination and congregations of other Christian churches that

recognize Jesus Christ as Lord and Savior, accept the authority of Scripture, and observe the Sacraments of Baptism and the Lord's Supper **b**.

a. Such joint witnesses shall be subject to the constitution of each denomination involved. Wherever the constitutions of the denominations differ, the mandatory provisions of one shall apply in all cases when the others are permissive. Wherever there are conflicting mandatory provisions, the congregational council shall petition the next higher councils or governing bodies to resolve the conflict.

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**Amend Rejected (2012, 20, 21, 257, Item 05-03 and 266, Item 05-06):** Rejected allowing a session of a joint congregational witness congregation to decide between conflicting constitutional mandates.  
-----

b. Such joint witnesses shall be formed according to a plan approved by a two-thirds majority of the members of each of the congregations at duly called meetings of the congregation, and by the presbytery or comparable council or governing body of each church. No provision of a plan for joint witness shall be construed as modifying or amending the Constitution of the Presbyterian Church (U.S.A.).

c. After consultation with the congregation involved in joint witness and the next higher council or governing body of the other denomination involved, a presbytery may receive a congregation from or transfer a congregation to a denomination with which the Presbyterian Church (U.S.A.) is in full communion or correspondence when it determines that the strategy for mission of that congregation is better served by such a transfer (G-3.0303b).

-----  
**GA (2008, 14, 15, 544, 546, Item 07-13):** Dismissing pby must determine whether receiving body's organization is conformed to the doctrines and order of PC(USA), including satisfying itself about whether this is true of transitional pby of Evangelical Presbyterian Church. Admin commissions may not be empowered to approve dismissal.

Previous FoG:

**GA (2006, 16, 566, Item 07-02):** Clarified difference between union and federated churches; does not relate to other denomination being Reformed, but to whether separate denominational affiliation is retained or not.

**GA (1999, 65, 705, 12.006, Ovt. 97-5 and 97-15):** A geographical presbytery may grant corresponding membership to the ministers and elders of a particular church within its bounds that belongs to a nongeographic presbytery.

**GA (1991, 402, 21.197, Req. 90-12):** A pby may organize a federated or union church "acting in concert with a comparable governing body of another denomination or denominations."

**GA (1990, 248, 21.238, Req. 90-23):** The General Assembly supported the presbytery's commitment to receiving People's Church as a union church with presbytery representation, and OGA is to find a way to affirm this presbytery's decision.

**GA (1986, 192, 15.241, CR 9-85):** A minister of another denomination is called to be a minister of a union church, the minister is a member of presbytery only for the period of service in the union church. When his or her service with the church ends, so does membership in presbytery.

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## Chapter Six - Interpreting and Amending the Constitution

### G-6.01 Reform

The Presbyterian Church (U.S.A.) seeks to be “the church reformed, always to be reformed, according to the Word of God” in the power of the Spirit (F-2.02.) In light of this commitment, the following interpretation and amendment procedures are understood as a means to faithfulness.

### G-6.02 Interpreting the Constitution

The General Assembly may provide authoritative interpretation of the *Book of Order*, which shall be binding on the councils of the church when rendered in the manner described in this section or through a decision of the General Assembly Permanent Judicial Commission in a remedial or disciplinary case.

The General Assembly shall elect an Advisory Committee on the Constitution composed of nine persons, teaching elders and ruling elders in numbers as nearly equal as possible. The Stated Clerk of the General Assembly shall be a member *ex officio* without vote. No person who has served on the Advisory Committee on the Constitution for a full term of six years shall be eligible for reelection until four years have elapsed after the expired six-year term. The General Assembly shall provide by its own rule for the qualifications of members of the Advisory Committee on the Constitution.

All questions requiring an interpretation by the General Assembly of the *Book of Order* arising from councils of the church shall be communicated in writing to the Stated Clerk of the General Assembly no later than 120 days prior to the convening of the next session of the General Assembly. The Stated Clerk shall refer all such questions of interpretation to the Advisory Committee on the Constitution, except those pertaining to matters pending before a judicial commission. The Advisory Committee on the Constitution shall communicate its report and recommendations to the next session of the General Assembly, no less than sixty days prior to the General Assembly.

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GA (2012, 68-69, 715, Item 08-01): Approved removal of a number of authoritative interpretations because former FoG language on which they were based is no longer in Foundations or FoG, is contradicted by new language, or was previously removed.

GA (2010, 61, 341, Item 05-21): (1) An authoritative interpretation is an interpretation of one or more provisions of the *Book of Order*.

GA (2) An authoritative interpretation of the Constitution is binding on all members and governing bodies of the PC (USA).

GA (3) The most recent interpretation of a provision of the *Book of Order* is binding.

GA (4) An authoritative interpretation is not an amendment to the Constitution.

GA (2010, 18, 25, 566, Item 07-11): Approved a special committee charged to make recommendations to the 220th GA (2012) concerning the status of specific existing authoritative interpretations of the Constitution if new Form of Government is approved.

GA (2008, 34, 35, 163, Item 03-15): “(A)ll overtures or requests supporting or opposing proposed authoritative interpretations of the *Book of Order* must be received by the 120-day deadline, so that the Advisory Committee on the Constitution may prepare its constitutionally required findings and recommendations to the General Assembly.”

GA (2006, 17, 1157, Item 14-01): ACC provides only advice to the General Assembly regarding questions of interpretation of the *Book of Order*. The ACC does not communicate directly with those who request advice nor make provisions for hearings on matters before it for consideration. The Advisory Committee may consult with General Assembly entities through the Stated Clerk.

GA (2006, 17, 1159, Item 14-Info): “(I)f the ACC offers advice which differs from former ACC advice, it identify this change and, if practical and possible, give reasons for this change.”

GA (2003, 64-65, 320, Item 04-04, Req 03-9): “The process of authoritative interpretation should be used sparingly, and for the purpose of defining potentially ambiguous words or phrases in the *Book of Order*, rather than for setting forth detailed procedures or advice as to how the provisions of our Constitution should be administered.”

GA (1991, 392, 21.078, Req. 91-9): ACC will approve editorial changes and report them back to the next GA.

GA (1988, 129, 12.066, Ovt. 20-88): Interpretations of the Constitution arrived at through the means of G-13.0103r (now 3.0502c) are binding on the whole church.

PJC (2012, 220-08, Spahr v. PC(USA) through Pby of Redwoods): No distinction is made between these forms of interpretation in authority or application, and the most recent interpretation is binding.

PJC (2008, 218-10, Bush et al v. Pby of Pittsburgh): No lower governing body can constitutionally define, diminish, augment or modify standards for ordination and installation of church officers.

PJC (2008, 218-09, Buescher et al v. Pby of Olympia): (1) While GA and GAPJC may interpret ordination standards set forth in *The Book of Confessions* and the Form of Government, the AI of the Theological Task on the Peace, Unity and Purity of the Church did not change any ordination standards

PJC (2) Governing body may not define in advance “essentials” and declare failure to adhere to these mandated “essentials” an absolute bar to ordination and installation.

PJC (3) No lower governing body can constitutionally define, diminish, augment or modify standards for ordination and installation of church officers.

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### **G-6.03 Amending *The Book of Confessions***

Amendments to the confessional documents <sup>a</sup> of this church may be made only if all the following steps are completed:

a. The proposal to amend *The Book of Confessions* is approved by the General Assembly for study in the church.

b. The General Assembly appoints a committee of ruling elders and teaching elders, numbering not fewer than fifteen, of whom not more than two shall be from any one synod, to consider the proposal. This committee shall consult with the committee or council from which the proposal originated. It shall report its findings to the next General Assembly.

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GA (1986, 189, 15.207, Ovt. 84-86): The committee of fifteen is required only if the General Assembly judges a proposal merits adoption strongly enough to trigger the above process.

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c. The next ensuing General Assembly considers the report of the study committee and approves the proposed amendment and recommends it to the presbyteries for vote.

d. The proposed amendment receives the approval in writing of two thirds of the presbyteries.

e. The proposed amendment is approved and enacted by the next ensuing General Assembly following the amendment's receipt of the necessary two-thirds approval of the presbyteries.

## **G-6.04 Amending the *Book of Order***

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Amend Proposed (2012, 72-72, 241, Item 04-01, Recommendation 3): Would require that proposed overtures to GA receive concurrence from at least one other presbytery.

PJC (2008, 218-09, Buescher et al v. Pby of Olympia): Governing body may not define in advance "essentials" and declare failure to adhere to these mandated "essentials" an absolute bar to ordination and installation.

PJC (2006, 217-7, Williamson v. Pby of W. North Carolina): No PJC in our denomination has the authority to amend or to invalidate any part of the Constitution.

PJC (2001, 213-2, Londonderry v. Pby of N.N.E.): Rescinding a formal censure based on a violation of the *Book of Order* does not violate the *Book of Order's* amendment process.

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Amendments to the *Book of Order* shall be made only if all the following steps are completed:

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GA (1991, 392, 21.078, Req. 91-9): ACC will approve editorial changes in the BO upon rec. from the SC and report them to the next GA.

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a. All proposals requesting amendment of the *Book of Order* are communicated in writing to the Stated Clerk of the General Assembly no later than 120 days prior to the convening of the next session of the General Assembly.

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GA (2008, 34, 35, 163, Item 03-15): All overtures supporting or opposing proposed changes to the *Book of Order* must be submitted in accordance with the 120-day deadline, so that the Advisory Committee on the Constitution may prepare its constitutionally required advice to the General Assembly.

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b. The Stated Clerk shall refer all such proposals to amend the *Book of Order* to the Advisory Committee on the Constitution (G-6.02), which shall examine the proposed amendment for clarity and consistency of language and for compatibility with other provisions of the Constitution of the Presbyterian Church (U.S.A.). At least sixty days prior to the meeting of the General Assembly, the advisory committee shall report its findings to the General Assembly along with its recommendations, which may include an amended version of any proposed constitutional changes as well as advice to accept or decline the proposals referred to the

committee. The General Assembly shall not consider any amendment until it has considered the report and any recommendations from the Advisory Committee on the Constitution.

c. The same General Assembly approves the proposal to amend and transmits the proposed amendment to the presbyteries for their vote.

-----  
GA (1994, 196, 21.075, Req. 94-10): Before any proposed amendment may be transmitted to the pbys for their approval or disapproval, the GA must vote on the proposed amendment. GA retains the power to amend a proposed amendment and to approve or disapprove the original for or as amended.  
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d. Presbyteries shall transmit their votes to the Stated Clerk no later than one year following the adjournment of the assembly transmitting the proposed amendments.

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GA (1999, 54, 609, Ovt. 99-26): Approved directing SC to publish in the *Minutes* the votes of individual pbys on amendments proposed.  
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e. The Stated Clerk receives written advice that a proposed amendment to the *Book of Order* has received the affirmative votes of a majority of all the presbyteries. The proposed amendment so approved shall become effective one year following the adjournment of the assembly transmitting the proposed amendment.

## **G-6.05 Exceptions**

The provisions of G-4.0208 of this Constitution shall not be amended.

## **G-6.06 Amendments to Special Provisions**

The processes for amending the confessional documents and for effecting full organic union (G-5.03) can be amended only by the same method that they prescribe.

# SCRIPTURAL ALLUSION INDEX1

## FORM OF GOVERNMENT

### CHAPTER I

- G-1.0101 a. Acts 2:41, 47  
G-1.0103 b. Heb. 8:5  
c. Gal. 1:21, 22; Rev. 2:1; G-1.0402d. Heb. 8:5; Gal. 6:16

### CHAPTER II

- G-2.0102 a. 1 Tim. 3:1; Eph. 4:11, 12  
b. 1 Tim. 5:17  
c. Phil. 1:1  
d. 1 Peter 5:1; Titus 1:5; 1 Tim. 5:1, 17, 19  
G-2.0201 e. Phil. 1:1; 1 Tim. 3:8-15  
f. Acts 6:3, 5, 6  
G-2.0301 g. 1 Cor. 12:28  
h. 1 Tim. 5:17; Rom. 12:7, 8; Acts 15:25  
G-2.0501 i. Jer. 3:15  
G-2.0604 j. 1 Tim. 4:14; Acts 13:2, 3

### CHAPTER III

- G-3.0105 a. 1 Cor. 14:40  
G-3.0108a b. Acts 15:22-24  
G-3.0109b(5) c. Acts 20:17; 6:2; 15:30  
G-3.0201 d. 1 Cor. 5:4  
e. Heb. 13:17; 1 Thess. 5:12, 13; 1 Tim. 5:17  
G-3.0201c f. 1 Thess. 5:12, 13; 2 Thess. 3:6, 14, 15; 1 Cor. 11:27-33  
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G-3.0301 i. Acts 6:1, 6; 9:31; 21:20; 2:41, 46, 47; 4:4; 15:4; 11:22, 30; 21:17, 18; 6:1-7;  
19:18-20; 1 Cor. 16:8, 9, 19; Acts 18:19, 24, 26; 20:17, 18, 25, 28, 30, 36, 37; Rev.  
2:1-6  
j. Acts 15:1-6; 1 Cor. 14:26, 33, 40  
k. Eph. 6:18; Phil. 4:6  
G-3.0301c l. Acts 15:28; 1 Cor. 5:3  
G-3.0304 m. Acts 14:26-27; Acts 11:18  
G-3.04 n. As the proofs already adduced in favor of a presbyterian assembly in the  
government of the church, are equally valid in support of a synodical assembly, it is  
unnecessary to repeat the Scriptures to which the reference has been made under  
Chap. X [sic XI], or add any other. (1888 Form of Government, Presbyterian Church  
in the United States of America at X)

- G-3.0402 o. Acts 15:10; Gal. 2:4, 5  
G-3.0501 p. See Acts 15:1 29; 16:4

## **CHAPTER V**

- G-5.04 a. Acts 21:17, 18; Acts 6; Acts 15:2, 3, 4, 6, 22  
G-5.05 b. Acts 15:5, 6

## **CHAPTER VI**

- G-6.03 a. Confession of 1967; Preface at 9.03; see also G-2.0200

## **DIRECTORY FOR WORSHIP**

### **CHAPTER IV**

- W-4.4003b a. 2 Tim. 3:16; Eph. 2:20  
W-4.4003cb. 2 Tim. 1:13  
W-4.4003ec. 1 Peter 5:5  
W-4.4004a(1) d. Acts 6:5, 6  
W-4.4006b(2) e. James 1:21; Heb. 13:17  
W-4.4006b(3) f. 1 Cor. 9:7-15  
g. 1 Thess. 5:12, 13  
W-4.4006ch. Acts 13:2, 3  
i. 1 Tim. 4:14  
W-4.4006d j. 2 Tim. 4:1, 2  
W-4.4006ek. Gal. 2:9; Acts 1:25  
W-4.4006fl. Mark 4:24; Heb. 2:1

<sup>1</sup>In response to Overture 01-58, the Office of the General Assembly reviewed previous editions of the Form of Government, which had included scriptural allusions. A large proportion of our current Form of Government has antecedent provisions in prior editions that are immediately apparent. After that review, the Department of Constitutional Services carefully compared those prior editions with the current text of the Form of Government. That department then inserted the scriptural allusions taken from those prior editions of the Form of Government into the current text. They first appeared in the version released during the 215th General Assembly (2003).

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## Directory for Worship

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In light of the addition of the Foundations of Presbyterian Polity and the revision of the Form of Government (2011), the following terms in use in the Directory for Worship have been replaced with terms employed in the new and revised documents:

- “Minister” or “minister of the Word and Sacrament” = “teaching elder”
- “Elder” = “ruling elder”
- “Governing body” = “council”
- “Commissioned Lay Pastor” = “ruling elder commissioned to particular pastoral service” or “ruling elder commissioned to pastoral service”
- “Office” or “Ordained Office” = “ordered ministry”
- “Officer/s,” “Church Officer/s,” or “Ordained Officer/s” = “[person/those in] ordered ministry”

“†” - In the Form of Government, the functions described in the following provisions may be performed by ruling elders in certain circumstances as well as by teaching elders:

W-1.4005; W-2.3011a(4); W-2.3011b; W-2.4012 b; W-3.3401 b,d;  
W-3.3604; W-3.3606; W-3.5403; W-4.4001b; W-4.9002; W-  
4.9003; W-4.9004; W-4.9006.

Note: <sup>1</sup>

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GA (2004, 86, 326, Item 04-12): Assigned Theology & Worship and OGA to undertake analysis of Directory for Worship to evaluate its influence and effectiveness for sessions, pastors, and middle governing bodies.  
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## Preface

a. This Directory for Worship reflects the conviction that the life of the Church is one, and that its worship, witness, and service are inseparable. The theology is based on the Bible, is instructed by *The Book of Confessions* of the Presbyterian Church (U.S.A.), and seeks to be sensitive to ecumenical discussion. A rich heritage of traditions and a diversity of cultures in the Presbyterian church are reflected and encouraged by this directory. A Directory for Worship is not a service book with fixed orders of worship, a collection of prayers and rituals, or a program guide. Rather it describes the theology that underlies Reformed worship and outlines appropriate forms for that worship. This directory suggests possibilities for worship, invites development in worship, and encourages continuing reform of worship. It sets standards and presents norms for the conduct of worship in the life of congregations and the **councils** of the Presbyterian Church (U.S.A.) As the constitutional document ordering the worship of the Presbyterian Church (U.S.A.), this Directory for Worship shall be authoritative for this church.

b. This directory uses language about worship which is simply descriptive.

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Amend (1997, 89, 176, 21.0139, Ovt. 97-36): Moved explanation of what differing language signifies about mandated, strong recommended, or suitable practice from here to the Preface of the entire *Book of Order*. Also delete “also” in the remaining sentence.  
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c. This Directory for Worship has been written in an intentional effort to listen to the Spirit speaking in Scripture and to be guided by *The Book of Confessions*. When the words have come directly from the Bible or from one of the confessions, that is so noted in the text. References to other sections of this Directory for Worship (W-) or to the Form of Government (G-) and the Rules of Discipline (D-) are included in parentheses in the text to guide those who use the directory. Notes at the end of each chapter are to identify biblical and confessional sources which have shaped the development of this directory. These notes are also included to guide the reader to Scripture and the confessions in order to enhance the use of this directory as a teaching text and resource at various levels in the life of the church.

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<sup>1</sup> Directory for Worship adopted at the 200th General Assembly (1988) (See *Minutes*, Part I, 1988, 144 [12.266].)

[See Historical Summaries Relating to the Constitutions of the Uniting Churches.]



# **W-1.0000 CHAPTER I. THE DYNAMICS OF CHRISTIAN WORSHIP**

## **W-1.1000 1. Christian Worship: An Introduction**

### **W-1.1001 Christian Worship**

Christian worship joyfully ascribes all praise and honor, glory and power to the triune God. In worship the people of God acknowledge God present in the world and in their lives. As they respond to God's claim and redemptive action in Jesus Christ, believers are transformed and renewed. In worship the faithful offer themselves to God and are equipped for God's service in the world.

### **W-1.1002 God's Initiative**

#### **W-1.1002a. The Spirit of God**

The Spirit of God quickens people to an awareness of God's grace and claim upon their lives. The Spirit moves them to respond by naming and calling upon God, by remembering and proclaiming God's acts of self-revelation in word and deed, and by committing their lives to God's reign in the world.

#### **W-1.1002b. God's Encounter with Humans**

The earliest recollections of the people of God speak of God's encounter with human beings. God takes the initiative in creation and in covenant, in calling to repentance and in offering forgiveness. God plants and plucks up; God judges and blesses. (Jeremiah 1:10)

#### **W-1.1002c. God's Entrance Into the Human Condition**

In Jesus Christ, God entered fully into the human condition in an act of self-revelation, redemption, and forgiveness. Entering the brokenness of the world, God in Jesus Christ atoned for sin and restored human life. By so entering the created world God brought time and space, matter and human life to fulfillment as instruments for knowing and praising their Creator.

### **W-1.1003 Jesus Christ**

#### **W-1.1003a. God and a Human Life United**

In the person and work of Jesus, God and a human life are united but not confused, distinguished but not separated.

#### **W-1.1003b. Perfect Human Response**

Jesus of Nazareth offered the perfect human response to God. The Life that redeems reveals the form and purpose of redeemed life. Jesus' life discloses the character of authentic Christian worship.

### **W-1.1003c. The Living God in Common Life**

Jesus Christ is the living God present in common life. The One who is proclaimed in the witness of faith is

**W-1.1003c.(1)**the Word of God spoken at creation,

**W-1.1003c.(2)**the Word of God promising and commanding throughout covenant history,

**W-1.1003c.(3)**the Word of God

**W-1.1003c.(3)(a)** who became flesh and dwelt among us,

**W-1.1003c.(3)(b)** who was crucified and raised in power,

**W-1.1003c.(3)(c)** who shall return in triumph to judge and reign.

### **W-1.1004 Jesus Christ in Word and Sacrament**

Scripture--the Word written, preaching--the Word proclaimed, and the Sacraments--the Word enacted and sealed, bear testimony to Jesus Christ, the living Word. Through Scripture, proclamation, and Sacraments, God in Christ is present by the Holy Spirit acting to transform, empower, and sustain human lives. In Christian worship the people of God

**W-1.1004(1)** hear the Word proclaimed,

**W-1.1004(2)** receive the Word enacted in Sacrament,

**W-1.1004(3)** discover the Word in the world, and

**W-1.1004(4)** are sent to follow the Word into the world.

### **W-1.1005 Christian Response to God in Community**

#### **W-1.1005a. Personal Response in Community**

From the beginning God created women and men for community and called a people into covenant. Jesus called, commissioned, and promised to be present to a people gathered in his name. The Holy Spirit calls, gathers, orders, and empowers the new community of the covenant. To each member, that Spirit gives gifts for building up the body of Christ and for equipping it for the work of ministry. A Christian's personal response to God is in community.

#### **W-1.1005b. Response in Worship and Service**

The people of God respond with words and deeds of praise and thanksgiving in acts of prayer, proclamation, remembrance, and offering. In the name of Christ, by the power of the Holy Spirit, the Christian community worships and serves God

- W-1.1005b.(1) in shared experiences of life,
- W-1.1005b.(2) in personal discipleship,
- W-1.1005b.(3) in mutual ministry, and
- W-1.1005b.(4) in common ministry in the world.

## **W-1.2000 2. The Language of Worship**

### **W-1.2001 The Language of Response to God**

God brings all things into being by the Word. God offers the Word of grace, and people respond to that divine initiative through the language of worship. They call God by name, invoke God's presence, beseech God in prayer, and stand before God in silence and contemplation. They bow before God, lift hands and voices in praise, sing, make music, and dance. Heart, soul, strength, and mind, with one accord, they join in the language, drama, and pageantry of worship.

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[GA \(1993, 332, 21.094, Req. 93-9\)](#): It does not appear to matter in the Directory for Worship whether the art form is performed by one person or more than one.  
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### **W-1.2002 Symbolic Language**

When people respond to God and communicate to each other their experiences of God, they must use symbolic means, for God transcends creation and cannot be reduced to anything within it. No merely human symbols can be adequate to comprehend the fullness of God, and none is identical to the reality of God. Yet the symbols human beings use can be adequate for understanding, sharing, and responding to God's gracious activity in the world since God has chosen to accommodate to humanity in self-revelation

- a. through the created order,
- b. in the events of covenant history, and
- c. most fully in the incarnate Word, Jesus Christ.

Symbols spoken or acted are authentic and appropriate for Christian worship to the extent that they are faithful to the life, death, and resurrection of Jesus Christ.

### **W-1.2003 Old Testament Symbols**

As the people of God worshiped the Holy One, they used symbols out of human experience, speaking of God as creator, covenant-maker, liberator, judge, redeemer, shepherd, comforter, sovereign, begetter, bearer. From the world of nature they ascribed to God the character of rock,

well-spring, fire, eagle, hen, lion, or light. Their worship was also filled with the language of symbolic action:

fasting and feasting,  
    rejoicing and wailing,  
        marching and resting,  
            dancing and clapping hands,  
purification and dedication,  
    circumcisions and anointings,  
        burnt offerings and sin offerings,  
            doing justice and mercy,  
making music and singing to the Lord.

## **W-1.2004 New Testament Symbols**

### **W-1.2004a. Jesus Used Old Testament Symbols**

Jesus used Old Testament symbols and images to speak to and about God. He participated in the symbolic actions of Israel's worship. In many cases, he personalized and gave new depth to the familiar symbols for God, especially as in his intimate use of Abba, Father. He spoke of himself in terms of many Old Testament symbols--the good shepherd, Israel's bridegroom, the Son of Man--and intensified their meanings. He brought new meaning to current religious practices like almsgiving, baptism, and breaking bread. In daily life, Jesus took ordinary acts of human compassion--healing the sick, feeding the hungry, washing feet--and translated them into ways of serving God.

### **W-1.2004b. Christ the Focus of New Symbols**

As the Risen Lord, Jesus Christ became the focus of new symbols. The New Testament writers often used Old Testament symbolic language for the new reality as they sought to communicate the good news, describing Christ as the second Adam and as the Lamb of God. They used new symbolic language as well: the eternal Word, the firstborn of all creation, our peace who has broken down the dividing wall of hostility. In hymns and other forms of praise, Jesus Christ was glorified as the true symbol who reveals all that God is to the world. (W-1.1003-.1005)

## **W-1.2005 Authentic and Appropriate Language**

The Church in every culture through the ages has used and adapted biblical symbols, images, stories, and words in worship. The church's use of this language has not always been authentic and appropriate. For the Reformed tradition in its various expressions the historical and cultural use of language proves to be authentic when it reflects the biblical witness to God in Jesus Christ. Language proves to be appropriate when a worshipping community can claim it as its own when offering praise and thanksgiving to God. Appropriate language by its nature

- a. is more expressive than rationalistic,
- b. builds up and persuades as well as informs and describes,

- c. creates ardor as well as order,
- d. is the utterance of the whole community of faith as well as the devotion of individuals.

Appropriate language seeks to recognize the variety of traditions which reflect biblical truth authentically in their own forms of speech and actions. In doing so the church honors and properly uses the language of the tradition. The church is, nonetheless, free to be innovative in seeking appropriate language for worship. While respecting time-honored forms and set orders, the church may reshape them to respond freely to the leading of God’s Spirit in every age.

## **W-1.2006 Inclusive Language**

### **W-1.2006a. Rich Variety of Peoples**

Since the Presbyterian Church (U.S.A.) is a family of peoples united in Jesus Christ, appropriate language for its worship should display the rich variety of these peoples. To the extent that forms, actions, languages, or settings of worship exclude the expression of diverse cultures represented in the church or deny emerging needs and identities of believers, that worship is not faithful to the life, death, and resurrection of Jesus Christ.

### **W-1.2006b. Diverse Language**

The church shall strive in its worship to use language about God which is intentionally as diverse and varied as the Bible and our theological traditions. The church is committed to using language in such a way that all members of the community of faith may recognize themselves to be included, addressed, and equally cherished before God. Seeking to bear witness to the whole world, the church struggles to use language which is faithful to biblical truth and which neither purposely nor inadvertently excludes people because of gender, color, or other circumstance in life.

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Amend Rejected (1999, 45, 604, Ovt. 99-24): Rejected overture to make use of diverse language about God in worship mandatory.

Amend Rejected (1993, 309, 21.007, Ovt. 92-120): Rejected request to add a section “c” to encourage the use of the phrase “one God” before “Father, Son, and Holy Spirit” in prayer and worship.

GA (1985, 66-67, 419-421): Adopted with amendments a Joint Report (Advisory Council on Discipleship and Worship, Council on Theology and Culture) with Definitions and Guidelines.

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## **W-1.3000 3. Time, Space, and Matter**

### **W-1.3010 a. Time**

#### **W-1.3011 Sabbath, Lord’s Day**

##### **W-1.3011(1) One Day in Seven**

Christians may worship at any time, for all time has been hallowed by God. The covenant community worshiped daily. But God set aside one day in seven to be kept holy to the Lord. In

the Old Testament the Sabbath was understood as a day totally set aside and offered to the Lord. In the New Testament, believers observed the first day of the week, the day of resurrection, as the time when the new people of the covenant gathered to worship God in Jesus Christ. They came to speak of this as the Lord's Day.

#### ***W-1.3011(2) Word and Sacraments***

From earliest times, the church has gathered on the Lord's Day for the proclamation and exposition of the Word and the celebration of the Sacraments. The Reformed tradition has emphasized the importance of the Lord's Day as the time for hearing the Word and celebrating the Sacraments in the expectation of encountering the risen Lord, and for responding in prayer and service. (W-3.2001; W-5.5001)

### **W-1.3012 Daily Worship**

#### ***W-1.3012(1) Regular Times for Prayer***

In Israel's worship, daily hours were set aside for sacrifices of praise and thanksgiving. Even after the loss of the Temple, morning, noon, and evening were established times for prayer. Jesus set aside regular times for prayer, and the believing community gathered daily for prayer in the Temple, in an upper room, and in their homes. New Testament writers exhorted the Church to pray without ceasing. Through the ages, the Church has maintained special hours for daily prayer, historically known as the daily office.

#### ***W-1.3012(2) Prayer and Scripture***

The Reformed tradition adapted the pattern of the daily office, to provide an occasion not only for prayer but also for the public reading and expounding of Scripture. Daily public worship is to be commended as a dimension of the life and witness of the church as it ministers in and to the community. Changing patterns of life have also led to the expression of daily prayer in family and personal devotion, which are encouraged as a part of the regular discipline of the Christian life. (W-3.4000; W-5.2000; W-5.7000)

### **W-1.3013 Church Year**

As God created and appointed days, God created a rhythm of time and appointed seasons for worship. In the Old Testament, people observed seasons of fasting and feasting as occasions for festival worship of God. Jesus kept these festivals. For the Church in the New Testament, the festivals were transformed in meaning and purpose by Jesus' life and teaching, his death and resurrection, and by the gift of the Holy Spirit. Jesus' birth, life, death, resurrection, ascension, and promised return give meaning to the seasons which order the annual rhythm of worship and guide the selection of lessons to be read and proclaimed in the life of the Church. (W-3.2002; W-3.2003)

#### **W-1.3020 b. Space**

#### **W-1.3021 Old Testament**

Christians may worship in any place, for the God who created time also created and ordered space. The Old Testament tells us God met with people in many different places. Yet particular

locations became recognized as places where people had special encounter with God, so they arranged space in such a way as to remember and enhance that meeting. Whether the stone altars of the patriarchs, the Tent of Meeting for the wandering people of God, the Temple of the Kingdom in Jerusalem, or the house-synagogue worship of the Dispersion, each place was ordered to invite and express God's presence.

### **W-1.3022 Jesus**

Jesus' life reflects the covenant community's understanding of places for worship. He regularly worshiped in the synagogue and in the Temple, in the wilderness and on the hillsides of Galilee. Jesus especially disclaimed the notion that God could be confined to any one place.

### **W-1.3023 Early Church**

Because the identifying reality of Christian worship was neither the place nor the space but the presence of God, the early Christians could worship in the Temple, in synagogues, in homes, in catacombs, and in prisons. Wherever Christ was present among them in the interpretation of the Word and the breaking of bread, that space was hallowed. Yet the Church began to set aside special places for gathering in the presence of the risen Christ and responding in praise and service. To this day, when the Church gathers, it is not the particular place, but the presence of the risen Lord in the midst of the community which marks the reality of worship.

### **W-1.3024 Arrangement of Space**

When a place is set aside for worship it should facilitate accessibility and ease of gathering, should generate a sense of community, and should open people to reverence before God. It should include a place for the reading of Scripture and the preaching or exposition of the Word. It should provide for the celebration and proper administration of the Sacraments, with a font or pool for Baptism and a table suitable for the people's celebration of the Lord's Supper. The arrangement of space should visibly express the integral relation between Word and Sacrament and their centrality in Christian worship. (W-1.4004)

## **W-1.3030 c. Matter**

### **W-1.3031 Old Testament**

God created the material universe and pronounced it good. The covenant community understood that the material world reflects the glory of God. They also came to see that material realities can be a means for expressing suitable praise and thanksgiving to God. Ark, showbread, woven and embroidered linen, basins, oil, lights, musical instruments, grain, fruit, and animals all became expressions of the community's worship of God. The prophets warned, however, against offering the material as a substitute for offering the self to God.

### **W-1.3032 Jesus**

In Jesus Christ the Word became flesh, and God hallowed material reality. Jesus presented his body as a living sacrifice. In his ministry, he used common things like nets, fish, baskets, jars,

ointment, clay, towel and basin, water, bread, and wine. Working in and through these material things, he blessed and healed people, reconciled and bound them into community, and exhibited the grace, power, and presence of the Kingdom of God.

### **W-1.3033 Church Sacraments**

#### ***W-1.3033(1) Early Church: Water, Bread, Wine***

The early Church, following Jesus, took three primary material elements of life--water, bread, and wine--to become basic symbols of offering life to God as Jesus had offered his life. Being washed with the water of Baptism, Christians received new life in Christ and presented their bodies to be living sacrifices to God. Eating bread and drinking wine they received the sustaining presence of Christ, remembered God's covenant promise, and pledged their obedience anew.

#### ***W-1.3033(2) Reformed Tradition: Sacraments***

The Reformed tradition understands Baptism and the Lord's Supper to be Sacraments, instituted by God and commended by Christ. Sacraments are signs of the real presence and power of Christ in the Church, symbols of God's action. Through the Sacraments, God seals believers in redemption, renews their identity as the people of God, and marks them for service. (W-3.3601)

### **W-1.3034 Use of Material in Worship**

#### ***W-1.3034(1) Offered to God***

The Church has acknowledged that the lives of Christians and all they have belong to the Creator and are to be offered to God in worship. As sign and symbol of this self-offering, the people of God have presented their creations and material possessions to God. The richness of color, texture, form, sound, and motion has been brought into the act of worship.

#### ***W-1.3034(2) Artistic Expressions***

The Reformed heritage has called upon people to bring to worship material offerings which in their simplicity of form and function direct attention to what God has done and to the claim that God makes upon human life. The people of God have responded through creative expressions in architecture, furnishings, appointments, vestments, music, drama, language, and movement. When these artistic creations awaken us to God's presence, they are appropriate for worship. When they call attention to themselves, or are present for their beauty as an end in itself, they are idolatrous. Artistic expressions should evoke, edify, enhance, and expand worshipers' consciousness of the reality and grace of God.

### **W-1.3040 Mission**

All time, all space, all matter are created by God and have been hallowed by Jesus Christ. Christian worship, at particular times, in special places, with the use of God's material gifts, should lead the church into the life of the world to participate in God's purpose to redeem time, to sanctify space, and to transform material reality for the glory of God.



## **W-1.4000 4. Responsibility and Accountability for Worship**

### **W-1.4001 Responsibility**

In worship, the church is to remember both its liberty in Christ and the biblical command to do all things in an orderly way. While Christian worship need not follow prescribed forms, careless or disorderly worship is both an offense to God and a stumbling block to the people. Those responsible for worship are to be guided by the Holy Spirit speaking in Scripture, the historic experience of the Church universal, the Reformed tradition, *The Book of Confessions*, the needs and particular circumstances of the worshiping community, as well as the provisions of the Form of Government and this directory. (W-3.1001; W-3.1002)

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PJC (2000, 586, 12.169, Benton, et al. v. Pby of Hudson River): “Guided” emphasizes balance between order and liberty, including pastoral attention and sensitivity to the needs and circumstances of the faith community.

PJC (2000, 586, 12.169, Benton, et al. v. Pby of Hudson River): See at W-4.9001.

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### **W-1.4002 Review and Oversight**

To ensure that these guiding principles are being followed, those responsible on behalf of presbytery for the oversight and review of the ministry of particular worshiping congregations should discuss with those sessions the quality of worship, the standards governing it, and the fruit it is bearing in the life of God’s people as they proclaim the gospel and communicate its joy and justice. (G-3.0307)

### **W-1.4003 Who May Participate and Lead in Worship**

In Jesus Christ, the Church is a royal priesthood in which worship is the work of everyone. The people of God are called to participate in the common ministry of worship. No one shall be excluded from participation or leadership in public worship in the Lord’s house on the grounds of race, color, class, age, sex, or handicapping condition. Some by gifts and training may be called to particular acts of leadership in worship. It is appropriate to encourage members and **those in ordered ministry** with such abilities to assist in leading worship.

### **W-1.4004 Session**

In a particular church, the session is to provide for worship and shall encourage the people to participate fully and regularly in it. The session shall make provision for the regular

- a. preaching of the Word,
- b. celebration of the Sacraments,
- c. corporate prayer, and
- d. offering of praise to God in song. (W-2.0000; W-3.0000)

The session has authority

- e. to oversee and approve all public worship in the life of the particular church with the exception of those responsibilities delegated to the pastor alone (W-1.4005),
- f. to determine occasions, days, times, and places for worship.

It is responsible

- g. for the space where worship is conducted, including its arrangement and furnishings,
- h. for the use of special appointments such as flowers, candles, banners, paraments, and other objects of art,
- i. for the overall program of music and other arts in the church,
- j. for those who lead worship through music, drama, dance, and other arts. (G-3.0201a,b)

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GA (1993, 332, 21.094, Req. 93-9): Session is given authority over the “overall program of music and other arts in the church” and “for those who lead worship through music, drama, dance, and other arts” (emphasis added).

GA (1993, 332, 21.094, Req. 93-9): Worship is a shared responsibility between session and pastor. There is no conflict between this section and W-1.4005; the provisions define clearly how two responsible authorities shall relate without conflict, each having clear responsibilities.

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## **W-1.4005 Pastor**

### **W-1.4005a. Responsibilities**

The **teaching elder** † as pastor has certain responsibilities which are not subject to the authority of the session. In a particular service of worship the pastor is responsible for

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GA (1993, 332, 21.094, Req. 93-9): See W-1.4004.

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- (1) the selection of Scripture lessons to be read,
- (2) the preparation and preaching of the sermon or exposition of the Word,
- (3) the prayers offered on behalf of the people and those prepared for the use of the people in worship,
- (4) the music to be sung,

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GA (1993, 332, 21.094, Req. 93-9): The pastor is responsible for what is to be sung in worship.

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(5) the use of drama, dance and other art forms

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GA (1993, 332, 21.094, Req. 93-9): The pastor is responsible apart from the session on whether to use “drama, dance, or other art forms.”  
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The pastor may confer with a worship committee in planning particular services of worship. (G-2.0504)

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GA (1993, 332, 21.094, Req. 93-9): Such “conferring” is not only wise but frequently prudent and occasionally an urgent necessity.

PJC (1990, 142, 11.098, Staffa v. Session, Hill United Ch): Session may provide guidance to pastor in the conduct of public prayer.  
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### **W-1.4005b. Pastor and Choir Director**

Where there is a choir director or other musical leader, the pastor and that person will confer to ensure that anthems and other musical offerings are appropriate for the particular service. The session should see that these conferences take place appropriately and on a regular basis.

### **W-1.4006 Session and Pastor**

The sequence and proportion of the elements of worship are the responsibility of the pastor with the concurrence of session. The selection of hymnals, song books, service books, Bibles, and other materials for use of the congregation in public worship is the responsibility of the session with the concurrence of the pastor and in consultation with musicians and educators available to the session.

### **W-1.4007 Session Responsibility for Education**

In the exercise of its responsibility to encourage the participation of its people in worship, the session should provide for education in Christian worship by means appropriate to the age, interests, and circumstances of the members of the congregation. (W-3.5202; W-6.2000; G-3.0201a, b) It shall also provide for the regular study of this directory in the education of **ruling elders and deacons**. (G-3.0201c)

### **W-1.4008 Accountability to Presbytery**

In fulfilling their responsibilities for worship, pastors and sessions are accountable to presbytery in its exercise of constitutional supervision of its members. (G-3.0307)

### **W-1.4009 Presbytery Responsibility for Education**

In the exercise of their responsibility to provide encouragement, guidance, and resources in worship to member churches, presbyteries should arrange appropriate educational events. They shall also provide education in worship through regular use of this directory as they examine candidates for ordination and **teaching elders** for continuing membership. (G-2.0503 and G-3.0306)

## ENDNOTES TO CHAPTER I.

- W-1.1001: Isa. 6; Rev. 4:11; Scots Conf. 3.01; 2 Helv. Conf. 5.023, 5.135; West. Conf. 6.112, 6.113; L. Cat. 7.214, 7.215; S. Cat. 7.046, 7.047, 7.050, 7.051; Conf. 1967 9.35-9.37.
- W-1.1002: Rom. 10:13; I Cor. 11:26, 12:3; Scots Conf. 3.02, 3.04-3.06, 3.12; Conf. 1967 9.07-9.09, 9.18, 9.20.
- W-1.1003: Jer. 33:1-9; John 1:1-14; Phil. 2:9-11; Heb. 1, 2; Rev. 19:11-16; Scots Conf. 3.06, 3.09-3.11; 2 Helv. Conf. 5.062, 5.064, 5.146; West. Conf. 6.043-6.047; Conf. 1967 9.07-9.11, 9.19.
- W-1.1004: John 1:14-18; Rom. 10:8; II Cor. 4:4b-6; Phil. 2:5-11; Col. 1:15; Barm. Dec. 8.11, 8.14, 8.17; Conf. 1967 9.07, 9.20, 9.27, 9.30, 9.35-9.37.
- W-1.1005: Matt. 28:20; John 14:18 ff.; Rom. 12:6, 8; I Cor. 12; Eph. 4:12 ff.; I Pet. 4:10; Heid. Cat. 4.055; Conf. 1967 9.17-9.19, 9.20, 9.22, 9.31-9.33.
- W-1.2000: 2 Helv. Conf. 5.217; Conf. 1967 9.50.
- W-1.2002: Isa. 40:18-25, 55:8,9; John 1:1-18; Rom. 11:33-36; Col. 1:15-20; Heb. 1:1-3.
- W-1.2003: Psalms, Isaiah, and other poetic and prophetic books.
- W-1.2004: John 1:1,36; I Cor. 15:45; Eph. 2:14; Col. 1:15.
- W-1.2006: I Cor. 9:19-23; 10:23,24, 31-33; Gal. 3:28; Jas. 2:1-9.
- W-1.3011: Gen. 1:3,14 ff.; 2:3; Ex. 20:8-11; Deut. 5:12-15; Acts 20:7; Rev. 1:10; Heid. Cat. 4.103; 2 Helv. Conf. 5.223-5.226; West. Conf. 6.118-6.119; S. Cat. 7.060; L. Cat. 7.226-7.227.
- W-1.3012: Acts 1:14; 2:42; 3:1; 10:9; West. Conf. 6.117.
- W-1.3013: Rom. 14:5,6; Col. 2:16,17.
- W-1.3020: West. Conf. 6.117.
- W-1.3022: John 4:21-24.
- W-1.3024: 2 Helv. Conf. 5.214-5.216.
- W-1.3031: Amos 5:21-24, Isa. 1:11-17, Mic. 6:6-8; cf. Ps. 50; Conf. 1967 9.16.
- W-1.3033: Scots Conf. 3.21; Heid. Cat. 4.066-4.068; 2 Helv. Conf. 5.169-5.180; West. Conf. 6.149-6.153; S. Cat. 7.092-7.093; L. Cat. 7.272-7.274.
- W-1.3034: 2 Helv. Conf. 5.020-5.022; Conf. 1967 9.50.
- W-1.3040: Mic. 6:8; Rom. 12:1; Eph. 6:16; Jas. 1:22-27; West. Conf. 6.174.
- W-1.4001: Gal. 5:1; I Cor. 14.
- W-1.4003: I Pet. 2:9 ff.; Conf. 1967 9.39.
- W-1.4004: Conf. 1967 9.50.
- W-1.4005: 2 Helv. Conf. 5.163.

## **W-2.0000 CHAPTER II. THE ELEMENTS OF CHRISTIAN WORSHIP**

### **W-2.1000 1. Prayer**

#### **W-2.1001 Christian Prayer**

Prayer is at the heart of worship. In prayer, through the Holy Spirit, people seek after and are found by the one true God who has been revealed in Jesus Christ. They listen and wait upon God, call God by name, remember God's gracious acts, and offer themselves to God. Prayer may be spoken, sung, offered in silence, or enacted. Prayer grows out of the center of a person's life in response to the Spirit. Prayer is shaped by the Word of God in Scripture and by the life of the community of faith. Prayer issues in commitment to join God's work in the world.

#### **W-2.1002 Content of Prayer**

In prayer we respond to God in many ways. In adoration we praise God for who God is. In thanksgiving we express gratitude for what God has done. In confession we acknowledge repentance for what we as individuals and as a people have done or left undone. In supplication we plead for ourselves and the gathered community. In intercession we plead for others, on behalf of others, and for the whole world. In self-dedication we offer ourselves to the purpose and glory of God.

#### **W-2.1003 Music as Prayer: Congregational Song**

Song is a response which engages the whole self in prayer. Song unites the faithful in common prayer wherever they gather for worship whether in church, home, or other special place. The covenant people have always used the gift of song to offer prayer. Psalms were created to be sung by the faithful as their response to God. Though they may be read responsively or in unison, their full power comes to expression when they are sung. In addition to psalms the Church in the New Testament sang hymns and spiritual songs. Through the ages and from varied cultures, the church has developed additional musical forms for congregational prayer. Congregations are encouraged to use these diverse musical forms for prayer as well as those which arise out of the musical life of their own cultures.

#### **W-2.1004 Music as Prayer: Choir and Instrumental Music**

To lead the congregation in the singing of prayer is a primary role of the choir and other musicians. They also may pray on behalf of the congregation with introits, responses, and other musical forms. Instrumental music may be a form of prayer since words are not essential to prayer. In worship music is not to be for entertainment or artistic display. Care should be taken that it not be used merely as a cover for silence. Music as prayer is to be a worthy offering to God on behalf of the people. (See also W-2.2008; W-3.3101)

#### **W-2.1005 Enacted Prayer**

In the Old and New Testaments and through the ages, the people of God expressed prayer through actions as well as speech and song. So in worship today it is appropriate

- W-2.1005a.** to kneel, to bow, to stand, to lift hands in prayer,
- W-2.1005b.** to dance, to clap, to embrace in joy and praise,
- W-2.1005c.** to anoint and to lay on hands in intercession and supplication, commissioning and ordination.

## **W-2.2000 2. Scripture Read and Proclaimed**

### **W-2.2001 Centrality of Scripture**

The church confesses the Scriptures to be the Word of God written, witnessing to God's self-revelation. Where that Word is read and proclaimed, Jesus Christ the Living Word is present by the inward witness of the Holy Spirit. For this reason the reading, hearing, preaching, and confessing of the Word are central to Christian worship. The session shall ensure that in public worship the Scripture is read and proclaimed regularly in the common language(s) of the particular church.

### **W-2.2002 Selection of Scripture**

The **teaching elder** is responsible for the selection of Scripture to be read in all services of public worship and should exercise care so that over a period of time the people will hear the full message of Scripture. It is appropriate that in the Service for the Lord's Day there be readings from the Old Testament and the Epistles and Gospels of the New Testament. The full range of the psalms should be also used in worship.

### **W-2.2003 Lectionaries**

Selections for reading in public worship should be guided by the seasons of the church year, pastoral concerns for a local congregation, events and conditions in the world, and specific program emphases of the church. Lectionaries offered by the church ensure a broad range of readings as well as consistency and connection with the universal Church.

### **W-2.2004 Discipline in Reading**

The people of God should exercise this same principle of selection in their choice of Scripture reading in family and personal worship. (W-5.3000) Those responsible for teaching and preaching the Word have a special responsibility to ensure that in their personal worship they observe a discipline of reading from the fullness of Scripture.

### **W-2.2005 Versions**

The **teaching elder** has responsibility for the selection of the version of text from which the Scripture lessons are read in public worship. If paraphrases are used, adaptations are made, or new translations are prepared, the congregation should be informed.

### **W-2.2006 Public Reading and Hearing of Scripture**

The public reading of Scripture should be clear, audible, and attentive to the meanings of the text, and should be entrusted to those prepared for such reading. Listening to the reading of

Scripture requires expectation and concentration and may be aided by the availability of a printed text for the worshipers. The congregation may read Scripture responsively, antiphonally, or in unison as a part of the service. (W-3.3401)

### **W-2.2007 Preaching the Word**

The preached Word or sermon is to be based upon the written Word. It is a proclamation of Scripture in the conviction that through the Holy Spirit Jesus Christ is present to the gathered people, offering grace and calling for obedience. Preaching requires diligence and discernment in the study of Scripture, the discipline of daily prayer, cultivated sensitivity to events and issues affecting the lives of the people, and a consistent and personal obedience to Jesus Christ. The sermon should present the gospel with simplicity and clarity, in language which can be understood by the people. For reasons of order the preaching of the Word shall ordinarily be done by a **teaching elder**. A **teaching elder** or other person authorized by presbytery may be invited by the pastor with the concurrence of the session or, when there is no pastor, by the session. A person may be sent to preach by the presbytery. (G-2.0504b; G-2.0606; G-2.1001; G-2.0301; G-3.0301; G-3.0307)

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*Amend Rejected (1993, 21.158; 725, 38.057-.062, Ref. Ovt. 90-36): Rejected request to strike "authorized by presbytery."*  
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### **W-2.2008 Other Forms of Proclamation**

The Word is also proclaimed through song in anthems and solos based on scriptural texts, in cantatas and oratorios which tell the biblical story, in psalms and canticles, and in hymns, spirituals, and spiritual songs which present the truth of the biblical faith. Song in worship may also express the response of the people to the Word read, sung, enacted, or proclaimed. Drama and dance, poetry and pageant, indeed, most other human art forms are also expressions through which the people of God have proclaimed and responded to the Word. Those entrusted with the proclamation of the Word through art forms should exercise care that the gospel is faithfully presented in ways through which the people of God may receive and respond.

### **W-2.2009 Creeds and Confessions**

The people also express the Word in response to the reading and proclamation of the Word through creeds and confessions. (F-2.01) The church confesses its faith in relation to

- a. the Church universal,
- b. its particular historic heritage, and
- c. its local situation.

When the church confesses its faith during the celebration of Baptism and the Lord's Supper the creeds of the universal Church should be used. (W-3.3603) The Word confessed is always judged by the living Word, Jesus Christ, as attested in Scripture.

## **W-2.2010 Hearing the Word**

The people's participation in the proclamation of the Word is above all to hear:

- a. to discern Jesus Christ,
- b. to receive his offered grace,
- c. to respond to his call with obedience.

Such participation depends upon the illumination of the Holy Spirit, which is to be sought earnestly in prayer. The words "hearing" and "heard" are not intended exclusively to mean acts of sensory perception.

## **W-2.3000 3. Baptism**

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GA (2010, 9, 1198, Item 16-06): Issued pastoral advice concerning invitation and welcome to the table and receiving those not yet baptized

GA (2006, 11-12, 1102, Item 13-04): Adopted "Invitation to Christ: Sacramental Practices" in response to 1998, 2002, 2004 referrals, and directed final report to be given in 2010.

GA (2004, 17, 618, Item 08-11): Asked GAC, through its Office of Theology & Worship, to create study document on relationship between Baptism and ministry of all church members. See action taken in 2006, above.

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### **W-2.3001 Jesus and Baptism**

Baptism is the sign and seal of incorporation into Christ. Jesus through his own baptism identified himself with sinners in order to fulfill all righteousness. Jesus in his own baptism was attested Son by the Father and was anointed with the Holy Spirit to undertake the way of the servant manifested in his sufferings, death, and resurrection. Jesus the risen Lord assured his followers of his continuing presence and power and commissioned them 'Go therefore and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, and teaching them to obey everything that I have commanded you. And remember, I am with you always, to the end of the age' (Matt. 28:19, NRSV). The disciples were empowered by the outpouring of the Spirit to undertake a life of service and to be an inclusive worshipping community, sharing life in which love, justice, and mercy abounded. (W-1.3033)

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Amend (1996, 244, 21.025, Ovt. 96-87): Inserted quotation from Matthew in place of paraphrase for Great Commission.

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### **W-2.3002 Dying and Rising in Baptism**

In Baptism, we participate in Jesus' death and resurrection. In Baptism, we die to what separates us from God and are raised to newness of life in Christ. Baptism points us back to the grace of



God expressed in Jesus Christ, who died for us and who was raised for us. Baptism points us forward to that same Christ who will fulfill God's purpose in God's promised future.

### **W-2.3003 Covenant and the Water of Baptism**

In Baptism, the Holy Spirit binds the Church in covenant to its Creator and Lord. The water of Baptism symbolizes the waters of creation, of the flood, and of the Exodus from Egypt. Thus, the water of Baptism links us to the goodness of God's creation and to the grace of God's covenants with Noah and Israel. Prophets of Israel, amidst the failure of their own generation to honor God's covenant, called for justice to roll down like waters and righteousness like an everflowing stream. (Amos 5:24) They envisioned a fresh expression of God's grace and of creation's goodness -- a new covenant accompanied by the sprinkling of cleansing water. In his ministry, Jesus offered the gift of living water. So, Baptism is the sign and seal of God's grace and covenant in Christ.

### **W-2.3004 Inclusion in the Covenant of Grace**

As circumcision was the sign and symbol of inclusion in God's grace and covenant with Israel, so Baptism is the sign and symbol of inclusion in God's grace and covenant with the Church. As an identifying mark, Baptism signifies

- W-2.3004a.** the faithfulness of God,
- W-2.3004b.** the washing away of sin,
- W-2.3004c.** rebirth,
- W-2.3004d.** putting on the fresh garment of Christ,
- W-2.3004e.** being sealed by God's Spirit,
- W-2.3004f.** adoption into the covenant family of the Church,
- W-2.3004g.** resurrection and illumination in Christ.

### **W-2.3005 Union with Christ and One Another**

The body of Christ is one, and Baptism is the bond of unity in Christ. As they are united with Christ through faith, Baptism unites the people of God with each other and with the church of every time and place. Barriers of race, gender, status, and age are to be transcended. Barriers of nationality, history, and practice are to be overcome.

### **W-2.3006 Baptism: Grace, Repentance and Commissioning**

Baptism enacts and seals what the Word proclaims: God's redeeming grace offered to all people. Baptism is God's gift of grace and also God's summons to respond to that grace. Baptism calls to repentance, to faithfulness, and to discipleship. Baptism gives the church its identity and commissions the church for ministry to the world.

## **W-2.3007 Sign and Seal of God's Faithfulness**

God's faithfulness signified in Baptism is constant and sure, even when human faithfulness to God is not. Baptism is received only once. The efficacy of Baptism is not tied to the moment when it is administered, for Baptism signifies the beginning of life in Christ, not its completion. God's grace works steadily, calling to repentance and newness of life. God's faithfulness needs no renewal. Human faithfulness to God needs repeated renewal. Baptism calls for decision at every subsequent stage of life's way, both for those whose Baptism attends their profession of faith and for those who are nurtured from childhood within the family of faith.

## **W-2.3008 "One Baptism": Its Meanings**

### **W-2.3008a. God's Covenant Love**

Both believers and their children are included in God's covenant love. Children of believers are to be baptized without undue delay, but without undue haste. Baptism, whether administered to those who profess their faith or to those presented for Baptism as children, is one and the same Sacrament.

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Earlier References:

(UPC DWG, 1974-1983): gave parents the responsibility of presenting children for infant baptism or nurturing children toward baptism upon profession of faith.

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### **W-2.3008b. Children**

The Baptism of children witnesses to the truth that God's love claims people before they are able to respond in faith.

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Amend Rejected (2010, 9, 1193, Item 16-03): Rejected adding a portion of a Calvin *Institutes* quote concerning children before they are born.

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### **W-2.3008c. Adults**

The Baptism of those who enter the covenant upon their own profession of faith witnesses to the truth that God's gift of grace calls for fulfillment in a response of faithfulness.

## **W-2.3009 Remembering One's Baptism**

Baptism is received only once. There are many times in worship, however, when believers acknowledge the grace of God continually at work. As they participate in the celebration of another's Baptism, as they experience the sustaining nurture of the Lord's Supper, and as they reaffirm the commitments made at Baptism, they confess their ongoing need of God's grace and pledge anew their obedience to God's covenant in Christ.

## W-2.3010 One Body, One Baptism

As there is one body, there is one Baptism. (Eph. 4:4-6) The Presbyterian Church (U.S.A.) recognizes all Baptisms with water in the name of the Father, of the Son, and of the Holy Spirit administered by other Christian churches.

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GA (1995, 64, 693, Ovt. 95-50): A person baptized a Mormon needs to receive Christian Baptism.  
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## W-2.3011 Responsibility for Baptism

### W-2.3011a. By a Teaching Elder, or Ruling Elder Commissioned to Pastoral Service

For reasons of order, Baptism shall be authorized by the session, administered by a **teaching elder**, or **ruling elder commissioned to pastoral service** when invited by the session and authorized by the presbytery, and accompanied by the reading and proclaiming of the Word. (G-3.0301; W-3.3602-3608) Baptism is celebrated in a service of public worship. Extraordinary circumstances may call for the administration of Baptism apart from the worship of the whole congregation. In such cases care should be taken that

- W.2.3011a.(1) the congregation be represented by one or more members of the session;
- W.2.3011a.(2) a proper understanding of the meaning of the Sacrament be offered by the teaching elder;
- W.2.3011a.(3) the session be consulted when possible;
- W.2.3011a.(4) the Baptism be reported by the officiating teaching elder † and recorded by the session.

### W-2.3011b. By Chaplains and Others

A **council** may also authorize the celebration of the Sacrament of Baptism by chaplains or others **engaged in ordered ministries serving** in hospitals, prisons, schools, or other institutions where the **council** has an authorized ministry or an institutional witness, by chaplains ministering to members of the armed forces and their families, and by **teaching elders** † engaged in new church development under the jurisdiction of the **council**. In all such cases of Baptism, the **teaching elder** † shall take responsibility that the newly baptized person is enrolled as a member of a particular church. Such enrollment may be arranged in advance in consultation with the session of the church, or the **council** may provide that any such newly baptized member shall be enrolled in absentia as a member of a particular church designated by the **council** and under its jurisdiction or upon the roll held by the **council** until a new church is organized.

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Amend Rejected (1993, 21.158; 723, 38.033-.042, Ref. Ovt. 90-6): Rejected request to permit the pby to baptize the child of clergy parent(s) during its worship.  
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## **W-2.3012 Session Responsibility**

The session's responsibilities for Baptism are

**W-2.3012a.** encouraging parents to present their children for Baptism, reminding them that children of believers are to be baptized without undue haste, but without undue delay, and authorizing the Baptism of those presented; (W-2.3014)

**W-2.3012b.** admitting to Baptism children of believers, after appropriate instruction and discussion with the parent(s) or one(s) rightly exercising parental responsibility, acquainting them with the significance of what God is doing in this act, and with the special responsibilities on parents and congregations for nurturing the baptized person in the Christian life;

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[Amend \(1993, 21.158; 723, 38.022-.024, Ref. Ovt. 90-103\):](#) Added new "b. admitting to baptism...in the Christian life;" and re-lettering following paragraphs.  
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**W-2.3012c.** admitting to Baptism, after appropriate instruction and examination, those not yet baptized who come making public their personal profession of faith;

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[GA \(1995, 64, 693, Ovt. 95-50\):](#) See at W-2.3010 re. Mormon baptism.  
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**W-2.3012d.** placing all baptized persons on the appropriate roll as members of the congregation;

**W-2.3012e.** making certain that those baptized are nurtured in understanding the meaning of Baptism, of the Lord's Supper, and of their interrelation, and that they are surrounded by Christian encouragement and support. (G-3.0201; G-3.0204; W-2.3011)

## **W-2.3013 Church Responsibility**

The congregation as a whole, on behalf of the Church universal, assumes responsibility for nurturing the baptized person in the Christian life. In exercising this ministry, the session may designate certain members of the congregation as representatives of the church charged with special responsibility for nurture. For any person who is being baptized, sponsor(s) may be appointed by the session in consultation with those desiring Baptism for themselves or for their children and given the specific role of nurturing the baptized person. (W-6.2001; W-6.2005)

## **W-2.3014 Parental Responsibility**

When a child is being presented for Baptism, ordinarily the parent(s) or one(s) rightly exercising parental responsibility shall be an active member of the congregation. Those presenting children for Baptism shall promise to provide nurture and guidance within the community of faith until the child is ready to make a personal profession of faith and assume the responsibility of active

church membership. (W-4.2002; W-4.2003) The session may also consider a request for the baptism of a child from a Christian parent who is an active member of another congregation. If the session approves such a request, it shall consult with the **council** of the other congregation and shall notify them when the Sacrament has been administered.

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Previous FoG:

Amend Rejected (1993, 723, 38.025. Ovt. 92-12): Rejected request to eliminate ambiguities re baptism of children of inactive members.

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## **W-2.4000 4. The Lord's Supper**

### **W-2.4001 Jesus and the Supper**

#### **W-2.4001a. Jesus Shared Meals**

The Lord's Supper is the sign and seal of eating and drinking in communion with the crucified and risen Lord. During his earthly ministry Jesus shared meals with his followers as a sign of community and acceptance and as an occasion for his own ministry. He celebrated Israel's feasts of covenant commemoration.

#### **W-2.4001b. Last Supper**

In his last meal before his death Jesus took and shared with his disciples the bread and wine, speaking of them as his body and blood, signs of the new covenant. He commended breaking bread and sharing a cup to remember and proclaim his death.

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GA (1990, 239, 21.130, Req. 90-5): Word "commended" carefully and deliberately used rather than the word "commanded" (see language in W-2.4002). Two issues involved (1) an issue of textual interpretation of Luke 22:19b and 20 and (2) a theological historical issue about the institution of the sacraments.

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#### **W-2.4001c. Resurrection**

On the day of his resurrection, the risen Jesus made himself known to his followers in the breaking of bread. He continued to show himself to believers, by blessing and breaking bread, by preparing, serving, and sharing common meals. (W-1.3033)

### **W-2.4002 Church in the New Testament**

The Church in the New Testament devoted itself to the apostles' teaching, to fellowship, to prayers, and to the common meal. The apostle Paul delivered to the Church the tradition he had received from the risen Lord, who commanded that his followers share the bread and cup as a remembrance and a showing forth of his death until he comes. The New Testament describes the meal as a participation in Christ and with one another in the expectation of the Kingdom and as a foretaste of the messianic banquet.

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GA (1990, 239, 21.130, Req. 90-5): See under W-2.4001b above.  
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### **W-2.4003 Thanksgiving**

In the Lord's Supper the Church, gathered for worship,

**W-2.4003a.** blesses God for all that God has done through creation, redemption, and sanctification;

**W-2.4003b.** gives thanks that God is working in the world and in the Church in spite of human sin;

**W-2.4003c.** gratefully anticipates the fulfillment of the Kingdom Christ proclaimed, and offers itself in obedient service to God's reign.

### **W-2.4004 Remembering**

At the Lord's Table, the Church is

**W-2.4004a.** renewed and empowered by the memory of Christ's life, death, resurrection, and promise to return;

**W-2.4004b.** sustained by Christ's pledge of undying love and continuing presence with God's people;

**W-2.4004c.** sealed in God's covenant of grace through partaking of Christ's self-offering.

In remembering, believers receive and trust the love of Christ present to them and to the world; they manifest the reality of the covenant of grace in reconciling and being reconciled; and they proclaim the power of Christ's reign for the renewal of the world in justice and in peace.

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Amend Rejected (1993, 21.158; 725, 38.049-.056, Ref. Ovt. 90-34): Rejected a number of changes designed to emphasize the "real presence" of Christ in the Lord's Supper.  
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### **W-2.4005 Invocation**

As the people of God bless and thank God the Father and remember Jesus Christ the Son, they call upon the Holy Spirit

**W-2.4005a.** to lift them into Christ's presence;

**W-2.4005b.** to accept their offering of bread and wine;

- W-2.4005c.** to make breaking bread and sharing the cup a participation in the body and blood of Christ;
- W-2.4005d.** to bind them with Christ and with one another;
- W-2.4005e.** to unite them in communion with all the faithful in heaven and on earth;
- W-2.4005f.** to nourish them with Christ's body and blood that they may mature into the fullness of Christ;
- W-2.4005g.** to keep them faithful as Christ's body, representing Christ and doing God's work in the world.

### **W-2.4006 Communion of the Faithful**

Around the Table of the Lord, God's people are in communion with Christ and with all who belong to Christ. Reconciliation with Christ compels reconciliation with one another. All the baptized faithful are to be welcomed to the Table, and none shall be excluded because of race, sex, age, economic status, social class, handicapping condition, difference of culture or language, or any barrier created by human injustice. Coming to the Lord's Table the faithful are actively to seek reconciliation in every instance of conflict or division between them and their neighbors. Each time they gather at the Table the believing community

- W-2.4006a.** are united with the Church in every place, and the whole Church is present;
- W-2.4006b.** join with all the faithful in heaven and on earth in offering thanksgiving to the triune God;
- W-2.4006c.** renew the vows taken at Baptism;

and they commit themselves afresh to love and serve God, one another, and their neighbors in the world.

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Amend Referred (**2004, 17, 612, Item 08-06**): Referred to Theology & Worship an overture to allow unbaptized persons to partake of the elements, to report in 2006. See 2006 GA note, below.

Amend Referred (**2001, 544, Ref. 21-E**); (**2000, 561, Ref. 21-O**); **1998, 160, 16.0141, 671, Ovt. 98-33**): Referred proposed language welcoming "persons of faith," baptized or not, to the Table, to Department of Theology and Worship for report in 2002. See 2002 GA note, below.

GA (**2010, 9, 1198, Item 16-06**): Issued pastoral advice concerning invitation and welcome to the table and receiving those not yet baptized

GA (**2006, 11-12, 1102, Item 13-04**): Adopted "Invitation to Christ: Sacramental Practices" in response to 1998, 2002, 2004 referrals, and directed final report to be given in 2010.

GA (**2002, 21, 503, Item 10-01**): Study of Sacramental Theology and Practice: Proposes a study on the ancient model for welcoming new Christians and the relationship between baptism and the Lord's Supper.

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### **W-2.4007 Foretaste of the Kingdom Meal**

In this meal the Church celebrates the joyful feast of the people of God, and anticipates the great banquet and marriage supper of the Lamb. Brought by the Holy Spirit into Christ's presence, the Church eagerly expects and prays for the day when Christ shall come in glory and God be all in all. Nourished by this hope, the Church rises from the Table and is sent by the power of the Holy Spirit to participate in God's mission to the world, to proclaim the gospel, to exercise compassion, to work for justice and peace until Christ's Kingdom shall come at last.

### **W-2.4008 Word and Sacrament Together**

In the life of the worshipping congregation, Word and Sacrament have an integral relationship. Whenever the Lord's Supper is observed, it shall be preceded by the reading and the proclamation of the Word. (W-1.1005)

### **W-2.4009 Time, Place, and Frequency**

The Lord's Supper is to be observed on the Lord's Day, in the regular place of worship, and in a manner suitable to the particular occasion and local congregation. It is appropriate to celebrate the Lord's Supper as often as each Lord's Day. It is to be celebrated regularly and frequently enough to be recognized as integral to the Service for the Lord's Day.

### **W-2.4010 Special Occasions**

It is also appropriate to observe the Lord's Supper on other occasions of special significance in the life of the Christian community, as long as the celebration of the Sacrament is open to the whole believing community. The Lord's Supper may be observed in connection with the visitation of the sick and those isolated from public worship as a means of extending the church's ministry to them. On all such occasions of the celebration of the Sacrament, the Word shall be read and proclaimed. Even though such a celebration may involve only a few members of the congregation, nevertheless it is not to be understood as a private ceremony or devotional exercise, but as an act of the whole church, which shall be represented not only by the **teaching elder** or the one authorized by presbytery to administer the sacrament, but also by one or more members of the congregation authorized by the session to represent the church. (W-2.4012; W-3.3609-.3618; W-3.6204)

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Hist. Note (PCUSA, 1936, 239): World Wide Communion, Committee on United Promotion.

*Book of Confessions* 6.164 rejects carrying about or reserving the elements.  
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### **W-2.4011 Who May Receive**

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GA (2010, 9, 1198, Item 16-06): Issued pastoral advice concerning invitation and welcome to the table and receiving those not yet baptized  
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## **W-2.4011a. All Who Have Been Baptized**

The invitation to the Lord's Supper is extended to all who have been baptized, remembering that access to the Table is not a right conferred upon the worthy, but a privilege given to the undeserving who come in faith, repentance, and love. In preparing to receive Christ in this Sacrament, the believer is to confess sin and brokenness, to seek reconciliation with God and neighbor, and to trust in Jesus Christ for cleansing and renewal. Even one who doubts or whose trust is wavering may come to the Table in order to be assured of God's love and grace in Christ Jesus.

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Amend Referred (2004, 17, 612, Item 08-06): Referred to Theology & Worship an overture to allow unbaptized persons to partake of the elements, to report in 2006. See 2006 GA note, below.

GA (2006, 11-12, 1102, Item 13-04): Adopted "Invitation to Christ: Sacramental Practices" in response to 1998, 2002, 2004 referrals, and directed final report to be given in 2010.

GA (2002, 21, 503, Item 10-01): Study of Sacramental Theology and Practice: Proposes a study on the ancient model for welcoming new Christians and the relationship between baptism and the Lord's Supper.

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## **W-2.4011b. Baptized Children**

Baptized children who are being nurtured and instructed in the significance of the invitation to the Table and the meaning of their response are invited to receive the Lord's Supper, recognizing that their understanding of participation will vary according to their maturity. (W-4.2002)

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Hist. Note (UPC, 1970, 627-632): Overture G opening the invitation to baptized children.

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## **W-2.4012 Responsibility**

### **W-2.4012a. Session**

The session is responsible for authorizing all observances of the Lord's Supper in the life of a particular church and shall ensure regular and frequent celebration of the Sacrament, in no case less than quarterly. Any other **council** of the church, also, may appoint times for the celebration of the Lord's Supper during their meetings. A **council** may also authorize the celebration of the Sacrament in connection with the public worship of some gathering of believers which is under its jurisdiction or in institutions where it has a missional witness or authorized ministry. A **council** may delegate the authority to approve the celebration of the Lord's Supper to an appropriate overseeing body in the institutions for which it has responsibility. (Cf. W-3.6205)

### **W-2.4012b. Chaplains or Others**

Chaplains or other **teaching elders** † serving in hospitals, prisons, schools, or other institutions, and chaplains ministering to members of the armed forces and their families, may administer the

Sacrament of the Lord's Supper when authorized to do so by the **council** which has jurisdiction over the ministry exercised by the particular **teaching elder** †. The terms of the authority to administer the Sacrament of the Lord's Supper shall be stated in the **teaching elder's** † terms of call or endorsement.

### **W-2.4012c. Administered by Teaching Elder or Ruling Elder Commissioned to Pastoral Service**

For reasons of order the Sacrament of the Lord's Supper shall be administered by a **teaching elder** or **ruling elder commissioned to pastoral service** when invited by the session and authorized by the presbytery. Missional concerns may lead to exceptions as determined and authorized by presbytery. (G-2.1001; G-3.0301)

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GA (1998, 165, 16.0194, Req. 98-3): Approved editorial correction of section to reflect provisions in FoG for CLP to administer the Sacrament.  
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## **W-2.5000 5. Self-offering**

### **W-2.5001 Response to Christ**

The Christian life is an offering of one's self to God. In worship the people are presented with the costly self-offering of Jesus Christ, are claimed and set free by him, and are led to respond by offering to him their lives, their particular gifts and abilities, and their material goods.

### **W-2.5002 Offering Spiritual Gifts**

Worship should always offer opportunities to respond to Christ's call to become disciples by professing faith, by uniting with the church, and by taking up the mission of the people of God, as well as opportunities for disciples to renew the commitment of their lives to Jesus Christ and his mission in the world. As the Holy Spirit has graced each member with particular gifts for strengthening the body of Christ for mission, so worship should provide opportunities to recognize these gifts and to offer them to serve Christ in the church and in the world.

### **W-2.5003 Offering Material Gifts and Goods**

#### **W-2.5003a. Corporate Act**

The offering of material goods in worship is a corporate act of self-dedication in response to God. It expresses thanksgiving to God, the giver of life and all goods, the redeemer from sin and evil. It is an affirmation by Christ's disciples of

**W-2.5003a.(1)** their commitment to be stewards in all creation;

**W-2.5003a.(2)** their responsibility to share the Word with and to care for all people;

**W-2.5003a.(3)** their desire to share God's gifts with those to whom believers are bound in the Church universal;

**W-2.5003a.(4)** their common bond in the body of Christ.

### **W-2.5003b. Disciplined and Generous Support**

In the Old Testament the people of Israel were commanded to bring a tenth of their income to support the work of the house of God and those who served God in it. In the New Testament the apostles recognized that the work of the Church required disciplined support. Both in Israel and in the early Church the people were encouraged to give generously to meet the needs of the poor. God calls believers today to be disciplined and generous in giving support to the ministries of the church. (W-5.5004)

### **W-2.5003c. Received in Worship**

During public worship, at an appropriate time, and as an act of thanksgiving, the tithes and offerings of the people are gathered and received.

## **W-2.6000 6. Relating to Each Other and the World**

### **W-2.6001 Community Concerns**

Worship is an activity of the common life of the people of God in which the care of the members for each other and for the quality of their life and ministry together expresses the reality of God's power to create and sustain community in the midst of a sinful world. As God is concerned for the events in daily life, so members of the community in worship appropriately express concern for one another and for their ministry in the world

### **W-2.6001a. Greetings**

as they

**W-2.6001a.(1)** greet one another and are greeted by those who are leading them in worship;

**W-2.6001a.(2)** welcome visitors, note their presence, and extend Christian hospitality;

### **W-2.6001b. Reconciliation**

as they

**W-2.6001b.(1)** take opportunity to seek and to offer forgiveness for hurts, misunderstandings, and broken relationships among themselves;

**W-2.6001b.(2)** respond to God's act of reconciliation by exchanging signs and words of reconciliation and of Christ's peace;

### **W-2.6001c. Preparation for Prayer**

as they

**W-2.6001c.(1)**prepare for intercessions by expressing concerns and requesting prayer on behalf of those with needs in the congregation, the church, and the world;

**W-2.6001c.(2)**offer thanksgiving for life and life's transitions, rejoicing with those who rejoice and mourning with those who mourn;

### **W-2.6001d. Interpretation**

as they

**W-2.6001d.(1)** apply God's Word to daily life;

**W-2.6001d.(2)** interpret the mission and work of the church;

**W-2.6001d.(3)** give witness to faith and service;

### **W-2.6001e. Mission**

as they

**W-2.6001e.(1)**make and renew covenants;

**W-2.6001e.(2)**commit themselves to and are commissioned for specific corporate and personal ministries of compassion, justice, peacemaking, reconciliation, and witness.

## **ENDNOTES TO CHAPTER II.**

W-2.1000: Heid. Cat. 4.116-4.118; 2 Helv. Conf. 5.218-5.221; West. Conf. 6.114-6.115; S. Cat. 7.098-7.099; L. Cat. 7.264, 7.288-7.296; Conf. 1967 9.50.

W-2.1003: Eph. 5:19; Col. 3:16.

W-2.2000: Scots Conf. 3.18-3.19; 2 Helv. Conf. 5.001-5.007; West. Conf. 6.001-6.010, 6.116; S. Cat. 7.088-7.090; L. Cat. 7.113-7.115, 7.264-7.270; Bar. Dec. 8.11-8.12, 8.26; Conf. 1967 9.27-9.30, 9.49.

W-2.3000: Scots Conf. 3.21-3.23; Heid. Cat. 4.069-4.074; 2 Helv. Conf. 5.185-5.192; West. Conf. 6.154-6.160; S. Cat. 7.094-7.095; L. Cat. 7.275-7.277, 7.286-7.287; Conf. 1967 9.51.

W-2.3001: Matt. 3:15; 28:19-20; Mark 10:38-40; Acts 2:38-47.

W-2.3002: Rom. 6:3-11; Col 2:12.

- W-2.3003: Gen. 1:2; Jer. 31:31-34; Ezek. 36:25-27; John 4:7-15; 7:37, 38; I Cor. 10:1,2; I Pet. 3:20, 21.
- W-2.3004: Gen. 17:7-14; John 3:5; Acts 2:39; 22:16; I Cor. 6:11, 12:12-13; II Cor. 1:22; Gal. 3:27; Eph. 1:13-14; 5:14; Col. 2:11-12; Tit. 3:5.
- W-2.3005: I Cor. 12:12-13; Gal. 3:27-28; Eph. 2:11-22; 4:4-6.
- W-2.3006: Matt. 28:18-20; Luke 3:3, 8-14; Acts 2:38, 41-47; cf. Isa. 44:3; John 4:7-15; 7:37-38; Rev. 7:17; 22:17.
- W-2.4000: Scots Conf. 3.21-3.23; Heid. Cat. 4.075-4.082; 2 Helv. Conf. 5.193-5.210; West. Conf. 6.161-6.168; S. Cat. 7.096-7.097; L. Cat. 7.278-7.287; Conf. 1967 9.52.
- W-2.4001: Matt. 14:13-21; 15:32-39; Luke 5:27-32; 7:36-50; 10:38-42; and parallels. John 2:13; 5:1; 7:2-37; 10:22-33; 12:1-3; 13:1-4 ff. and synoptic parallels. Matt. 26:17-29; Mark 14:12-25; Luke 22:7-20, 24:41-43; John 21:13; Acts 1:4.
- W-2.4002: Acts 2:42,46; I Corinthians 11:23-26. Matt. 8:11; 22:1; I Cor. 10:16-17; Rev. 19:9; cf. Ps. 107:1-3; Isa. 25:6-8; 43:5-7.
- W-2.4005: I Cor. 10:16.
- W-2.4006: Matt. 5:23-24; 18:15-18; I Cor. 11:18-22, 27-29; Gal. 3:28; Jas. 2:1-7
- W-2.4007: Matt. 22:1-10; Luke 14:15-24; I Cor. 15:20-28; Eph. 1:23; Phil. 2:10,11; Col. 3:1-4; I Thess. 4:16,17; Rev. 19:9. Ps. 72:2-4, 12-14; Isa. 2:1-4; Mic. 4:1-4, 6:8; Matt. 5:21-26; 28:18-20; Luke 3:10-14; 4:18-21; Acts 1:3-8; Jas. 2:14-17; I Jn. 3:16-18.
- W-2.4011: L. Cat. 7.281-7.282.
- W-2.5001: 2 Helv. Conf. 5.110-5.123; West. Conf. 6.088.
- W-2.5002: Rom. 12:4-8; I Cor. 12; Eph. 4:7-16.
- W-2.5003: Gen. 1:28 ff., 2:15; Lev. 23:22; Num. 18:21-29; Deut. 28:7-12; II Chron. 24:8-14; Mal. 3:8-10; Matt. 28:19; Acts 1:8; 2:44-45; 4:34-37; I Cor. 16:1,2; II Cor. 8:1-15; 9:5-15; I Tim. 5:17,18; Jas. 2:4; III Jn. 5-8; 2 Helv. Conf. 5.211.
- W-2.6000: 2 Helv. Conf. 5.135; West. Conf. 6:146-6.147; Conf. 1967 9.35-9.38.



## **W-3.0000 CHAPTER III. THE ORDERING OF CHRISTIAN WORSHIP**

### **W-3.1000 1. Principles and Sources of Ordering**

#### **W-3.1001 Scripture and History**

Those responsible for ordering Christian worship shall be faithful to the authority of the Holy Spirit speaking in and through Scripture. Beyond Scripture no single warrant for ordering worship exists, but the worship of the Church is informed and shaped by history, culture, and contemporary need. Thus the worship of the Presbyterian Church (U.S.A.) should be guided by the historic experience of the church at worship through the ages, especially in the Reformed tradition. (W-1.4001)

#### **W-3.1002 Form and Freedom**

##### **W-3.1002a. All Forms of Worship Are Provisional**

The Church has always experienced a tension between form and freedom in worship. In the history of the Church, some have offered established forms for ordering worship in accordance with God's Word. Others, in the effort to be faithful to the Word, have resisted imposing any fixed forms upon the worshipping community. The Presbyterian Church (U.S.A.) acknowledges that all forms of worship are provisional and subject to reformation. In ordering worship the church is to seek openness to the creativity of the Holy Spirit, who guides the church toward worship which is orderly yet spontaneous, consistent with God's Word and open to the newness of God's future. (W-1.4001)

##### **W-3.1002b. Guidance of Session**

Manifestations of the Spirit in worship edify the whole church. When actions in worship are present only for personal expression, call attention to themselves, or are insensitive to the congregation at worship, they are not in order and call for the counsel and guidance of the session.

#### **W-3.1003 Participation and Leadership**

The ordering of worship should also reflect the richness of the cultural diversity in which the church ministers, as well as the local circumstances and needs of its congregations. While the authority for ordering worship belongs to those so designated (G-2.0504; G-3.0201; W-1.4000) and leadership in worship is assigned to those with gifts, training, and authorization (W-1.4003), the order for worship should provide for and encourage the participation of all.

#### **W-3.1004 Children in Worship**

Children bring special gifts to worship and grow in the faith through their regular inclusion and participation in the worship of the congregation. Those responsible for planning and leading the participation of children in worship should consider the children's level of understanding and ability to respond, and should avoid both excessive formality and condescension. The session should ensure that regular programs of the church do not prevent children's full participation

with the whole congregation in worship, in Word and Sacrament, on the Lord's Day. (W-3.3201; W-3.5202; W-6.2001; W-6.2006)

## **W-3.2000 2. Days and Seasons**

### **W-3.2001 Days**

God has appointed one day in seven to be kept holy, set aside as the occasion for the people of God to worship corporately. God has also commended daily worship by the people, whether gathered in assembly or at home. (W-1.3011-.3012; W-5.5001)

### **W-3.2002 Church Year**

God has provided a rhythm of seasons which orders life and influences the church's worship. (Cf. W-1.3013) God's work of redemption in Jesus Christ offers the Church a central pattern for ordering worship in relationship to significant occasions in the life of Jesus and of the people of God. The Church thus has come to observe the following days and seasons:

- a. Advent, a season to recollect the hope of the coming of Christ, and to look forward to the Lord's coming again;
- b. Christmas, a celebration of the birth of Christ;
- c. Epiphany, a day for commemorating God's self-manifestation to all people;
- d. Lent, a season of spiritual discipline and preparation, beginning with Ash Wednesday, anticipating the celebration of the death and resurrection of Christ;
- e. Holy Week, a time of remembrance and proclamation of the atoning suffering and death of Jesus Christ;
- f. Easter, the day of the Lord's resurrection and the season of rejoicing which commemorates his ministry until his Ascension, and continues through
- g. the Day of Pentecost, the celebration of the gift of the Holy Spirit to the Church.

The church also observes other days such as Baptism of the Lord, Transfiguration of the Lord, Trinity Sunday, All Saints Day, and Christ the King.

### **W-3.2003 Other Seasons**

Human life in community reflects a variety of rhythms which also affect Christian worship. Among these are the annual cycles of civic, agricultural, school, and business life; special times of family remembrance and celebration; and the patterns of a variety of cultural expressions, commemorations, and events. The church in carrying out its mission also creates a cycle of activities, programs, and observances. While such events may be appropriately recognized in Christian worship, care shall be taken to ensure that they do not obscure the proclamation of the gospel on the Lord's Day.



## **W-3.3000 3. Service for the Lord's Day**

### **W-3.3100 a. Appropriate Actions**

#### **W-3.3101 What Is Included:**

In the Service for the Lord's Day:

##### *Scripture*

**W-3.101(1)** The Scriptures shall be read and proclaimed. (W-2.2001) Lessons should be read from both Testaments. (W-2.2002) Scripture shall be interpreted in a sermon or other form of exposition. (W-2.2007-.2008)

##### *Prayer*

**W-3.3101(2)** Prayer shall be offered. (W-2.1001) Prayers may be offered on behalf of the congregation, whose participation may be affirmed by their corporate response, "Amen." Prayer forms may encourage the participation of the worshipers through unison and responsive, bidding and spontaneous prayers. Times of silence may be provided for prayer and meditation. (W-2.1000)

##### *Music*

**W-3.3101(3)** Music may serve as presentation and interpretation of Scripture, as response to the gospel, and as prayer, through psalms and canticles, hymns and anthems, spirituals and spiritual songs. (W-2.1003-.1004; W-2.2008)

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GA (1993, 332, 21.094, Req. 93-9): See at W-1.2001.  
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##### *Baptism*

**W-3.3101(4)** The Sacrament of Baptism shall be administered as people present children or themselves for incorporation into the church. (W-2.3000)

##### *Lord's Supper*

**W-3.3101(5)** The Sacrament of the Lord's Supper shall be celebrated regularly and frequently as determined by the session. (W-2.4000)

##### *Tithes and Offerings*

**W-3.3101(6)** The tithes and offerings of the people shall be gathered and received. (W-2.5000)

### ***Special Times***

**W-3.3101(7)** Times for gathering, greeting, and calling to worship; for sharing common concerns; and for blessing and sending forth should be provided at points in the service suitable to the life of the particular church. (W-2.6000)

### ***Special Services***

**W-3.3101(8)** Services of receiving new members; of ordaining, installing, and commissioning; of making and renewing covenants; and of recognizing and sharing life's transitions should be provided as called for in the life of the congregation. (W-2.5000-.6000; W-4.0000)

## **W-3.3200 b. Ordering the Actions**

### **W-3.3201 Setting an Order for Worship**

In setting an order for worship on the Lord's Day, the pastor with the concurrence of the session shall provide opportunity for the people from youngest to oldest to participate in a worthy offering of praise to God and for them to hear and to respond to God's Word. (W-1.4004-.4007; W-3.1004)

### **W-3.3202A Suggested Order**

The order offered here is a logical progression, is rooted in the Old and New Testaments, and reflects the tradition of the universal Church and our Reformed heritage. Other orders of worship may also serve the needs of a particular church and be orderly, faithful to Scripture, and true to historic principles. The order that follows is presented in terms of five major actions centered in the Word of God:

**W-3.3202(1)** gathering around the Word;

**W-3.3202(2)** proclaiming the Word;

**W-3.3202(3)** responding to the Word;

**W-3.3202(4)** the sealing of the Word;

**W-3.3202(5)** bearing and following the Word into the world.

## **W-3.3300 (1) Gathering Around the Word**

### **W-3.3301 Gathering**

**W-3.3301(a)** Worship begins as the people gather. One or more of the following actions are appropriate: people may greet one another;

people may prepare in silent prayer or meditation; announcements of concern to the congregation may be made; or music may be offered.

- W-3.3301(b)** The people are called to worship God. Words of Scripture are spoken or sung to proclaim who God is and what God has done.
- W-3.3301(c)** A prayer or hymn of adoration and praise is offered.
- W-3.3301(d)** A prayer of confession of the reality of sin in personal and common life follows. In a declaration of pardon, the gospel is proclaimed and forgiveness is declared in the name of Jesus Christ. God's redemption and God's claim upon human life are remembered.
- W-3.3301(e)** The people give glory to God, and they may at this point share signs of reconciliation and the peace of Christ.

## **W-3.3400 (2) Proclaiming the Word**

### **W-3.3401 Proclaiming**

- W-3.3401(a)** In preparation for the reading, proclaiming, and hearing of God's Word, a prayer seeking the illumination of the Holy Spirit is appropriately offered.
- W-3.3401(b)** Scripture lessons suitable for the day are read by a **teaching elder** †, by a member of the congregation, or by the people responsively, antiphonally, or in unison. (W-2.2006)
- W-3.3401(c)** Psalms or anthems, and other musical forms or artistic expression which proclaim or interpret the Scripture lessons or their themes, may be included with the reading lessons.
- W-3.3401(d)** The Word shall be interpreted in a sermon preached by the **teaching elder** † or in other forms authorized by the session and by the pastor. (W-1.4004-.4006; W-2.2007-.2008) This proclamation concludes with a prayer, acclamation, or ascription of praise. It is appropriate also to call the people to discipleship. (W-2.2007; W-2.2009)

## **W-3.3500 (3) Responding to the Word**

### **W-3.3501 Responding: Affirmation**

The response to the proclamation of the Word is expressed in an affirmation of faith and commitment. A common affirmation may be offered by the congregation through singing a hymn or other appropriate musical response, or through saying or singing a creed of the church. The choir may lead the congregation with an anthem or other musical form of affirmation. An opportunity for personal response may also be provided during this time.

### **W-3.3502 Affirming and Reaffirming Commitments**

Response to the Word also involves acts of commitment and recognition. The Sacrament of Baptism may be observed. (W-3.3601-.3607) Baptized believers may be received as members of the particular church as they make public their profession of faith for the first time, or as they reaffirm that faith or transfer their church membership. (For the services of reception and commissioning see W-4.2000; W-4.3000; cf. G-1.03; G-3.0201c.) It is also appropriate to offer opportunities for individuals or the gathered congregation to engage in reaffirming the commitments made at Baptism. (W-4.2005)

### **W-3.3503 Other Acts of Commitment**

Other acts of commitment which may appropriately be included as response to the Word are

- W-3.3503(a)** Christian marriage (W-4.9000)
- W-3.3503(b)** ordination and installation to **ordered ministry** (W-4.4000),
- W-3.3503(c)** commissioning for service in and to the church in such roles as Christian educator, church school teacher, organizational officer, or group adviser. (W-4.3000; cf. W-3.3701)

### **W-3.3504 Acts of Recognition**

It is appropriate as a response to the Word to recognize and give thanks for life and life's transitions,

- W-3.3504(a)** commemorating significant events in the lives of individuals and in the life of the community,
- W-3.3504(b)** celebrating reunions and bidding farewell,
- W-3.3504(c)** noting and remembering the lives of those who have died. (Cf. W-4.5000; W-4.7000; W-4.8000)

### **W-3.3505 Mission Concerns**

Witness to faith and service and interpretation of the mission and programs of the church may be included in the service as a response to the Word. They should be presented in such a way as to reflect this response and may prepare for the people's prayers of intercession and supplication, as well as for their self-offering and gifts in support of the ministry of Christ and the church.

### **W-3.3506 Prayers**

As the people respond to the Word, prayers of intercession are offered for

- (a) the Church universal, its ministry and those who minister, that the world might believe;

- (b) the world, those in distress or special need, and all in authority, that peace and justice might prevail;
- (c) the nation, the state, local communities, and those who govern in them, that they may know and have strength to do what is right.

Prayers of supplication are offered for

- (d) the local church, that it have the mind of Christ in facing special issues and needs;
- (e) those who struggle with their faith, that they be given assurance;
- (f) those in the midst of transitions in life, that they be guided and supported;
- (g) those who face critical decisions, that they receive wisdom;
- (h) those who are sick, grieving, lonely, and anxious, that they be comforted and healed;
- (i) all members, that grace conform them to God's purpose. (W-2.1000)

Prayers of confession may be included at this time. (W-3.3301) When the service does not include the Lord's Supper, prayers of thanksgiving are offered and the prayers are concluded with the Lord's Prayer. (W-3.3613)

### **W-3.3507 Offerings**

The tithes and offerings of God's people are gathered and received with prayer, spoken or sung. (W-2.5003) Signs of reconciliation and peace may be exchanged, if this was not done as a response to the Word of assurance of God's pardon. (W-3.3301) When the Lord's Supper is to be celebrated, gifts of bread and wine may be brought to the Table in thanksgiving for God's Word. (W-2.4003; W-3.3609)

## **W-3.3600 (4) The Sealing of the Word: Sacraments**

### **W-3.3601 Sacraments as Seals**

The Sacraments of Baptism and the Lord's Supper are God's acts of sealing the promises of faith within the community of faith as the congregation worships, and include the responses of the faithful to the Word proclaimed and enacted in the Sacraments.

### **W-3.3602 Baptism**

The Sacrament of Baptism (W-2.3000), the sign and seal of God's grace and our response, is the foundational recognition of Christian commitment. It is appropriately celebrated following the reading and the proclaiming of the Word, and shall include statements concerning the biblical

meaning of Baptism, the responsibility to be assumed by those desiring Baptism for themselves or their children, and the nurture to be undertaken by the church.

### **W-3.3603 Commitments and Vows**

Those desiring the Sacrament of Baptism for their children or for themselves shall make vows that

- (a) profess their faith in Jesus Christ as Lord and Savior,
- (b) renounce evil and affirm their reliance on God's grace,
- (c) declare their intention to participate actively and responsibly in the worship and mission of the church,
- (d) declare their intention to provide for the Christian nurture of their child.

The congregation shall

- (e) profess its faith, using the Apostles' Creed,
- (f) voice its support of those baptized,
- (g) express its willingness to take responsibility for the nurture of those baptized.

**A ruling elder** may lead the congregation in these professions and affirmations. (W-2.2009; W-2.3011-.3014)

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Amend (1993, 310, 21.012, Ovt. 93-4): Added new subsection "(d) declare...their child" and re-lettered "(d)", "(e)", and "(f)" as "(e)", "(f)", and "(g)".

Amend Rejected (2004, 78, 400, Item 05-11): Would have added "or a Certified Christian Educator" after the words "An elder".

Amend Rejected (1993, 727, 38.082-.093, TAW Rec.): Rejected request to add specific questions found in former Directory for the Service of God regarding baptism and reaffirmation of faith.

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### **W-3.3604 The Prayer**

The **teaching elder** † offers a baptismal prayer. This prayer

- W-3.3604(a)** expresses thanksgiving for God's covenant faithfulness,
- W-3.3604(b)** gives praise for God's reconciling acts,
- W-3.3604(c)** asks that the Holy Spirit attend and empower the Baptism, make the water a water of redemption and rebirth, equip the church for faithfulness.

### **W-3.3605 The Water**

The water used for Baptism should be common to the location, and shall be applied to the person by pouring, sprinkling, or immersion. By whatever mode, the water should be applied visibly and generously.

### **W-3.3606 The Words of Baptism**

The **teaching elder** † shall use the name given the person to be baptized and shall baptize in the name of the triune God. The baptismal formula is: “\_\_\_\_\_, I baptize you in the name of the Father, and of the Son, and of the Holy Spirit.”

### **W-3.3607 Other Actions**

Care shall be taken that the central act of baptizing with water is not overshadowed. Other actions that are rooted deeply in the history of Baptism such as the laying on of hands in blessing, the praying for the anointing of the Holy Spirit, anointing with oil, and the presentation of the newly baptized to the congregation may also be included. When such actions are introduced, they should be explained carefully in order to avoid misinterpretation and misunderstanding.

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*Amend Rejected (1993, 21.158; 724, 38.043, Ref. Ovt. 90-24): Rejected the request to emphasize and clarify that the central act of baptizing with water is not overshadowed.*  
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### **W-3.3608 Welcoming**

Declaration shall be made of the newly baptized person’s membership in the Church of Jesus Christ. The welcome of the congregation is extended. Whenever the service is so ordered, the Lord’s Supper may follow Baptism at the appropriate time in the service.

### **W-3.3609 Lord’s Supper: Preparing**

The congregation should prepare themselves to celebrate the Sacrament of the Lord’s Supper. (W-2.4006; W-2.4011; W-5.2001) If the Lord’s Supper is celebrated less frequently than on each Lord’s Day, public notice is to be given at least one week in advance. When the Lord’s Supper is celebrated, the Table should be prepared and the elements provided to be placed on the Table before worship begins or during the gathering of the tithes and offerings.

### **W-3.3610 Bread**

Bread common to the culture of the community should be provided to be broken by the one who presides. The use of the one bread expresses the unity of the body of Christ. Bread for the congregation may be broken from the same loaf or prepared in some manner suitable for distribution.

### **W-3.3611 Cup**

A cup and pitcher may be provided for the one who presides to use in presenting the cup. The use of a common cup expresses the communal nature of the Sacrament and reflects the consistent New Testament reference to a single cup. Pouring into the cup signifies the shed blood of Christ poured out for the world. The manner of distribution used by the particular community of faith may involve the provision of one cup or a number of cups suitably prepared for the people. The session is to determine what form of the fruit of the vine is to be used. In making this decision the session should be informed by the biblical precedent, the history of the church, ecumenical usage, local custom, and concerns for health and the conscience of members of the congregation. Whenever wine is used in the Lord's Supper, unfermented grape juice should always be clearly identified and served also as an alternative for those who prefer it.

### **W-3.3612 Invitation**

The **teaching elder** or one presiding shall invite the people to the Lord's Table using suitable words from Scripture. (W-2.4011) If the words of institution (I Cor. 11:23-26, or Gospel parallels) will not be spoken at the breaking of bread or included in the prayer of thanksgiving, they are to be said as part of the invitation.

### **W-3.3613 The Prayer**

The one presiding is to lead the people in the prayer,

- W-3.3613(a)** thanking God for creation and providence, for covenant history, and for seasonal blessings, with an acclamation of praise;
- W-3.3613(b)** remembering God's acts of salvation in Jesus Christ: his birth, life, death, resurrection, and promise of coming, and institution of the Supper (if not otherwise spoken), together with an acclamation of faith;
- W-3.3613(c)** calling upon the Holy Spirit to draw the people into the presence of the risen Christ so that they
  - W-3.3613(c)(1)** may be fed,
  - W-3.3613(c)(2)** may be joined in the communion of saints to all God's people and to the risen Christ, and
  - W-3.3613(c)(3)** may be sent to serve as faithful disciples; followed by an ascription of praise to the triune God, and
- W-3.3613(d)** the Lord's Prayer.

### **W-3.3614 Breaking Bread**

The one presiding is to take the bread and break it in the view of the people. If the words of institution have not previously been spoken as part of the invitation or in the communion prayer, I Cor. 11:23, 24 shall be used at this time.



### **W-3.3615 Presenting the Cup**

Having filled the cup, the one presiding is to present it in the view of the people. If the words of institution have not previously been spoken as part of the invitation or in the communion prayer, I Cor. 11:25, 26 shall be used at this time.

### **W-3.3616 Distributing Bread and Cup**

The elements are distributed in the manner most suitable to the particular occasion.

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Amend Rejected (1996, 118, 21.004, 682, Ovt. 96-5): Rejected restricting serving of Lord's Supper to ordained persons.  
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#### **W-3.3616a. The Gathering**

The people may gather about the Table to receive the bread and the cup; they may come to those serving to receive the elements; or those serving may distribute the elements to them where they are.

#### **W-3.3616b. The Bread**

The bread may be broken from that on the Table and placed in the people's hands; people may break off a portion from the broken loaf or other bread offered for distribution; or they may receive pieces of bread prepared for distribution.

#### **W-3.3616c. The Cup**

A common cup may be offered to all who wish to partake of it; several cups may be offered and shared; or individual cups may be prepared for distribution. Rather than drink from a common cup, communicants may dip the broken bread into the cup.

#### **W-3.3616d. The Serving**

The bread and the cup may be served by **those in the ordered ministry** of the church, or by other church members on invitation of the session or authorizing **council**.

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Amend Rejected (2004, 78, 400, Item 05-11): Would have added "Certified Christian Educators" between "church," and "or by other...."  
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#### **W-3.3616e.**

The serving of the elements may be extended, by two or more **persons in the ordered ministry** of the church, to those isolated from the community's worship, provided

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Amend (1998, 157, 16.0106, 666, Ovt. 98-25): Added a new section "e" and subsections "1-3" authorizing serving of the bread and the cup by two or more ordained officers of the church to those isolated from the community's worship on the same day following worship.  
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**W-3.3616e.(1)**the elements are to be served following worship on the same calendar day, or as soon thereafter as practically feasible, as a direct extension of the serving of the gathered congregation, to church members who have accepted the church’s invitation to receive the Sacrament;

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Amend (2000, 34, 448-49 ,Ovt. 00-65): Modified the sentence by adding “to be” in first clause, and “or as soon thereafter as practically feasible,” after “same calendar day,” to add flexibility.  
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**W-3.3616e.(2)**care is taken in the serving to ensure that the unity of Word and Sacrament is maintained, by the reading of Scripture and the offering of prayers; and

**W-3.3616e.(3)**those serving have been instructed by the session or authorized **council** in the theological and pastoral foundations of this ministry and in the liturgical resources for it (W-6.3011).

### **W-3.3617 Receiving the Supper**

While the bread and the cup are being shared,

**W-3.3617(a)** the people may sing psalms, hymns, spirituals, or other appropriate songs;

**W-3.3617(b)** the choir may sing anthems or other appropriate musical offerings;

**W-3.3617(c)** instrumental music suitable to the occasion may be played;

**W-3.3617(d)** appropriate passages of Scripture may be read; or

**W-3.3617(e)** people may pray in silence.

### **W-3.3618 Blessing after Supper**

When all have communed and the remaining elements have been placed on the Table, the one presiding leads the people in prayer, thanking God for the gift of Christ in the Sacrament, asking for God’s grace to fulfill the pledges made by the people in the Supper, and making supplication for the coming of the promised Kingdom. The congregation sings a psalm, canticle, hymn, spiritual, or spiritual song.

### **W-3.3619 Disposition of the Elements**

When the service is ended, the communion elements shall be removed from the Table and used or disposed of in a manner which is approved by the session, and which is consistent with the Reformed understanding of the Sacrament and the principles of good stewardship.

## **W-3.3700 (5) Bearing and Following the Word into the World**

### **W-3.3701 Acts of Commitment and Recognition**

#### **W-3.3701(a) Specific Commitments**

Acts of commitment to discipleship, declaration of intent to seek Baptism, and reaffirmation of the vows taken at Baptism are appropriate responses to the Word received in Sacrament. (W-2.4005; W-2.4007) As the service comes to a close, other acts of commitment and recognition may be observed. People may make commitments to and be commissioned for specific corporate and personal acts of evangelism, compassion, justice, reconciliation, and peacemaking in the world. (W-4.3000)

#### **W-3.3701(b) When One Leaves**

Those leaving the fellowship of a particular church

- (1') to undertake these commissions; or
- (2') to move to another place for purposes of education, national service, career change, family circumstance, or health

may be recognized with a farewell. This also may be an appropriate time to remember those of the congregation who have died.

### **W-3.3702 Going in the Name of the Triune God**

The service concludes with a formal dismissal. This may include a charge to the people to go into the world in the name of Christ. It shall include words of blessing, using a trinitarian benediction or other words from Scripture, such as the apostolic benediction in II Cor. 13:14. Signs of reconciliation and peace may be exchanged as the people depart.

## **W-3.4000 4. Service of Daily Prayer**

### **W-3.4001 Daily Prayer**

#### **W-3.4001a. Public Worship**

The service of Daily Prayer is a service of public worship observed regularly throughout the week. (W-1.3012; W-3.2001) This service may be offered in the morning, at midday, at the end of the day, in the evening, or at night, in keeping with the needs of the church and the community in which it ministers.

#### **W-3.4001b. Word and Prayer**

The service shall include the reading and hearing of the Word and prayer.

### **W-3.4002 Scripture**

Scripture lessons are read, and time observed for reflection and meditation. An exposition of Scripture may be given. The Word may be expressed in music, drama, or dance. Psalms and

canticles are especially appropriate to daily prayer because in using them worshipers both express and respond to the Word. (W-2.2000)

### **W-3.4003 Prayer**

Prayers may be spoken, sung, enacted, and offered in silence. Daily prayer affords a unique opportunity for silence and meditation in community. Prayer in all its dimensions should be offered with special attention to the public and personal concerns of the community. (W-2.1000)

### **W-3.4004 Order**

The service of Daily Prayer should be ordered to move through

**W-3.4004(1)** praise,

**W-3.4004(2)** the reading and hearing of the Word,

**W-3.4004(3)** responding to the Word in meditation, prayer, and song,

**W-3.4004(4)** going forth in the name of Christ.

### **W-3.4005 Leadership**

The service, authorized by the session, should be planned in consultation with the pastor, and may be led by appropriately prepared **teaching elders, ruling elders, deacons**, or other members of the church.

## **W-3.5000 5. Other Regularly Scheduled Services of Worship**

### **W-3.5100 a. Sunday Services**

#### **W-3.5101 Other Sunday Services**

The primary service of worship on Sunday is the Service for the Lord's Day, scheduled at the time(s) when most members can participate. Other services may be regularly scheduled on Sunday, at times in the morning, afternoon, or evening. The time and nature of these services is to be determined by the session as it considers the needs of the congregation and the community. In planning these services, care should be taken to preserve the integrity of the Service for the Lord's Day.

#### **W-3.5102 Elements**

These services include the reading and hearing of the Word, prayer, and opportunities for self-offering and for relating to each other and the world. (W-2.1000-.2000; W-2.5000-.6000) They may place special emphasis upon prayer, congregational singing, the teaching of Scripture, and interpretation of the Word through the arts. Such services may include the preaching of the

Word, or other forms of proclamation authorized by the pastor and the session. (W-1.4000; W-2.2000; W-3.3400) On those occasions the Sacraments may also be celebrated.

### **W-3.5103 Order**

The order of each service should reflect the principles of worship in this directory as they relate to the particular occasion.

## **W-3.5200 b. Church School**

### **W-3.5201 Church School**

When several classes of the church school assemble together for worship, there should be opportunity for prayer, singing, and reading and hearing the Word. There may be occasions when an offering of gifts is an appropriate expression of self-offering and of relating to the world.

### **W-3.5202 Elements and Order**

There should be regular opportunities for worship in each church school class. Such worship may be less formal and more spontaneous than in larger groups. Yet it should include prayer and song that grow out of the consideration of the Word. It may include acts and tokens of self-offering and commitment, which may lead

- (1) to requesting Baptism,
- (2) to participating in the Lord's Supper,
- (3) to affirming the vows taken at Baptism.

Worship in the church school is not to be a substitute for participation in the worship of the whole congregation on the Lord's Day. (W-3.1004; W-3.3201; W-6.2001)

## **W-3.5300 c. Gatherings for Prayer**

### **W-3.5301 Prayer Meetings**

In the life of a congregation people may gather for prayer in a number of settings. The session is responsible for the authorization of such gatherings. Regularly scheduled prayer meetings which are open to all may take several forms, including the midweek evening service, a morning, midday, or afternoon gathering, and prayer breakfasts and luncheons. Smaller groups may meet regularly as prayer circles, intercessory fellowships, or covenant groups. Special days and occasions in the life of the local community, the nation, and the ecumenical Church may draw people together for services of prayer.

### **W-3.5302 Elements**

In these services the Word is read and heard, and may be proclaimed, taught, and discussed, or expressed in music and the other arts. Prayer is offered, and may be spoken, sung, enacted, or

shared in silence. Opportunities may be given for the recognition and offering of gifts and for the commitment of life to Jesus Christ. Concern for one another may be shown in words and acts of welcome, reconciliation, and mutual ministry. Concern for the world may be enacted in prayer and ministries of compassion, justice, peacemaking, and witness.

### **W-3.5400 d. Services for Wholeness**

#### **W-3.5401 Healing Services**

Healing was an integral part of the ministry of Jesus which the church has been called to continue as one dimension of its concern for the wholeness of people. Through services for wholeness, the church enacts in worship its ministry as a healing community.

#### **W-3.5402 Authorization**

Services for wholeness are to be authorized by the session, and shall be under the direction of the pastor. Such services may be observed as regularly scheduled services of worship, as occasional services, or as part of the Service for the Lord's Day. (W-3.3506) These services should be open to all and not restricted to those desiring healing for themselves or for others of special concern to them. The services should be held in a place readily accessible to those who may be seeking healing.

#### **W-3.5403 Forms of Prayer**

The vital element of worship in the service for wholeness is prayer since this is essentially a time of waiting in faith upon God. Thanksgiving for God's promise of wholeness, intercessions, and supplications should be offered. Adequate time for silent prayer should be provided, as well as occasions for prayers spoken and sung. Enacted prayer in the form of the laying on of hands and anointing with oil is appropriate. (James. 5:14.) The enactment of prayers involves the presiding **teaching elder** †together with representatives of the believing community.

#### **W-3.5404 Word and Sacrament**

These prayers are a response to the Word read and proclaimed. Particular focus should be on announcing the gospel's promise of wholeness through Christ. The sealing of this promise in the Lord's Supper may be celebrated, and should follow the prayers and the laying on of hands. Occasion for offering one's life and gifts for ministry may be provided, as well as opportunities for reconciliation and renewed commitment to the service of Jesus Christ in the world.

#### **W-3.5405 Source of Healing**

When a service for wholeness includes anointing and the laying on of hands, these enacted prayers should be introduced carefully in order to avoid misinterpretation and misunderstanding. Healing is to be understood not as the result of the holiness, earnestness, or skill of those enacting the prayers, or of the faith of the ones seeking healing, but as the gift of God through the power of the Holy Spirit.

## **W-3.5500 e. Services for Evangelism**

### **W-3.5501 Invitations to Discipleship**

The invitation to respond to Jesus Christ should be offered frequently and regularly in the Service for the Lord's Day. (W-2.5002) It is appropriate for the session to authorize services for the particular purpose of evangelism, and to set such services at regular seasons. (W-3.2003; W-7.2000)

### **W-3.5502 Order**

The central element of worship in services for evangelism is the proclamation of the Word, with a special emphasis on the redeeming grace of God in Christ, the claim Jesus Christ makes on human life, and his invitation to a life of discipleship empowered by the Holy Spirit. This proclamation involves

- (1) the reading and hearing of Scripture,
- (2) preaching and witness,
- (3) the Word sung, enacted, and confessed.

Surrounding this central act should be prayer,

- (4) in preparation for the services;
- (5) in the service itself  
as praise, thanksgiving, confession, intercession, and supplication;
- (6) following the service,  
that the new disciples be supported in their commitment and vitally included in the life of the church.

### **W-3.5503 Commitment**

The service shall move to a clear invitation to commitment or renewed commitment to Jesus Christ as Lord and Savior and to life in the covenant community which is Christ's body, the Church. Such commitment is a sign of grace and an act of self-offering which should issue in

- W-3.5503(1)** new relationship to one another,
- W-3.5503(2)** new awareness of one's gifts for ministry,
- W-3.5503(3)** new involvement in the redemptive activity of Christ in the world.

### **W-3.5504 Responses to New Commitment**

Those who respond to the invitation shall be offered nurture and instruction to support them in their commitment and to equip them for the life of discipleship. (G-1.0304) Those who are making their first commitment shall make public the profession of their faith during a Service for the Lord's Day, with those who have not been baptized receiving Baptism in that service. Those who are renewing a commitment shall be given opportunity for public acknowledgment of their reaffirmation during a Service for the Lord's Day. (W-3.3502; W-4.2000)

## **W-3.5600 f. Program and Mission Interpretation**

### **W-3.5601 Services for Mission Emphasis**

Interpretation of the program and mission of the church may occur in services of worship held for this purpose and regularly scheduled at appropriate seasons of the year. (W-3.2003) In these services, a primary focus is on the interpretation of the program or mission which has led the session to authorize the special service(s). Therefore a central emphasis of such worship is relating to the world and to each other. (W-2.6000)

### **W-3.5602 Elements**

The Word should be read and heard. Prayers of thanksgiving, supplication, and intercession should be offered on behalf of the ministries interpreted in the service. Opportunities for offering of material gifts and for commitment of life may be appropriately included.

## **W-3.5700 g. Special Groups in the Local Congregation**

### **W-3.5701 Special Groups**

In every local congregation there are special groups, constituted by age, gender, or interest, which meet regularly. Worship should ordinarily occur in meetings of these groups and should reflect the principles of this directory. All of the elements of worship in Chapter Two are appropriate in these settings except celebration of the Sacraments, which are acts of worship authorized by the session, ordinarily for the participation of the entire congregation.

## **W-3.6000 6. Special Gatherings**

### **W-3.6100 a. Councils**

#### **W-3.6101 Worship in Councils**

**Councils** shall worship regularly and shall order that worship in accordance with the principles of this directory. Each **council** should establish a group charged with responsibility for and oversight of its worship. It may also adopt guidelines for the planning and conduct of worship at its meetings.

#### **W-3.6102 Word and Sacrament**

In **councils** above the session, provision is to be made for the regular reading, proclaiming, and hearing of the Word, and for the regular and frequent celebration of the Lord's Supper. (G-3.0105)

#### **W-3.6103 Prayer**

Every meeting of a **council** shall open and close with prayer (G-3.0105) and should provide for adequate occasions of prayer during the course of its deliberations. The prayers should express praise and thanksgiving, confession, intercession, and supplication in relation to proceedings of the **council**.



## **W-3.6200 b. Retreats, Camps, Conferences, and Special Gatherings**

### **W-3.6201 Worship in Conferences and Retreats**

**Councils** have the responsibility for authorizing worship in special gatherings under their jurisdiction. Worship is an integral part of the life of retreats, camps, and conferences. That worship shall be guided by the principles of this directory and the guidelines established by the appropriate **council**.

### **W-3.6202 Order**

The nature and focus of worship will vary with the type of gathering, its purpose, its participants, its location, the season, and the rhythm and order of its life. Worship may use the order of Daily Prayer (W-3.4000), be guided by the Service for the Lord's Day (W-3.3000), or adapt the form of other services described in this directory. (W-3.5000)

### **W-3.6203 Elements**

The elements of worship appropriate for every gathering are prayer, the reading and hearing of Scripture, self-offering, and relating to each other and the world. (W-2.1000; W-2.2000; W-2.5000; W-2.6000) Different elements of worship may be emphasized in different settings, such as

- (1) retreats for silent prayer or marriage enrichment,
- (2) nature camps or mission caravans,
- (3) youth leadership or music conferences.

Yet in every case, the Word shall be presented with integrity, and appropriate prayers should be offered. (W-2.1000-.2000)

### **W-3.6204 Lord's Supper at Special Gatherings**

The Sacrament of the Lord's Supper is appropriate for any special gathering

- (1) when it is authorized by the **council** responsible for the gathering or by the presbytery within whose bounds the event will take place,
- (2) when a **teaching elder** presides and other **ruling elders or deacons** of the church are present,
- (3) when it is observed in a service of worship following the preaching of the Word or other form of proclamation authorized by the **council**,
- (4) when it is understood as participation in the life of the whole believing community rather than as a devotional exercise for a few. (W-2.4010-.4012)

The church bears strong witness to the unity of the body of Christ when Christians gather from a number of different churches or diverse ethnic or cultural groups, or in ecumenical assemblies for the celebration of the Lord's Supper. (W-2.4006)

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Amend (1993, 322, 21.051, Rec. Spec. Com. on Nature of Church and the Practice of Governance, 375):  
Added "or by the presbytery...will take place" in (1) above.  
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### **W-3.6205 Ecumenical Eucharist**

**Teaching elder** invited to celebrate or participate in the celebration of the Lord's Supper in ecumenical settings have the authority to do so to the extent that the participation does not contradict the Reformed understanding of the Lord's Supper.

### **ENDNOTES TO CHAPTER III.**

W-3.1000: Scots Conf. 3.20; West. Conf. 6.006.

W-3.1002: I Cor. 12-14.

W-3.2002: 2 Helv. Conf. 5.226.

W-3.3610: I Cor. 10:16,17. W-3.3611: Mark 14:23 ff. and parallels; I Cor. 10:16,21; 11:25-28. Rom. 14:1-23; I Cor. 8:1-13; 10:14-33; 11:17-32.

W-3.5500: West. Conf. 6.055-6.058, 6.187-6.190.

## **W-4.0000 CHAPTER IV. ORDERING WORSHIP FOR SPECIAL PURPOSES**

### **W-4.1000 1. Special Occasions and Recognitions**

#### **W-4.1001 Services for Special Occasions and Purposes**

There are special occasions and transitions in the life of the congregation and the lives of its members which are appropriately recognized in worship. Many of these are ordinarily celebrated at particular points in the Service for the Lord's Day. Others may be celebrated in the Service for the Lord's Day or in other regularly scheduled services or in a service especially appointed for the occasion. No special recognitions should be included in the Service for the Lord's Day when they would diminish the importance of hearing the Word and celebrating the Sacraments in joyful expectation of encountering the risen Lord. (W-1.3011)

### **W-4.2000 2. Services of Welcome and Reception**

#### **W-4.2001 Baptism and Membership**

In Baptism a person is sealed by the Holy Spirit, given identity as a member of the church, welcomed to the Lord's Table, and set apart for a life of Christian service. (W-3.3602-.3608; W-3.5504) These aspects of Baptism are given further expression in worship through welcoming the baptized to the Lord's Table, confirming and commissioning, and receiving new members. (W-6.2001) These occasions are ordinarily observed in the Service for the Lord's Day in responding to the Word. (W-3.3502)

#### **W-4.2002 Welcoming to the Lord's Table**

It is the responsibility of the whole congregation, particularly exercised through the session, to nurture those who are baptized to respond to the invitation to the Lord's Supper. When a person is baptized as a child, the session shall equip and support the parent(s) or those exercising parental responsibility for their task of nurturing the child for receiving the Lord's Supper. (W-2.3012) When the child begins to express a desire to receive this Sacrament, the session should take note of this and provide an occasion for recognition and welcome.

#### **W-4.2003 Confirming and Commissioning**

The church nurtures those baptized as children and calls them to make public their personal profession of faith and their acceptance of responsibility in the life of the church. When these persons are ready, they shall be examined by the session. (G-3.0201c) After the session has received them as active members they shall be presented to the congregation during a service of public worship. In that service the church shall confirm them in their baptismal identity. They shall reaffirm the vows taken at Baptism by

- a. professing their faith in Jesus Christ as Lord and Savior,
- b. renouncing evil and affirming their reliance on God's grace,
- c. declaring their intention to participate actively and responsibly in the worship and mission of the church. (W-3.3603)

They are commissioned for full participation in the mission and governance of the church, and are welcomed by the congregation. (W-3.3502; W-3.3602-.3608; W-3.3701)

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Amend (2008, 48, 49, 241, Item 04-02): Added reference to this section at new G-5.0200.

Amend Rejected (1993, 727, 38.082, TAW Rec. ); 1992, 294, 21.004, Ovt 91-78; 1991, 382, 21.006, Various Ovts): Rejected request for specific and consistent questions in this and following sections as unnecessary.

GA (2008, 48, 51, 274, Item 04-21): (1) A person who has renounced membership and/or church office in a PC(USA) congregation may seek membership in another PC(USA) congregation by reaffirmation of faith. Membership may not be denied “for any ... reason not related to profession of faith.” It is the session’s responsibility to receive such persons, and to determine if their reaffirmation of faith is consistent with the requirements for a profession of faith in W-4.2003a-c.

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**W-4.2004 Reception of Other Members**

The service for the reception of members into a congregation by transfer of certificate or by reaffirmation of faith is an occasion to recall one’s earlier Baptism, profession of faith, and commitment to discipleship. After examination and reception by the session, these new members shall be recognized at a regularly scheduled service of public worship. (W-3.3502) It is appropriate for them to reaffirm the commitments made at Baptism, to make public again their profession of faith in Jesus Christ as Lord and Savior, and to express their intention to participate actively in the worship and mission of the church. (W-3.3602) They are welcomed into the life of the congregation and are commissioned for service as members.

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Amend Rejected (1993, 727, 38.082, TAW Rec. ; 1992, 294, 21.004, Ovt 91-78; 1991, 382, 21.006, Various Ovts): See c. in W-4.2003 immediately above.

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**W-4.2005 Reaffirmation by All**

On each occasion when people entering membership in a particular church make public their profession of faith, it is appropriate for all baptized worshipers formally to reaffirm the commitments made at Baptism.

**W-4.2006 Renewal and Fresh Commitment**

In the life of a believer there are times of special awakening, renewal, and fresh commitment which call for public expression, recognition, and celebration. People should be encouraged to share with the **teaching elder(s)** and with the session these decisive moments and stirrings of the Holy Spirit. It may often be appropriate for people to make public this sense of deepened commitment in a service of worship, and for the church to acknowledge it with prayer and thanksgiving. (W-3.3502; W-3.3701)

**W-4.2007 Enacting Welcome and Recognition**

In all these services the welcoming, recognizing, commissioning, and acknowledging should be expressed in actions as well as in words. Appropriate actions may include

- a. sharing the peace of Christ,
- b. offering hands in welcome,
- c. anointing,
- d. embracing,

and other acts of recognition and celebration common to the culture(s) of the participants.

## **W-4.3000 3. Commissioning for Specific Acts of Discipleship**

### **W-4.3001 Recognizing Discipleship**

In the life of the Christian community God calls people to particular acts of discipleship to use their personal gifts for service in the Church and in the world. These specific acts may be strengthened and confirmed by formal recognition in worship.

### **W-4.3002 Forms of Discipleship**

Discipleship may be expressed

**W-4.3002a.** in the local church through service such as teacher in the church school, trustee, member of the choir, officer in a church organization, or adviser or helper with various church groups;

**W-4.3002b.** on behalf of the local church through its ministry in and to the community;

**W-4.3002c.** in the larger church as people serve in the ministries of presbytery, synod, and the General Assembly, and of ecumenical agencies and councils;

**W-4.3002d.** beyond the church cooperating with all who work for compassion and reconciliation. (W-7.3000-.4000)

### **W-4.3003 Recognition and Commissioning**

Recognition and commissioning of people called to such acts of discipleship may occur in the Service for the Lord's Day as a response to the proclamation of the Word (W-3.3500) or as a bearing and following of the Word into the world. (W-3.3700) Recognizing and commissioning for specific acts of discipleship may also occur in services of worship provided for this purpose or in other appropriate services. (W-3.5100; W-3.5300; W-3.5600)

## **W-4.4000 4. Ordination, Installation, and Commissioning**

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 Amend (2006, 38-39, Item 05-11 Amendment B.1.): New W-4.4000 replaced former G-14.0206-.0209, G-14.0405, G-14.0510-.0511, and G-14.0801g & h, putting all ordination and installation questions and service information into Directory for Worship.  
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## W-4.4001 Ordination and Installation

### W-4.4001a Purpose of Ordination and Installation

a. In ordination the church sets apart with prayer and the laying on of hands those who have been called through election by the church to serve as deacons, **ruling elders**, and **teaching elders**. (W-2.1005) In installation the church sets apart with prayer those previously ordained as **deacons, ruling elders, and teaching elders**, and called anew to service in that **ministry**.

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Amend Defeated (2001, 42-3, 121, 12.032, OGA Rec.): Would have replaced this language with new paragraph as part of revision of Chapter XIV of FoG.  
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### W-4.4001b Service of Ordination, Installation, and Commissioning

b. The service of ordination and installation for **ruling elders**, deacons, or **teaching elders**, and for the commissioning of **ruling elders to pastoral service**, certified Christian educators, **and other** certified persons, shall focus upon Christ and the joy and responsibility of serving him through the mission and ministry of the church, and shall include a sermon appropriate to the occasion. The **teaching elder** † presiding shall state briefly the nature of the **ministry**.

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Amend (2006, 38-39, Item 05-11 Amendment B.1.): New proposed W-4.4000 replaced former G-14.0206 - G-14.0209, G-14.0405, G-14.0510-.0511, and G-14.0801g & h, putting all ordination and installation questions and service information into Directory for Worship.

Amend Rejected (1996, 241, 21.012, Ovt. 96-42): Rejected addition of five affirmations of “Essential Tenets” as requirements for officers. Answered referrals from earlier assemblies of requests for def. of “essential tenets”(1993, 728, 38.094, 1992 Ref. ); 1992, 302, 21.030, Ovt. 92-38).

Amend Rejected (1989, 213, 21.030, Ovt. 88-176): Rejected request to add a sentence, “The session shall appoint a day for the service of ordination and installation,” at the beginning. See at G-14.0240 (GA, 1986, 173, 15.053, Com.).

Amend Rejected (1988, 134, 12.146, Ovt. 53-88): Rejected request to require that a member or minister of another denomination must be on commission.

GA (2010, 8, 1219, Item 16-13): The term “office” refers to the office of elder, deacon, or minister of the Word and Sacrament, or to persons elected as moderator, clerk, trustee, or treasurer of a congregation or governing body. In services for persons not otherwise being ordained or installed to one of the church’s offices, it is appropriate for the person presiding to offer a brief statement of the nature of the commissioned service.

GA (2006, 38, 40, 441, Item 05-26): The responsibility to appoint an administrative commission to conduct an ordination may be delegated by the presbytery to a committee or an officer and each presbytery may provide by rule for the manner in which such appointment shall be made within its bounds.

GA (1992, 306, 21.055, Req. 92-4; 307, 21.074, Req. 92-8): The installation service is part of the calling process. That process is incomplete until such service has taken place.

PJC (2003, 272, 215-5, McKittrick v. West End PC): (1) When challenge to installation is based on presumed guilt of installee, then disciplinary, not remedial case is in order.

PJC (2) We undermine mutual accountability when ordinations or installations are rushed, so that remedial remedies will not be available.

PJC (3) A remedial case challenging an installation is in order if the basis for challenge is procedural. If the challenge is sustained, an installation can be set aside.

PJC (1999, 831, 12.077, Wier v. Second PC): Challenges to fitness for office must be made prior to ordination or installation.

Earlier Ref.: (UPC, 1958, 445): Elder of another Reformed church need not be reordained.

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## **W-4.4002 Setting of the Service**

The service of ordination and installation, or commissioning, may take place during the Service for the Lord's Day as a response to the proclamation of the Word. (W-3.3503). Ordination and installation, or commissioning, may also take place in a special service that focuses upon Jesus Christ and the mission and ministry of the church and which includes the proclamation of the Word. The service of installation of a pastor or associate pastor shall be conducted at a convenient time to enable the substantial participation of the presbytery.

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Amend Proposed (2012, 12, 13, 1496, Item 17-02): Would specify that a service of ordination should take place at a time to enable participation of pby.

Amend (2006, 38-39, Item 05-11 Amendment B.1.): New W-4.4000 replaced former W-4.4000, putting all ordination and installation questions and service information into Directory for Worship.

Amend (1985, 138, 17.039, Ovt. 18-85, 184-84): Dropped former requirement of ordination at time of regular worship of the congregation.

Amend Defeated (2001, 43, 121, 12.033, OGA Rec.): Would have added language about commissioning here as part of revision of Chapter XIV of FoG. But see at 2006.

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## **W-4.4003 Constitutional Questions for Ordination, Installation, and Commissioning**

The moderator of the **council** of those to be ordained, installed, or commissioned shall ask them to stand before the body of membership and to answer the following questions:

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Amend (2006, 38-39, Item 05-11 Amendment B.1.): New W-4.4000 replaced former G-14.0206-.0209, G-14.0405, G-14.0510-.0511, and G-14.0801g & h, putting all ordination and installation questions and service information into Directory for Worship.

Amend Defeated (2001, 43, 121-3, 12.034, OGA Rec.): Entire section W-4.4003 would have been deleted and new W-4.4003-.4007 added. Ordination and commissioning questions would have been placed in Directory for Worship as part of revision of Chapter XIV. But see 2006 amendment.

Amend Rejected (2002, 63, 382, Item 05-06, Ovt 02-9): Would have changed "moderator" to "minister."

Amend Rejected (1996, 241, 21.012, Ovt. 96-42): Rejected addition of five affirmations of "Essential Tenets" as requirements for officers. Answered referrals from earlier assemblies of requests for def. of "essential tenets"(1993, 728, 38.094, 1992 Ref. ); 1992, 302, 21.030, Ovt. 92-38).

Amend Defeated (1997, 178, 21.0155, 381, GAC Rec. 31.0215-.0230): Would have modified the text of [former] question (9) [now i(3)] and added new questions (10) and (11) directly related to functions of ministry of the Word and Sacrament.

Amend Rejected (1989, 211, 21.010, Ovt. 88-158): Rejected request to add ordination and installation question on peacemaking and evangelism.

Amend Rejected (1989, 211, 1985, 136, 17.020, Ovt. 4-85): Rejected request to add new question in case officer's thinking changes; covered by G-6.0108.

GA (2008, 48, 49, 260, Item 04-14): "Without the concurrence of the session, there is no provision on the basis of conscience for a moderator to refuse to fulfill the functions of the office of moderator in participating in the ordination and installation of duly elected, examined, and approved elders and deacons."

GA (2008, 48, 51, 272, Item 04-19): "The person who asks the constitutional questions at ordination and/or installation ... does not have to be the appointed moderator of session, but may be another person duly invited or elected to preside as provided in the Form of Government."

GA (1987, 147, 15.210, Com. 8-87): See at G-6.0203.

PJC (2010, 219-09, 384, Davis v. Pby of San Francisco): Use of church computer to view pornography regularly and frequently did not further the peace, purity and unity of the church and was a violation of minister's ordination vow.

Earlier Ref.: (UPC: 1966-67, 139, 144; 1967-68, 47.07, 49.03-.05; 1969, 383; 1974, 364-6; 1974, 552; PCUS: 1976, 105; 1977, 166; ): Constitutional questions.

See G-14.0562c and note at G-10.0102l for CLP moderating session and presiding.

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a. Do you trust in Jesus Christ your Savior, acknowledge him Lord of all and Head of the Church, and through him believe in one God, Father, Son, and Holy Spirit?

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Amend Rejected (2002, 38, 430, Item 07-06, Ovt 02-3); (2002, 38, 440, Item 07-13 Ovt 02-50): Would have added Authoritative Interpretation on "acknowledge him Lord of all" language. ACC said would need to amend text of *Book of Order*.

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b. Do you accept the Scriptures of the Old and New Testaments to be, by the Holy Spirit, the unique and authoritative witness to Jesus Christ in the Church universal, and God's Word to you?<sup>a</sup>

c. Do you sincerely receive and adopt the essential tenets of the Reformed faith as expressed in the confessions of our church as authentic and reliable expositions of what Scripture leads us to believe and do, and will you be instructed and led by those confessions as you lead the people of God?<sup>b</sup>

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Amend Rejected (1996, 241, 21.012, Ovt. 96-42): Rejected addition of five affirmations of "Essential Tenets" as requirements for officers. Answered referrals from earlier assemblies of requests for def. of "essential tenets" (1993, 728; 38.094, 1992 Ref. ); 1992, 302, 21.030, Ovt. 92-38).

GA (2004, 15-6, 608, Item 08-05): Affirmed the right and responsibility of presbyteries to determine whether candidates and ministers "sincerely receive and adopt the essential tenets of the Reformed faith".

GA (2004, 17, 619, Item 08-12): Affirmed significant and instructive role of *The Book of Confessions* as guide to interpreting Scripture in the examination of persons for ordination.

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d. Will you fulfill your **ministry** in obedience to Jesus Christ, under the authority of Scripture, and be continually guided by our confessions?

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GA (2004, 17, 619, Item 08-12): Affirmed significant and instructive role of *The Book of Confessions* as guide to interpreting Scripture in the examination of persons for ordination.

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e. Will you be governed by our church’s polity, and will you abide by its discipline? Will you be a friend among your colleagues in ministry, working with them, subject to the ordering of God’s Word and Spirit?<sup>c</sup>

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PJC (PCUS 1983, 43, Hambrick v. The PJC, Synod of NC): A minister, unless willing to perform all the functions of the office as set forth in the Constitution, should not be received from another denomination by the presbytery.

Earlier Ref.: (PCUS, 1972, 195-200): The Meaning of “Doctrinal Loyalty” in the Ordination Vows.

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f. Will you in your own life seek to follow the Lord Jesus Christ, love your neighbors, and work for the reconciliation of the world?

g. Do you promise to further the peace, unity, and purity of the church?

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PJC (2010, 219-09, 384, Davis v. Pby of San Francisco): Use of church computer to view pornography regularly and frequently did not further the peace, purity and unity of the church and was a violation of minister’s ordination vow.

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h. Will you **pray for and** seek to serve the people with energy, intelligence, imagination, and love?

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Amend (2010, 8, 1192, Item 16-02): Added “pray for and” before the word “seek”.

Amend Rejected (1989, 211, 21.010, Ovt. 88-158): Rejected request to add ordination and installation question on peacemaking and evangelism.

Amend Rejected (1985, 136, 17.020, Ovt. 4-85): Rejected request to add vow, “Do you promise that if at any time you can no longer accept . . . you will on your own initiative make known . . . the change. . . .”

Amend Rejected and Referred (1989, 215, 21.059, Ovt. 89-8): See at D-12.0104e. Referral answered by 1991 action creating new section G-14.0211 [now G-6.0600].

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i. (1) (For **ruling elder**) Will you be a faithful **ruling elder**, watching over the people, providing for their worship, nurture, and service? Will you share in government and discipline,

serving in **councils** of the church, and in your ministry will you try to show the love and justice of Jesus Christ?

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Amend Referred (1996, 241, 21.014, Ovt. 96-50): Referred request to add new question to elders regarding fulfilling diaconal functions in cong. without deacons. Not directly addressed by GAC, but ACC advised that a new overture be prepared if presbytery wants to pursue. See 1997, 179, 21.0169, 1996, Ref.

Amend Rejected (1999, 60, 573, Ovt. 99-1): Rejected additional question (“Do you promise to subject yourself to your brothers and sisters in the Lord?”) for elders.

Amend Rejected (1997, 178, 21.0155, 383, GAC Rec. 31.0215-.0230): Rejected additional questions for elders and deacons.

GA (1988, 140, 12.225, Req. 8-88): Elders serving in church in which there is no board of deacons should not be asked former question j [now i.(2)].

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(2) (For deacon) Will you be a faithful deacon, teaching charity, urging concern, and directing the people’s help to the friendless and those in need, and in your ministry will you try to show the love and justice of Jesus Christ?

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Amend Rejected (1999, 60, 573, Ovt. 99-1): Rejected additional question (“Do you promise to subject yourself to your brothers and sisters in the Lord?”) for deacons.

Amend Rejected (1997, 178, 21.0155, 383, GAC Rec. 31.0215-.0230): Rejected additional questions for elders and deacons.

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(3) (For **teaching elder**) Will you be a faithful **teaching elder**, proclaiming the good news in Word and Sacrament, teaching faith and caring for people? Will you be active in government and discipline, serving in the **councils** of the church; and in your ministry will you try to show the love and justice of Jesus Christ?

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Amend Rejected (1999, 60, 573, Ovt. 99-1): Rejected additional question (“Do you promise to subject yourself to your brothers and sisters in the Lord?”) for ministers.

Amend Rejected (1996, 241, 21.012, Ovt. 96-42): Rejected addition of five affirmations of “Essential Tenets” as requirements for officers. Answered referrals from earlier assemblies of requests for def. of “essential tenets”(1993, 728, 38.094, 1992 Ref. ); 1992, 302, 21.030, Ovt. 92-38).

GA (1989, 224, 21.162, Req. 89-2): Presbytery has the authority to require the minimum number of times that associate pastors should be allowed to preach per year. (Also G-11.0103f, [former] G-14.0510a.(2) and a.(3) [now W-4.4006b(2) and (3)])

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(4) (For **ruling elder, commissioned to particular pastoral services**) Will you be a faithful **ruling elder in this commission**, serving the people by proclaiming the good news, teaching faith and caring for the people, and in your ministry will you try to show the love and justice of Jesus Christ?

-----  
Amend (2006, 38-39, Item 05-11 Amendment B.1.): New W-4.4000 replaced G-14.0801g & h, putting all ordination, installation and commissioning questions and service information into Directory for Worship.

Amend (1995, 294, 21.167, 675, Ovt. 95-23): Changed “commissioned lay preacher” to “commissioned lay pastor”.

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(5) (For certified Christian educator) Will you be a faithful certified Christian educator, teaching faith and caring for people, and will you in your ministry try to show the love and justice of Jesus Christ?

### **W-4.4004 Ordination or Installation of Ruling Elders or Deacons**

At the service of ordination or installation of **ruling elders** and deacons:

#### **W-4.4004a. Questions to Congregation**

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Amend (2006, 38-39, Item 05-11 Amendment B.1.): New W-4.4000 replaced former G-14.0206-.0209, putting all ordination and installation questions and service information into Directory for Worship.

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a. The **ruling elders** and deacons elect having answered in the affirmative, **a ruling elder** shall stand with them before the congregation and shall ask the congregation to answer the following questions:

(1) Do we, the members of the church, accept (names) \_\_\_\_\_ as **ruling elders** or deacons<sup>d</sup>, chosen by God through the voice of this congregation to lead us in the way of Jesus Christ?

(2) Do we agree **to pray for them**, to encourage them, to respect their decisions, and to follow as they guide us, serving Jesus Christ, who alone is Head of the Church?

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Amend (2010, 8, 1192, Item 16-02): Added “to pray for them,” before “to encourage ....”

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#### **W-4.4004b. Prayer and Laying on of Hands**

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Amend (2006, 38-39, Item 05-11 Amendment B.1.): New W-4.4000 replaced former G-14.0206-.0209, putting all ordination and installation questions and service information into Directory for Worship.

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b. The members of the church having answered these questions in the affirmative, those to be ordained shall kneel, if able, for prayer and the laying on of hands by the session. Those previously ordained ordinarily shall stand, along with the congregation, if able, for the prayer of

installation. The session may invite other **ruling elders** and **teaching elders** to participate in the laying on of hands.

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Amend (1995, 288, 21.153, 660, Ovt. 95-2): Added words “ordinarily” and “if able” and struck “ordination and.”

Amend (1987, 156, 15.291, 35.107-.111): Inserted “if able.”

Amend (1985, 140, 17.068, Ovt. 51-85): Added sentence, “The session may invite . . . laying on of hands.”  
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#### **W-4.4004c. Statement**

c. The moderator shall say to those who have thus been ordained and installed:

You are now **ruling elders** and deacons in the Church of Jesus Christ and for this congregation. Whatever you do, in word or deed, do everything in the name of the Lord Jesus, giving thanks to God the Father through him. Amen.

-----  
Amend Rejected (2002, 63, 382, Item 05-06, Ovt 02-9): Would have changed “moderator” to “minister.”

PJC (1995, 207-05, Shack Church v Bryan): An elder who has been elected but not yet installed cannot be counted for a quorum.  
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#### **W-4.4004d Session Welcomes**

d. Then the members of the session, and others as may be appropriate, shall welcome the newly ordained and installed, or newly installed, **ruling elders** and deacons into their fellowship in ministry.

#### **W-4.4004e Congregation Greet**

e. After the service, it is appropriate for the members of the congregation to greet their new **ruling elders** and deacons, showing affection and support.

#### **W-4.4005 Ordination of Teaching Elder**

At the service of ordination to the **ministry** of the Word and Sacrament

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Amend (2006, 38-39, Item 05-11 Amendment B.1.): New W-4.4000 replaced former G-14.0510-.0511, putting all ordination and installation questions and service information into Directory for Worship.

PJC (2003, 272, 215-5, McKittrick v. West End PC): (1) When challenge to installation is based on presumed guilt of installee, then disciplinary, not remedial case is in order.

PJC (2) We undermine mutual accountability when ordinations or installations are rushed, so that remedial remedies will not be available.

PJC (3) A remedial case challenging an installation is in order if the basis for challenge is procedural. If the challenge is sustained, an installation can be set aside.

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### **W-4.4005a Ordination Questions**

a. The presbytery shall utilize the ordination questions laid out at W-4.4003, using these words for Question i.(3): Will you be a faithful **teaching elder**, proclaiming the good news in Word and Sacrament, teaching faith and caring for people? Will you be active in government and discipline, serving in the **councils** of the church; and in your ministry will you try to show the love and justice of Jesus Christ?

### **W-4.4005b Prayer and Laying on of Hands**

b. The candidate, having answered the questions in the affirmative, shall kneel, if able, and the presbytery, or presbytery commission, shall, with prayer and the laying on of hands, ordain the candidate to the **ministry** of the Word and Sacrament. The member presiding shall then say:

“(Name) \_\_\_\_\_, you are now ordained a **teaching elder** in the church of Jesus Christ. Whatever you do, in word or deed, do everything in the name of the Lord Jesus, giving thanks to God the Father through him. Amen.

-----  
Amend (1987, 156, 15.291, 35.107-.111): Inserted “if able.”

GA (1991, 390, 21.047, Req. 91-5): Persons other than presbytery commissioners may be invited to lay hands on the candidate and pray.

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### **W-4.4005c. Presbytery Welcomes**

c. Then the members of the presbytery, and others as may be appropriate, shall welcome the new **teaching elder** into the ministry of the Word and Sacrament. At the conclusion of the ordination service, the new **teaching elder** may make a brief statement and shall pronounce the benediction.

### **W-4.4006 Installation of Teaching Elders**

Every Christian is called by God to serve the church; however, God calls some persons to serve the church in particular and specific ways in congregations. When the congregation, the presbytery, and the **teaching elder** (or candidate) have all concurred in a call to a permanent or designated pastoral position, the presbytery shall complete the call process by organizing and conducting the service of installation. Installation is an act of the presbytery establishing the pastoral relationship. A commission may be appointed to act for the presbytery.

-----  
Amend Rejected (2010, 8, 1197, Item 16-04): Rejected inserting questions to be asked of the presbytery; nothing prevents any presbytery adding these questions to the ordination and/or installation service if the presbytery desires to do so.

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## W-4.4006a Installation Service

a. On the day designated for the installation, the presbytery or commission appointed for this purpose shall convene and shall call the congregation gathered to worship. The service shall have the same focus and form as the service of ordination and the person being installed shall be asked to answer the questions asked at the time of ordination.

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Amend (1993, 316, 21.032, Ovt. 93-38): Struck section which provided directions on practice when installation was held in connection with the ordination service.

Amend Rejected (1988, 134, 12.146, Ovt. 53-88): Rejected request to require that a member or minister of another denomination must be on commission.

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## W-4.4006b Questions for Congregation

b. Following the affirmative answers to the questions asked of the person being installed, a **ruling elder** shall face the congregation along with the pastor elect (associate pastor elect) and shall ask them to answer the following questions:

(1) Do we, the members of the church, accept (Name) \_\_\_\_\_ as our pastor (associate pastor), chosen by God through the voice of this congregation to guide us in the way of Jesus Christ?

(2) Do we agree **to pray for him (her)**, to encourage him (her), to respect his (her) decisions,<sup>e</sup> and to follow as he (she) guides us, serving Jesus Christ, who alone is Head of the Church?

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Amend (2010, 8, 1192, Item 16-02): Added “to pray for him (her),” before “to encourage ....”

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(3) Do we promise to pay him (her) fairly and provide for his (her) welfare<sup>f</sup> as he (she) works among us; to stand by him (her) in trouble and share his (her) joys?<sup>g</sup> Will we listen to the word he (she) preaches, welcome his (her) pastoral care, and honor his (her) authority as he (she) seeks to honor and obey Jesus Christ our Lord?

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GA (1992, 307, 21.074, Req. 92-8): Answers to these questions by the congregation do not constitute a second congregational vote on accepting or rejecting the previously issued call.

GA (1992, 307, 21.074, Req. 92-8): The failure of the congregation to answer affirmatively the installation questions is not a request to change the call, but it would require presbytery’s commission to discontinue the service of installation.

GA (1989, 224, 21.162, Req. 89-2): Presbytery has the authority to require the minimum number of times that associate pastors should be allowed to preach per year. (Also G-11.0103f, [former] G-14.0510a.(2) and a.(3) [now W-4.4006b(2) and (3)])

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### **W-4.4006c Installation of Teaching Elder**

c. The members of the congregation having answered these questions in the affirmative,

(1) a candidate being ordained and installed shall kneel, if able, and the presbytery shall, with prayer<sup>h</sup> and the laying on of hands,<sup>i</sup> ordain the candidate to the **ministry** of the Word and Sacrament and install him or her in the particular pastoral responsibility.

(2) a **teaching elder**, previously ordained, who is being installed ordinarily shall stand, if able, for the laying on of hands and the prayer of installation.

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Amend (1995, 288, 21.153, Ovt. 95-2): Added words “ordinarily shall stand” in place of “may kneel” in the last sentence.

Amend (1987, 156, 15.291, 35.107-.111): Inserted “if able.”

GA (1991, 390, 21.047, Req. 91-5): Persons other than presbytery commissioners may be invited to lay hands on the candidate and pray.

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### **W-4.4006d Statement to Teaching Elder**

d. The member presiding shall then say:

(1) (For one being ordained and installed) (Name) \_\_\_\_\_, you are now a **teaching elder** in the Church of Jesus Christ and for this congregation. Whatever you do, in word or deed, do everything in the name of the Lord Jesus,<sup>j</sup> giving thanks to God the Father through him. Amen.

(2) (For a **teaching elder** previously ordained) (Name) \_\_\_\_\_, you are now a **teaching elder** in and for this congregation. Whatever you do, in word or deed, do everything in the name of the Lord Jesus, giving thanks to God the Father through him. Amen.

### **W-4.4006e Welcome**

e. Then the members of the presbytery, and others as may be appropriate, shall welcome the newly ordained and installed or newly installed **teaching elder** into their fellowship in the ministry of the Word and Sacrament.<sup>k</sup>

### **W-4.4006f. Charge**

f. Persons invited by the presbytery may then give brief charges to the pastor (associate pastor) and to the congregation<sup>l</sup> to be faithful in their relationship and in their reciprocal responsibilities.

### **W-4.4006g. Benediction**

g. At the conclusion of the service, the newly installed **teaching elder** may make a brief statement and shall pronounce the benediction.

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Amend (1993, 316, 21.032, Ovt. 93-38): Struck the words “newly ordained and installed or”.  
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## **W-4.5000 5. Transitions in Ministry**

### **W-4.5001 Recognition of Transition**

When those especially commissioned for specific acts of discipleship; those ordained as deacons, **ruling elders**, or **teaching elder**; or others serving in the church conclude a period of ministry, it is appropriate for the congregation and others associated with the ministry to recognize those persons' gifts and service.

### **W-4.5002 Form of Recognition**

This recognition may be given in the Service for the Lord's Day as a part of responding to the Word (W-3.3503) or of bearing and following the Word into the world (W-3.3701), or in another appointed service of worship. The service may include expressions of commendation and gratitude for the persons' ministry, and should include prayers of thanksgiving and intercession on their behalf as they make this transition in their ministry.

## **W-4.6000 6. Censure and Restoration**

### **W-4.6001 Censure and Restoration**

Forms for censure and for restoration are set forth in the Rules of Discipline in this *Book of Order*. (D-12.0102; D-12.0103; D-12.0104; D-12.0105; D-12.0202; D-12.0203) In using these forms, care should be taken that they be spoken and enacted in the spirit of pastoral concern and in the context of worship within the appropriate community.

## **W-4.7000 7. Recognition of Service to the Community**

### **W-4.7001 Recognition of Service**

Service given to the community beyond the particular mission of the church may be appropriately recognized as an expression of Christian discipleship with prayer and thanksgiving at a suitable time in an occasion of worship. Significant accomplishments in the lives of Christians or honors and other forms of recognition received by them may also be occasions for such celebration with the community of faith.

## **W-4.8000 8. Services of Acceptance and Reconciliation**

### **W-4.8001 Brokenness and Wholeness**

Christians are forgiven sinners living in a sinful world, involved in brokenness which they suffer, involved in brokenness which they cause. Given this reality, a significant move toward



wholeness is the recognition and acknowledgement of one's own responsibility in the brokenness and failure of a relationship

**W-4.8001a.** in friendship and in marriage

**W-4.8001b.** in family and in church

**W-4.8001c.** in workplace and in school

**W-4.8001d.** in neighborhood, in community, and in the world.

### **W-4.8002 Services of Acceptance and Reconciliation**

Beyond this the Christian community must recognize and acknowledge its involvement in sin, in broken structures, and in broken relationships. Opportunity is appropriately given in worship for special services of acknowledgement and recognition of failure in relationships, of grieving together over the loss of relationship, and of mutual forgiveness and reconciliation within the believing community. (W-2.6001; W-3.3301; W-3.5400; W-6.3007-.3008; W-6.3011; W-7.4004)

### **W-4.8003 Form of Service**

These services include

**W-4.8003a.** readings from Scripture which reveal the grace of God,

**W-4.8003b.** prayers of confession, intercession, and supplication,

**W-4.8003c.** declarations of forgiveness and freedom from guilt and shame,

**W-4.8003d.** expressions of praise and thanksgiving for forgiveness and reconciliation,

**W-4.8003e.** enactments of mutual commitment and reconciliation.

## **W-4.9000 9. Marriage**

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Amend Rejected (2012, 44, 1192, Item 13-04): Rejected proposed changes to the Directory for Worship to redefine marriage. Item 13-04 was then answered by Item 13-NB as were all other items requesting amendment to definition of marriage:(13-01, 13-06, 13-11, 13-13).

GA (2012, 13-02, 13-03, 13-05, 13-08, 13-09, 13-10,13-14): All items requesting authoritative interpretation allowing for pastoral discretion in performing same gender marriages by Item 13-NB.

GA (2012, 13-07, 13-12): All items requesting authoritative interpretation allowing for pastoral discretion if performing same gender marriages by Item 13-NB.

GA (2012, 46, 1300, Item 13-NB): Approved a season of serious study and discernment concerning meaning of Christian marriage.

GA (2010, 44, 909, Item 12-12, 2010, 44, 926, Item 12-13): Received the report of the Special Committee to Study Issues of Civil Union and Christian Marriage and commended it and the **minority report** to sessions and presbyteries, and urged them to engage in study of the issues presented in the report.

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## W-4.9001

Marriage is a gift God has given to all humankind for the well-being of the entire human family. Marriage is a civil contract between a woman and a man. For Christians marriage is a covenant through which a man and a woman are called to live out together before God their lives of discipleship. In a service of Christian marriage a lifelong commitment is made by a woman and a man to each other, publicly witnessed and acknowledged by the community of faith.

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Amend Rejected (2012, 44, 1192, Item 13-04): Rejected proposed changes to the Directory for Worship to redefine marriage. Item 13-04 was then answered by Item 13-NB as were all other items requesting amendment to definition of marriage:(13-01, 13-06, 13-11, 13-13).

Amend Defeated (1994, 42, 186, 21.012, 488, Ovt. 93-99): New language would have declared that it is “not permitted for ministers to participate in the blessing of any same-sex unions.” See also note following W-4.9006.

Amend Rejected (2010, 46, 890, Item 12-02), ( 2010, 46, 894, Item 12-03), ( 2010, 46, 896, Item 12-04), (2010, 46, 900, Item 12-06), (2010, 46, 902, Item 12-07), (2010, 46, 904, Item 12-08), (2010, 46, 905, Item 12-09), (2010, 46, 907, Item 12-10): Rejected attempts by amendment or authoritative interpretation to change the definition of marriage throughout W-4.9000 to a covenant or contract between two people.

Amend Rejected (2008, 48, 49, 251, Item 04-08): Rejected defining marriage as a covenant between “two people”.

Amend Rejected (2006, 31, 34, 345, Item 04-11): Rejected adding paragraph on civil marriage contracts.

Amend Rejected (1993, 100, 310, 21.010, 855, Ovt. 92-123): Rejected request to prohibit ministers from participating in same-sex union ceremonies.

Amend Rejected (1993, 100, 308, 21.005, 852, Ovt. 92-117): Rejected request to forbid ministers from blessing any relationship outside a Christian marriage.

GA (2012, 13-02, 13-03, 13-05, 13-08, 13-09, 13-10,13-14): All items requesting authoritative interpretation allowing for pastoral discretion in performing same gender marriages by Item 13-NB.

GA (2012, 13-07, 13-12): All items requesting authoritative interpretation allowing for pastoral discretion if performing same gender marriages by Item 13-NB.

GA (2006, 31, 34, 347, Item 04-12): Assembly declined to reaffirm W-4.9001.

GA (1991, 395, 21.124, Req. 91-23): Not proper for minister to perform same sex union ceremony that the minister determines to be the same as a marriage ceremony, nor should a session allow use of church property for such a ceremony.

PJC (2012, 220-08, Spahr v. PC(USA) through Pby of Redwoods): Presbyterian Church (U.S.A.) does not recognize ceremony and the resulting relationship between same-gender persons to be a marriage in the eyes of the church. An offense occurs if teaching elder represents that one is doing something which one cannot constitutionally do. The term “marriage” in the charge of offense relates to “Christian marriage” (or “ecclesiastical marriage” as that term is used in Southard), since that is the only marriage ceremony over which the PC(USA) has authority.

PJC (2012, 220-02, Jean Southard v. Presbytery of Boston): (1) A change in state law does not amend the *Book of Order*. It is the responsibility of the church, following the processes provided in the Constitution for amendment, to define what the PCUSA recognizes as a “Christian marriage.” “By the definition in W-4.9001, a same sex ceremony can never be a marriage,” remains in effect.

PJC (2): Officers of the PCUSA who are authorized to perform marriages, when performing a ceremony for a same-gender couple, shall not state, imply, or represent that the same-gender ceremony is an ecclesiastical

marriage ceremony as defined by PCUSA polity, whether or not the civil jurisdiction allows same-gender civil marriages.

PJC (2008, 314, 218-12, Spahr v. Pby of Redwoods): "... officers of the PC(USA) authorized to perform marriages shall not state, imply, or represent that a same sex ceremony is a marriage."

PJC (2000, 586, 12.169, Benton, et al. v. Pby of Hudson River): (1) None of provisions in Directory for Worship cited in case prohibit conduct of same-sex ceremonies that are not the same as marriage ceremonies.

PJC: (2) Affirmed 1991 authoritative interpretation cited above (1991, 395, 21.124, Req. 91-23).

PJC: (3) A determinative distinction between a permissible same-sex ceremony and a marriage ceremony is that the latter confers a new status; the former blesses an existing relationship. Same sex ceremony should not blur distinction.

PJC: (4) The decision is not an endorsement of homosexual conjugal practice proscribed by GA.

Hist. Note: Actions on remarriage of divorced persons: PCUS, 1959, 69-70; PCUSA, 1952, 188-189.

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## **W-4.9002 Preparing for Marriage**

### **W-4.9002a. Premarital Discussion**

In preparation for the marriage service, the **teaching elder** † shall provide for a discussion with the man and the woman concerning

- (1) the nature of their Christian commitment, assuring that at least one is a professing Christian,
- (2) the legal requirements of the state,
- (3) the privileges and responsibilities of Christian marriage,
- (4) the nature and form of the marriage service,
- (5) the vows and commitments they will be asked to make,
- (6) the relationship of these commitments to their lives of discipleship,
- (7) the resources of the faith and the Christian community to assist them in fulfilling their marriage commitments.

This discussion is equally important in the case of a first marriage, a marriage after the death of a spouse, and a marriage following divorce.

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Amend (1995, 292, 21.159, Ovt. 95-9) Deleted the phrase "asked to lead the service."

Amend Rejected (2008, 48, 49, 251, Item 04-08): Would have replaced "man and the woman" with "two people".

PJC (2008, 314, 218-12, Spahr v. Pby of Redwoods): "... officers of the PC(USA) authorized to perform marriages shall not state, imply, or represent that a same sex ceremony is a marriage."

PJC (2000, 586, 12.169, Benton, et al. v. Pby of Hudson River): Minister should instruct same-sex couples that a ceremony does not constitute a marriage ceremony and should not be held out as such.

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## **W-4.9002b. If the Marriage Is Unwise**

If the **teaching elder** is convinced after discussion with the couple that commitment, responsibility, maturity, or Christian understanding are so lacking that the marriage is unwise, the **teaching elder** shall assure the couple of the church's continuing concern for them and not conduct the ceremony. In making this decision the **teaching elder** may seek the counsel of the session.

## **W-4.9003 Time and Place of the Service**

Christian marriage should be celebrated in the place where the community gathers for worship. As a service of Christian worship, the marriage service is under the direction of the **teaching elder** † and the supervision of the session. (W-1.4004 -.4006) The marriage ordinarily takes place in a special service which focuses upon marriage as a gift of God and as an expression of the Christian life. Others may be invited to participate as leaders in the service at the discretion of the pastor. Celebration of the Lord's Supper at the marriage service requires the approval of the session, and care shall be taken that the invitation to the Table is extended to all baptized present. The marriage service may take place during the Service for the Lord's Day upon authorization by the session. It should be placed in the order as a response to the proclamation of the Word. It may then be followed by the Sacrament of the Lord's Supper. (W-2.4010; W-3.3503)

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Amend (1995, 292, 21.159, Ovt. 95-9) Added new sentence "Others may be invited to participate as leaders in the service at the discretion of the pastor."

GA (1993, 332, 21.094, Req. 93-9): Technically there is no difference between the Sunday morning worship and a funeral and a wedding.

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## **W-4.9004 Form and Order of Service**

The service begins with scriptural sentences and a brief statement of purpose. The man and the woman shall declare their intention to enter into Christian marriage and shall exchange vows of love and faithfulness. The service includes appropriate passages of Scripture, which may be interpreted in various forms of proclamation. Prayers shall be offered for the couple, for the communities which support them in this new dimension of discipleship, and for all who seek to live in faithfulness. In the name of the triune God the **teaching elder** † shall declare publicly that the woman and the man are now joined in marriage. A charge may be given. Other actions common to the community and its cultures may appropriately be observed when these actions do not diminish the Christian understanding of marriage. The service concludes with a benediction.

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Amend Rejected (2008, 48, 49, 251, Item 04-08): Would have replaced "man and the woman" with "two people".

PJC (2008, 314, 218-12, Spahr v. Pby of Redwoods): "... officers of the PC(USA) authorized to perform marriages shall not state, imply, or represent that a same sex ceremony is a marriage."

PJC (2000, 586, 12.169, Benton, et al. v. Pby of Hudson River): (1) The declaration by the minister and similar pronouncements declaring a new status are reserved for services of marriage; should not be used in same-sex ceremonies

PJC (2) The theological distinction between marriage and same-sex unions requires liturgical distinctions. Specific liturgical forms from services of marriage or for recognition of civil marriage should not be appropriated for same-sex ceremonies.

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## W-4.9005 Music and Appointments

Music suitable for the marriage service directs attention to God and expresses the faith of the church. (W-2.1004) The congregation may join in hymns and other musical forms of praise and prayer. Flowers, decorations, and other appointments should be appropriate to the place of worship, enhance the worshipers' consciousness of the reality of God, and reflect the integrity and simplicity of Christian life. (W-1.3034; W-1.4004-.4005; W-5.5005)

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GA (1993, 332, 21.094, Req. 93-9): See at W-1.2001.

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## W-4.9006 Recognizing Civil Marriage

A service of worship recognizing a civil marriage and confirming it in the community of faith may be appropriate when requested by the couple. The service will be similar to the marriage service except that the opening statement, the declaration of intention, the exchange of the vows by the husband and wife, and the public declaration by the **teaching elder** † reflect the fact that the woman and man are already married to one another according to the laws of the state.

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Amend Defeated (2000, 59, 394-95, Ovt. 00-26): Proposed section would have prohibited use of church property for, or officers taking part in, any ceremony or event blessing rel. inconsistent with a statement that it is God's intention that people are to live in fidelity within covenant of marriage or in chastity in singleness.

Amend Rejected (2008, 48, 49, 251, Item 04-08): Would have changed wording of "husband and wife" and "woman and man" to delete gender references.

GA (1993, 332, 21.094, Req. 93-9): See at W-1.2001.

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## W-4.10000 10. Services on the Occasion of Death

### W-4.10001 Christians and Death

The resurrection is a central doctrine of the Christian faith and shapes Christians' attitudes and responses to the event of death. Death brings loss, sorrow, and grief to all. In the face of death Christians affirm with tears and joy the hope of the gospel. Christians do not bear bereavement in isolation but are sustained by the power of the Spirit and the community of faith. The church offers a ministry of love and hope to all who grieve. (W-6.3006)

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Earlier Ref.: (PCUS, 1968, 184ff.): Report on Death and Funeral Practices.  
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### **W-4.10002 Planning Arrangements**

Because it is difficult under emotional stress to plan wisely, the session should encourage members to discuss and plan in advance the arrangements which will be necessary at the time of death, including decisions about the Christian options of burial, cremation, or donation for medical purposes. These plans should provide for arrangements which are simple, which bear witness to resurrection hope, and in which the Christian community is central. The session is responsible for establishing general policies concerning the observance of services on the occasion of death. (W-1.4004)

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GA (1993, 332, 21.094, Req. 93-9): See at W-4.9003.  
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### **W-4.10003 Setting of the Service**

The service on the occasion of death ordinarily should be held in the usual place of worship in order to join this service to the community's continuing life and witness to the resurrection. The service shall be under the direction of the pastor. Others may be invited to participate as leaders in the service at the discretion of the pastor. This service may be observed on any day. A request to observe such a service as a part of the Lord's Day service or to celebrate the Lord's Supper as a part of a service on the occasion of death requires the approval of the session.

### **W-4.10004 Form and Order**

The service begins with scriptural sentences. It is appropriate for worshipers to sing hymns, psalms, spirituals, or spiritual songs which affirm God's power over death, a belief in the resurrection to life everlasting, and the assurance of the communion of the saints. Scripture shall be read; a sermon or other exposition of the Word may be proclaimed; an affirmation of faith may be made by the people. Aspects of the life of the one who has died may be recalled. Prayers shall be offered giving thanks to God

- (1) for life in Jesus Christ and the promise of the gospel,
- (2) for the gift of the life of the one who has died,
- (3) for the comfort of the Holy Spirit,
- (4) for the community of faith;

making intercessions

- (5) for family members and loved ones who grieve,
- (6) for those who minister to and support the bereaved,
- (7) for all who suffer loss;

lifting supplications

(8) for faith and grace for all who are present;

concluding with the Lord's Prayer.

The service ends by commending the one who has died to the care of the eternal God and sending the people forth with a benediction.

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GA (1993, 332, 21.094, Req. 93-9): See at W-1.2001.  
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### **W-4.10005 Alternatives and Options**

This service may be observed before or after the committal of the body. In order that attention in the service be directed to God, when a casket is present it ordinarily is closed. It may be covered with a funeral pall. The service may include other actions common to the community of faith and its cultures when these actions do not detract from or diminish the Christian understanding of death and resurrection. The service shall be complete in itself, and any fraternal, civic, or military rites should be conducted separately. When there are important reasons not to hold the service in the usual place of worship, it may be held in another suitable place such as a home, a funeral home, a crematorium, or at graveside.

### **W-4.10006 Service of Committal**

Members and friends of the family of the one who has died should gather at the graveside or crematorium for a service of farewell, which is to be conducted with simplicity, dignity, and brevity. The service includes readings from Scripture, prayers, words of committal, and a blessing, reflecting the reality of death, entrusting the one who has died to the care of God, and bearing witness to faith in the resurrection from the dead.

## **ENDNOTES TO CHAPTER IV.**

W-4.8000: II Cor. 5:18-20; Jas. 5:16; West. Conf. 6.086; Conf. 1967 9.07, 9.22.

W-4.9000: 2 Helv. Conf. 5.245-5.251; West. Conf. 6.131-6.139.

W-4.10000: 2 Helv. Conf. 5.235-5.236.





## **W-5.0000 CHAPTER V. WORSHIP AND PERSONAL DISCIPLESHIP**

### **W-5.1000 1. Personal Worship, Discipleship, and the Community of Faith**

#### **W-5.1001 Personal and Communal Worship**

Christians respond to God both in communal worship and service and in personal acts of worship and discipleship. The life of the Christian flows from the worship of the church, where identity as a believer is confirmed and where one is commissioned to a life of discipleship and of personal response to God. The believer's life of response and discipleship flows into the church's life of worship and service. (W-1.1005; W-2.1001)

#### **W-5.1002 Worship and Life**

Through worship people attend to the presence of God in their life. From a Christian's life in the world comes the need for worship; in worship one sees the world in light of God's grace; from worship come vision and power for living in the world.

#### **W-5.1003 Worship and Ministry**

The Word of God proclaimed and received in worship calls each believer to faithful discipleship in the world. From such service the disciple turns to give thanks, to confess, to intercede, and to hear Christ's call anew. The rhythm of the life of the believer moves from worship to ministry, from ministry to worship.

#### **W-5.1004 Worship and Discipline**

The life of a Christian is empowered by grace, is expressed in obedience, and is shaped by discipline. God has given as means of grace the elements of worship to be used by households and by individuals as well as by congregations. (W-2.0000) The session should encourage people to use the disciplines described in this directory as expressions of their obedience and discipleship and as means for living and growing in the grace of God. (W-5.2000 -5.5000)

### **W-5.2000 2. The Discipline of Daily Personal Worship**

#### **W-5.2001 Daily Personal Worship**

Daily personal worship is a discipline for attending to God and accepting God's grace. The daily challenge of discipleship requires the daily nurture of worship. Daily personal worship may occur in a gathered community of faith (W-1.1005; W-1.3012; W-3.4000), in households and families (W-5.7000), or in private. Scripture, prayer, self-offering, and commitments to service are elements of daily personal worship. Baptism and the Lord's Supper are by their nature communal, but preparing for and remembering these Sacraments are important in daily personal worship. An aspect of the discipline of daily personal worship is finding the times and places

where one can focus on God's presence, hear God's Word, and respond to God's grace in prayer, self-offering, and commitment to service.

### **W-5.3000 3. Scripture in Personal Worship**

#### **W-5.3001 Scripture**

Scripture is the record of God's self-revelation through which the Holy Spirit speaks to bear witness to Jesus Christ and to give authoritative direction for the life of faith. Personal worship centers upon Scripture as one reads and listens for God's Spirit to speak. (W-2.2000)

#### **W-5.3002 Uses of Scripture**

##### **W-5.3002a. Reading Scripture**

One may read Scripture for the guidance, support, comfort, encouragement, and challenge which the Word of God presents.

##### **W-5.3002b. Study of Scripture**

One may study the Scriptures to understand them in their literary forms and in their historical and cultural contexts in order to hear the Word of God more clearly and to obey more faithfully.

##### **W-5.3002c. Meditate On**

One may meditate upon the Word,

**W-5.3002c.(1)** committing passages of Scripture to memory,

**W-5.3002c.(2)** recalling and reflecting upon the revelation of God,

**W-5.3002c.(3)** analyzing and comparing biblical themes, images, and forms,

**W-5.3002c.(4)** finding touchpoints and exploring relationships between Scripture and life,

**W-5.3002c.(5)** entering imaginatively into the world and events portrayed in the Bible to participate in what God does and promises there,

**W-5.3002c.(6)** wrestling with the challenges and demands of the gospel,

**W-5.3002c.(7)** offering one's self afresh for life in response to God.

#### **W-5.3003 Helps in Using Scripture**

It is often helpful to keep a record of one's insights and personal responses to reading, studying, and meditating upon the Word, or to share them with others. Writing paraphrases, summaries, and brief reflections, making creative responses, and keeping journals are all disciplines which assist in responding to the Word of God in Scripture. It is especially important in personal worship to read widely in Scripture. Using lectionaries and various translations and paraphrases is helpful in seeking to hear the full message of God's Word. (W-2.2004)

## **W-5.4000 4. Prayer in Personal Worship**

### **W-5.4001 Prayer**

Prayer is a conscious opening of the self to God, who initiates communion and communication with us. Prayer is receiving and responding, speaking and listening, waiting and acting in the presence of God. In prayer we respond to God in adoration, in thanksgiving, in confession, in supplication, in intercession, and in self-dedication. (W-2.1000)

### **W-5.4002 Expressing Prayer**

Prayer in personal worship may be expressed in various ways.

One may engage in conscious conversation with God, putting into words one's joys and concerns, fears and hopes, needs and longings in life.

One may wait upon God in attentive and expectant silence.

One may meditate upon God's gifts, God's actions, God's Word, and God's character.

One may contemplate God, moving beyond words and thoughts to communion of one's spirit with the Spirit of God.

One may draw near to God in solitude.

One may pray in tongues as a personal and private discipline.

One may take on an individual discipline of enacted prayer through dance, physical exercise, music, or other expressive activity as a response to grace.

One may enact prayer as a public witness through keeping a vigil, through deeds of social responsibility or protest, or through symbolic acts of disciplined service.

One may take on the discipline of holding before God the people, transactions, and events of daily life in the world.

One may enter into prayer covenants or engage in the regular discipline of shared prayer.

The Christian is called to a life of constant prayer, of "prayer without ceasing." (Rom. 12:12; I Thess. 5:17)

### **W-5.4003 Helps in Prayer**

In exercising the discipline of prayer in personal worship one may find help for shaping the form and content of one's prayers

- a. in Scripture, especially the Lord's Prayer and other prayers, the psalms and other biblical songs;

- b. in hymns, spirituals, and other songs;
- c. in service books, prayer books, and worship aids;
- d. in the heritages of prayer and devotion expressed in literature and visual arts.

Such resources may also help one see the occasions and subjects of prayer, as may the daily news and church program interpretation materials and guides to personal worship.

## **W-5.5000 5. Other Disciplines in Personal Worship and Discipleship**

### **W-5.5001 The Lord's Day**

#### **W-5.5001a.**

God has given means of grace beyond Scripture, Sacraments, and prayer.

#### **W-5.5001b. Disciplined Observance of**

Christians have received the Lord's Day to be kept holy to the Lord. (W-1.3011, W-3.2001) It is the beginning of the believer's week and gives shape to the life of discipleship. Disciplined observance of this day includes

- (1) participation in public worship,
- (2) engagement in ministries of witness, service, and compassion,
- (3) activities that contribute to spiritual re-creation and rest from daily occupation.

In observing this discipline, Christians whose work takes place on Sunday should set aside another day of the week for these observances.

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 Amend (1993, 21.158; 726, 38.069-.081, Ref. Ovt. 91-24): Struck "preparation of one's self for" and in (3) struck "intentional recreation" and inserted "activities...re-creation".  
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### **W-5.5002 Seasons**

The seasons of the Christian year provide a rhythm and content for personal worship and discipleship. (W-1.3013; W-3.2002) Special seasons, occasions, and transitions in one's own life also inform personal worship and discipleship.

### **W-5.5003 Disciplines of Fasting and Enacted Prayer**

Christians observe special times and seasons for the disciplines of fasting, keeping vigil, and other forms of enacted prayer. It is also appropriate to observe these disciplines at any time,

especially in preparation for specific acts of discipleship or as acts of penitence, reconciliation, peacemaking, social protest, and compassion.

### **W-5.5004 Christian Giving**

Giving has always been a mark of Christian commitment and discipleship. The ways in which a believer uses God's gifts of material goods, personal abilities, and time should reflect a faithful response to God's self-giving in Jesus Christ and Christ's call to minister to and share with others in the world. Tithing is a primary expression of the Christian discipline of stewardship. (W-1.3030; W-2.5000)

### **W-5.5005 Stewardship of Life**

Those who follow the discipline of Christian stewardship will find themselves called to lives of simplicity, generosity, honesty, hospitality, compassion, receptivity, and concern for the earth and God's creatures. (W-7.5000)

## **W-5.6000 6. Christian Vocation**

### **W-5.6001 God's Call**

God calls a people

**W-5.6001a.** to believe in Jesus Christ as Lord and Savior;

**W-5.6001b.** to follow Jesus Christ in obedient discipleship;

**W-5.6001c.** to use the gifts and abilities God has given, honoring and serving God

**W-5.6001c.(1)**in personal life,

**W-5.6001c.(2)**in households and families,

**W-5.6001c.(3)**in daily occupations,

**W-5.6001c.(4)**in community, nation, and the world.

### **W-5.6002 Our Response**

A person responds to God's call to faith in Jesus Christ through Baptism and through Baptism and through life and worship in the community of faith.

Persons respond to God's call to discipleship through the ministries of God's people in and for the world.

Persons respond to God's call to honor and serve God in every aspect of human life

**W-5.6002a.** in their work and in their play

**W-5.6002b.** in their thought and in their action

**W-5.6002c.** in their private and in their public relationships.

### **W-5.6003 Worship and Work**

God hallows daily life, and daily life provides opportunity for holy living. As Christians honor and serve God in daily life, they worship God. For Christians, work and worship cannot be separated.

## **W-5.7000 7. Worship in Families and Households**

### **W-5.7001 Household Worship**

When Christians live together in a family or in a household they should observe times of worship together. When it is possible to worship together daily, households may engage in

- a. table prayer, which may be accompanied by the use of Scripture and song;
- b. morning and evening prayer;
- c. Bible reading, study, reflection, and memorization;
- d. singing psalms, hymns, spirituals, and other songs;
- e. expressions of giving and sharing.

Given the complexity of schedules and the separations incurred in daily occupations, it is especially important to cultivate the discipline of regular household worship. When members of a household are not able to come together for worship, they may nevertheless observe a common time of personal worship with common readings and prayer concerns.

### **W-5.7002 Children in Household Worship**

The parent(s) or the one(s) exercising parental responsibility should teach their children about Christian worship by example, by providing for household worship, and by discussion and instruction. Children join in household worship

- a. praying and singing
- b. listening to and telling Bible stories
- c. reading and memorizing
- d. leading and sharing
- e. enacting and responding.

Children should be taught appropriate elements of worship used regularly in the Service for the Lord's Day. (W-2.3012-.3013; W-3.1004; W-3.3100; W-3.5202; W-6.2000)

### **W-5.7003 Special Occasions and Seasons**

Household worship should reflect those occasions of special recognition and celebration which occur in the life of the church and in the lives of those in the household. Birthdays, baptismal days, and other anniversaries are all appropriate occasions for special observance. It is also important in household worship to anticipate and remember the Lord's Day and the celebration of the Sacraments of Baptism and the Lord's Supper. Seasons of the Christian year provide direction and content for household worship, with the seasons of Advent and Lent and the celebration of Christmas and Easter being particularly appropriate to observe in worship in households. Worship in this setting will also recognize the cycle of seasons in nature and the rhythm of community, national, and world life, as well as those events and needs which remind believers of their call to live as disciples of Jesus Christ in the world. (W-2.3014; W-3.2000; W-3.3600)

### **ENDNOTES TO CHAPTER V.**

W-5.4002: Ps. 119, 130; Matt. 6:6; Luke 11:1-4; Rom. 8:26 f.; I Cor. 12-14.

W-5.5001: Heid. Cat. 4.103; West. Conf. 6.119; S. Cat. 7.061; L. Cat. 7.227.

W-5.5004: 2 Helv. Conf. 5.227-5.231.





## **W-6.0000 CHAPTER VI. WORSHIP AND MINISTRY WITHIN THE COMMUNITY OF FAITH**

### **W-6.1000 1. Mutual Ministries in the Church**

#### **W-6.1001 Responding to God in Ministries**

In communal and personal worship God calls people to faith and discipleship. Those responding to this call offer themselves and the gifts which God has given them to be used in the life of the community of faith for ministries to the world and to one another. (W-1.1000; W-5.1000; F-1.0301; F-1.0302a; F-1.0403)

#### **W-6.1002 Mutual Ministries in the Church**

Mutual ministries to one another in the church spring from and are nourished by the Word proclaimed and heard, by the Sacraments celebrated and received, and by prayer offered and shared in worship.

#### **W-6.1003 Nurture and Pastoral Care**

Nurture and pastoral care are ways in which Christians minister to one another. The nurture of believers and their children in the Christian community is a process of bringing them to full maturity in Jesus Christ. Pastoral care is the support which Christians offer one another in daily living and at times of need and of crisis in personal and communal life. Often nurture involves pastoral care and pastoral care furthers Christian nurture.

### **W-6.2000 2. Christian Nurture**

#### **W-6.2001 Entering the Community**

The Christian community provides nurture for its members through all of life and life's transitions. The church offers nurture to those entering the community of faith,

**W-6.2001a.** preparing for Baptism,

**W-6.2001b.** including them in the life of the community,

**W-6.2001c.** welcoming them to participate in its worship and to come to the Lord's Table,

**W-6.2001d.** assisting them to claim their identity as believers in Jesus Christ,

**W-6.2001e.** equipping them to live as commissioned disciples in the world. (W-2.3012; W-2.3013; W-4.2002; W-4.2003)

#### **W-6.2002 Assuming Responsibility**

The church offers nurture to people assuming responsibility in the world, assisting them

**W-6.2002a.** with self-discovery and world awareness,

- W-6.2002b.** with self-discipline and discipleship,
- W-6.2002c.** with developing commitment to moral and ethical values,
- W-6.2002d.** with making informed choices about education and occupations,
- W-6.2002e.** with making wise commitments in personal relationships and marriage.

### **W-6.2003 Living out Vocation**

As the church ministers to people who are discovering Christian vocation, so it offers nurture to those who are living out Christian vocation in public, active life. (W-5.6000) It guides and supports them in their discipleship

- W-6.2003a.** as ministers to one another in the community of faith,
- W-6.2003b.** as stewards of material resources, time, and talents,
- W-6.2003c.** as members of families, especially in their own role of sharing the faith with others of their households,
- W-6.2003d.** as responsible citizens,
- W-6.2003e.** as servants of God for the world.

### **W-6.2004 Responding to Change**

The church provides nurture to guide and support people as they continue their discipleship in circumstances offering new limitations and new freedoms.

### **W-6.2005 Providers of Nurture in the Church**

In the service of Baptism the congregation, trusting in the power of the Holy Spirit, and on behalf of the universal Church, pledges responsibility for Christian nurture. (W-2.3013; W-3.3603) The session and the **uling elders** are responsible for providing for the development and supervision of the educational program of the church, for instructing **ruling elders and deacons**, and for developing discipleship among members. (G-2.0301; G-3.0201) The pastor nurtures the community through the ministries of Word and Sacrament, by praying with and for the congregation, through formal and informal teaching, and by example. (G-6.0106; G-6.0202) Some in the community of faith whose special gifts and training have prepared them for a ministry of education are called to the task of leadership in nurture. Teachers, advisers, and others appointed by the session guide, instruct, and equip those for whose education and nurture they are responsible. (W-3.3503) Parents or those exercising parental responsibility share the faith of the church with children. (W-4.3002; W-5.7000)

### **W-6.2006 Resources and Occasions for Nurture**

The primary standard and resource for the nurture of the church is the Word of God in Scripture. The central occasion for nurture in the church is the Service for the Lord's Day, when the Word is proclaimed and the Sacraments are celebrated. All members of the community, from oldest to youngest, are encouraged to be present and to participate. Educational activities should not be

scheduled which prevent regular participation in this service. (W-3.1004) An important and continuing context for Christian nurture is the home, where faith is shared through worship, teaching, and example. The church provides other occasions for nurture

- a. in the classes of the church school,
- b. in other groups and fellowships organized for education and nurture,
- c. in groups and associations gathered for service and mission,
- d. in committees, boards, and **councils**,
- e. in retreats, camps, and conferences.

The confessional documents of the church provide guidance in nurture. (F-2.00) Shape and content for study and instruction are provided by the rich resources of the liturgical, cultural, and ethnic heritages of the church. Educational materials developed for various approaches to Christian nurture are appropriate for use as approved by the session. (G-3.0201)

## **W-6.3000 3. Pastoral Care**

### **W-6.3001 Pastoral Care**

The Christian community offers pastoral care to its members in their personal and communal life. The church may provide different levels of this mutual ministry of care.

### **W-6.3002 Care by All Christians**

All Christians are called to care for one another in daily living, sharing joys and sorrows, supporting in times of stress and need, offering mutual forgiveness and reconciliation. This care is primarily offered as the community of faith worships together. It is also provided as people interact in community and as they come together in groups for nurture or to carry on ministries of the church. **Ruling elders**, deacons, and pastors are called to special responsibility for this common pastoral care. (G-2.0201; G-2.0301; G-2.0501)

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[Amend Referred \(1998, 160, 16.0134, 670, Ovt. 98-32\): Ovt. re. pastoral confidentiality answered by amendments at G-6.0203 and former G-14.0801e \[now G-14.0562\]. See notes at those sections.](#)  
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### **W-6.3003 Pastoral Counseling**

Some in the community of faith who have special gifts and appropriate training are called in the church to the particular ministry of pastoral counseling with individuals and with groups formed for this purpose.

### **W-6.3004 Referral**

In certain circumstances the ministry of pastoral care may call for referral to **teaching elders in specialized ministries** or others qualified by credentials and faith-perspective to provide appropriate counseling or therapy.

### **W-6.3005 Care in Illness**

The church offers pastoral care to people in the special needs and crises of their lives. When people are ill, Christians respond with prayer, visits, and other acts which express love and support for those who are sick and for their households, their families, and their friends. When illness is critical or is prolonged, those offering pastoral care will give special attention to the needs and stresses experienced by everyone involved. Terminal illness calls for particular care which mediates trust in God, support in suffering, comfort for distress, and hope in the face of death.

### **W-6.3006 Care at Death**

When death comes, the church in its pastoral care immediately offers the ministry of presence, of shared loss and pain, of faith and hope in the power of the resurrection, and of ordinary acts of care and love. The church continues special pastoral care during the time of grieving and adjusting. (W-4.10000)

### **W-6.3007 Care in Loss**

Other occasions of loss in life, such as

- W-6.3007a.** the loss of power,
- W-6.3007b.** the fading away of a once important relationship,
- W-6.3007c.** the departure of children from the home,
- W-6.3007d.** the loss of meaningful employment, means of livelihood, or financial security,
- W-6.3007e.** the ending of a marriage in separation or divorce, call for pastoral care which provides opportunities to grieve and offers practical help and support in the process of renewal and adjustment.

### **W-6.3008 Care in Broken Relationships**

The church provides pastoral care which calls people to healing and seeks to support those caught up in the hurts, hostilities, and conflicts of daily living which lead to broken relationships in families and households, in the school and the workplace, in neighborhoods and communities, and in the church. (W-4.8000)

### **W-6.3009 Care in Sin and Forgiveness**

The call to healing in pastoral care involves the recognition in each one's life of the reality of sin, which is the source of all human brokenness. The believing community announces the good news of God whose love gives people grace

- a. to confess their sin and complicity in brokenness,
- b. to repent, expressing sorrow and intention to change,

- c. to accept God’s forgiveness and extend that forgiveness to another,
- d. to forgive the other and accept the other’s forgiveness,
- e. to work toward reconciliation in brokenness,
- f. to trust the power of God to bring healing and peace. (W-4.8000)

Receiving confession and declaring God’s forgiveness, calling for repentance and supporting in the struggle toward new life, encouraging people to forgive and receive forgiveness, and mediating reconciliation are appropriate acts of pastoral care.

### **W-6.3010 Care in the Transitions of Life**

The church recognizes transitions which bring joy and sorrow in human life:

- a. children are born, grow up, become independent, find their aging parents becoming dependent upon them;
- b. people begin work, change jobs, retire;
- c. households are established, move to new locations, gain and lose members;
- d. people are empowered, restored, make new commitments.

The ministries of pastoral care support people in recognizing, accepting, and celebrating these and other such times of adjustment, assisting them in working toward a new role in life and affirming their identity through transition.

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Amend Rejected (2012, 44, 1192, Item 13-04): Rejected proposed changes to the Directory for Worship to redefine marriage. Item 13-04 was then answered by Item 13-NB as were all other items requesting amendment to definition of marriage:(13-01, 13-06, 13-11, 13-13).

GA (2012, 13-02, 13-03, 13-05, 13-08, 13-09, 13-10,13-14): All items requesting authoritative interpretation allowing for pastoral discretion in performing same gender marriages by Item 13-NB.

GA (2012, 13-07, 13-12): All items requesting authoritative interpretation allowing for pastoral discretion if performing same gender marriages by Item 13-NB.

PJC (2008, 314, 218-12, Spahr v. Pby of Redwoods): “... officers of the PC(USA) authorized to perform marriages shall not state, imply, or represent that a same gender ceremony is a marriage.”

PJC (2000, 586, 12.169, Benton, et al. v. Pby of Hudson River): A same-gender ceremony celebrates a loving, caring, committed relationship. Appropriate for worship occasion to be in form and spirit of W-6.3010 and W-6.3011.

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### **W-6.3011 Resources of Worship for Pastoral Care**

The community of faith engages in the ministries of mutual care in its worship, and its members draw upon the resources of worship in giving pastoral care.

**W-6.3011a.** Scripture is central as a resource for support, comfort, and guidance. The proclamation of the Word in sermon and song may lead to recognizing need and may provide care. (W-2.2000; W-3.3400)

**W-6.3011b.** Prayers--silent, spoken, and sung--give thanks, intercede, make supplication, and acknowledge God's presence and power. Prayer enacted by the laying on of hands and anointing calls upon God to heal, empower, and sustain. (W-2.1000; W-3.3506; W-3.5400)

**W-6.3011c.** Offering the Sacraments in hospital or household celebrates the presence of Christ, and extends the community of faith beyond the sanctuary. (W-2.3000-2.4000; W-3.3600)

**W-6.3011d.** The Lord's Prayer, psalms, doxologies, benedictions, and other familiar portions of a congregation's worship may extend the support and care of the community of faith to those whose special needs or circumstances have placed them in isolation and remind them of their place in that community.

**W-6.3011e.** Times of remembrance, concerns of the people, prayers of intercession, and other such occasions in corporate worship will bring into the worship of the community of faith those who are absent. (W-3.3300; W-3.3500; W-3.3700)

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[PJC \(2000, 586, 12.169, Benton, et al. v. Pby of Hudson River\): A same-gender ceremony can be a means of pastoral care.](#)  
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## **W-6.4000 Worship and Ministry**

The worship of God in the Christian community is the foundation and context for the ministry of pastoral care as well as for the ministry of nurture in the faith.

### **ENDNOTES TO CHAPTER VI.**

W-6.1003: Rom. 12:15; Gal. 6:2; Eph. 4:12b-16; 2 Helv. Conf. 5.233-5.234, West. Conf. 6.147.

## **W-7.0000 CHAPTER VII. WORSHIP AND THE MINISTRY OF THE CHURCH IN THE WORLD**

### **W-7.1000 1. Worship and Mission**

#### **W-7.1001 Worship and Ministry**

The church participates in God's mission to the world through its ministry and worship. Worship presents the reality of the divine rule which God has promised in Jesus Christ as the final renewal of creation. The worshiping community in its integrity before the Word and its unity in prayer and Sacraments is a sign of the presence of the reign of God. The church in its ministry bears witness to God's reign through the proclamation of the gospel, through works of compassion and reconciliation, and through the stewardship of creation and of life. Signs of God's reign are also manifest in the world wherever the Holy Spirit leads people to seek justice and to make peace. (F-1.01)

#### **W-7.1002 Worship and Mission**

God calls the church in worship to join the mission of Jesus Christ in service to the world. As it participates in that mission the church is called to worship God in Jesus Christ, who reigns over the world. (F-1.0304)

### **W-7.2000 2. Proclamation and Evangelism**

#### **W-7.2001 The Scope of Evangelism**

God sends the church in the power of the Holy Spirit

- W-7.2001a.** to announce the good news that in Christ Jesus the world is reconciled to God,
- W-7.2001b.** to tell all nations and peoples of Christ's call to repentance, faith, and obedience,
- W-7.2001c.** to proclaim in deed and word that Jesus gave himself to set people free,
- W-7.2001d.** to offer in Christ's name fullness of life now and forever,
- W-7.2001e.** to call people everywhere to believe in and follow Jesus Christ as Lord and Savior,
- W-7.2001f.** to invite them into the community of faith to worship and serve the triune God. (F-1.0304; F-1.03)

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Amend Rejected (1993, 21.158; 725, 38.063-.068, Ref. Ovt. 91-25): Rejected request to make section consistent with other provisions because the overture introduced no substantive changes in language.  
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## **W-7.2002 Contexts of Evangelism**

Worship is the primary context in which people regularly hear the proclamation of the gospel, are presented with God's promise, are given the opportunity to respond with faith and acts of commitment, and receive the nurture and support of the community. (W-2.2000; W-2.5001; W-3.3501-.3503; W-3.5500) In the life of the church, the transforming power of the Holy Spirit is manifest in mutual love and service, in self-giving and acceptance, drawing people from their separateness into the community of shared faith in Jesus Christ. As Christians daily live out their vocation in the world, they invite those they meet to come and share the life of the people of God and join in their worship.

## **W-7.3000 3. Compassion**

### **W-7.3001 A Ministry of Compassion**

God sends the church in the power of the Holy Spirit to exercise compassion in the world,

- W-7.3001a.** feeding the hungry,
- W-7.3001b.** comforting the grieving,
- W-7.3001c.** caring for the sick,
- W-7.3001d.** visiting the prisoners,
- W-7.3001e.** freeing the captives,
- W-7.3001f.** sheltering the homeless,
- W-7.3001g.** befriending the lonely.

### **W-7.3002 Compassion and Worship**

God's call to compassion is proclaimed in worship. Those called are equipped and strengthened for the ministry of compassion by the proclamation of the Word and by the celebration of the Sacraments. The call is accepted as the faithful respond in prayers of confession and intercession, in acts of self-offering, and in offering material goods to be shared in ministries of compassion. (W-2.1002; W-2.5000; W-3.3505-.3507) Those called are commissioned and sent by the church to do acts of compassion on Christ's behalf. (W-2.6000; W-3.3701; W-4.3000)

### **W-7.3003 Compassion and Advocacy**

Such acts of compassion, done corporately and individually, are the work of the church as the body of Christ. The church is called to minister to the immediate needs and hurts of people. The church is also called to engage those structures and systems which create or foster brokenness and distortion. Christians respond to these calls through acts of advocacy and compassion, through service in common ministries of the church, and through cooperation with agencies and organizations committed to these ends. (F-1.03)

### **W-7.3004 Faithful Compassion**

Following the example of Jesus Christ, faithful disciples today express compassion



- W-7.3004a.** with respect for the dignity of those in need,
- W-7.3004b.** with openness to help even those judged undeserving,
- W-7.3004c.** with willingness to risk their own comfort and safety,
- W-7.3004d.** with readiness to receive as well as to give,
- W-7.3004e.** with constant prayer in the midst of ministering, always in communion with the renewing power of the worshiping community. (F-1.02)

## **W-7.4000 4. Reconciliation: Justice and Peace**

### **W-7.4001 Reconciliation in Christ**

God sends the church in the power of the Holy Spirit to share with Christ in establishing God's just, peaceable, and loving rule in the world. (F-1.02) God's reconciliation in Jesus Christ is the ground of justice and peace. (Conf. 1967 9.45) The church in worship proclaims, receives, and enacts reconciliation in Jesus Christ and commits itself to strive for justice and peace in its own life and in the world.

### **W-7.4002 Doing Justice**

Justice is the order God sets in human life for fair and honest dealing and for giving rights to those who have no power to claim rights for themselves. The biblical vision of doing justice calls for

- W-7.4002a.** dealing honestly in personal and public business,
- W-7.4002b.** exercising power for the common good,
- W-7.4002c.** supporting people who seek the dignity, freedom, and respect that they have been denied,
- W-7.4002d.** working for fair laws and just administration of the law,
- W-7.4002e.** welcoming the stranger in the land,
- W-7.4002f.** seeking to overcome the disparity between rich and poor,
- W-7.4002g.** bearing witness against political oppression and exploitation,
- W-7.4002h.** redressing wrongs against individuals, groups, and peoples in the church, in this nation, and in the whole world.

### **W-7.4003 Making Peace**

There is no peace without justice. Wherever there is brokenness, violence, and injustice the people of God are called to peacemaking

- W-7.4003a.** in the Church universal fragmented and separated by histories and cultures, in denominations internally polarized by mutual distrust, and in congregations plagued by dissension and conflict;
- W-7.4003b.** in the world where nations place national security above all else, where the zealotry of religion, race, or ideology explodes in violence, and where the lust for getting and keeping economic or political power erupts in rioting or war;
- W-7.4003c.** in communities racked by crime and fear, in schools and workplaces marked by vicious competition and rebellion against order, and in households and families divided against themselves, scarred by violence and paralyzed by fear.

### **W-7.4004 Reconciliation in Worship**

The ministries of reconciliation, justice, and peace are initiated and nurtured in the church's worship of God. In the proclamation of God's Word people are given assurance of freedom from the guilt and fear which keep them from fulfilling these ministries. In Baptism and the Lord's Supper believers are united in Christ, are made one in the church through the Holy Spirit, and recognize one another across all boundaries and divisions as sisters and brothers in the faith. (W-2.3000-.4000) In prayer the faithful lift intercessions for all who experience brokenness, violence, and injustice; give thanks to God for reconciliation, peace, and justice in Jesus Christ; and commit themselves to be reconcilers seeking justice and pursuing peace. (W-2.1000; W-2.6000; W-3.3506; W-3.3700)

## **W-7.5000 5. Caring for Creation and Life**

### **W-7.5001 God's Mandate**

God calls the Church in the power of the Holy Spirit to participate in God's work of creation and preservation. God has given humankind awesome power and perilous responsibility to rule and tame the earth, to sustain and reshape it, to replenish and renew it.

### **W-7.5002 Worship and the Use of Creation**

In worship Christians rejoice and give thanks to God, who gives and sustains the created universe, the earth, all life, and all goods. They acknowledge God's command to be stewards. They confess their own failures in caring for creation and life. They rejoice in the promise of the redemption and renewal of the creation in Jesus Christ, proclaimed in the Word and sealed in the Sacraments. They commit themselves to live as God's stewards until the day when God will make all things new. (W-1.0000)

### **W-7.5003 Stewardship of Creation**

As stewards of God's creation who hold the earth in trust, the people of God are called to

- a. use the earth's resources responsibly without plundering, polluting, or destroying,
- b. develop technological methods and processes that work together with the earth's environment to preserve and enhance life,
- c. produce and consume in ways that make available to all people what is sufficient for life,
- d. work for responsible attitudes and practices in procreation and reproduction,
- e. use and shape earth's goods to create beauty, order, health, and peace in ways that reflect God's love for all creatures.

In gratitude for the gifts of creation, the faithful bring material goods to God in worship as a means of expressing praise, as a symbol of their self-offering, and as a token of their commitment to share earth's goods. (W-2.5000; W-3.3507; W-5.5005; W-5.6000)

## **W-7.6000 6. The Church and the Reign of God**

### **W-7.6001 The Church and the Kingdom**

The church in its worship and ministry is a sign of the reign of God, which is both a present reality and a promise of the future. The church's worship and service do not make the Kingdom of God come. In an age hostile to the reign of God, the church worships and serves, with confidence that God's rule has been established and with firm hope in the ultimate manifestation of the triumph of God.

### **W-7.6002 Confidence and Hope**

In the present age the church's ministries of evangelism and caring for creation, of compassion and reconciliation are signs of God's reign and offer hope in the midst of life-denying situations. That hope is not dependent on the success of the church's ministries or the effectiveness of its worship, but is sustained by the power of God present with the church as it ministers and worships.

## **W-7.7000 7. Worship as Praise**

### **W-7.7001 Ascription of Praise**

In worship the church is transformed and renewed, equipped and sent to serve God's reign in the world. The church looks for the day

when every knee shall bow,  
in heaven and on earth and under the earth  
and every tongue confess

that Jesus Christ is Lord,  
to the glory of God the Father. (Phil. 2:9-11)

Now to the One who is able to keep us from falling  
and to present us without blemish  
before the presence of God's glory with rejoicing,  
to the only God, our Savior  
through Jesus Christ our Lord,  
be glory, majesty, dominion and authority,  
before all time, now, and forever. (Jude 24.)

Amen!

Blessing and glory and wisdom and thanksgiving  
and honor and power and might  
be to our God  
for ever and ever!

Amen.

(Rev. 7:12)

## **ENDNOTES TO CHAPTER VII.**

- W-7.2001: II Cor. 5:19-20; West. Conf. 6.055-6.058, 6.187-6.190.
- W-7.3001: Matt. 25:31-46; Luke 4:18-21; Rom. 12:6-8; Gal. 6:9-10; Jas. 1:27, 2:14-17.
- W-7.3004: Mark 1:32-38; Luke 6:12.
- W-7.4000: Conf. 1967 9.43-9.47
- W-7.4002: Ex. 22:21-27; Lev. 19:33, 34; Ps. 34; 82; Isa. 2:1-5; 32:1-8,16,17; Amos 5:6-15; Mic. 6:8; Matt. 23:23,24; Luke 4:16-21; West. Conf. 6.127-6.128; L. Cat. 7.246, 7.251, 7.252, 7.254, 7.255; Conf. 1967 9.43-9.47.
- W-7.4003: Isa. 2:1-5; 32:16,17; Mic. 6:8; Jas. 3:13-18; West. Conf. 6.128; L. Cat. 7.245, 7.246; Conf. 1967 9.43-9.47, 9.53-9.56.
- W-7.5001: Gen. 1:26-27; 2:15-20; Ps. 8.

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## Rules of Discipline

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Note: <sup>1</sup>

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In light of the addition of the Foundations of Presbyterian Polity and the revision of the Form of Government (2011), the following terms in use in the Rules of Discipline have been replaced with terms employed in the new and revised documents:

- “Minister” or “Minister of Word and Sacrament” = “Teaching Elder”
- “Elder” = “Ruling Elder”
- “Governing Body” = “Council”
- “Commissioned Lay Pastor” = “Ruling Elder commissioned to particular pastoral service”
- “Office” or “Ordained Office” = “Ordered Ministry”
- “Officer/s,” “Church Officer/s,” or “Ordained Officer/s” = “[person/those in] ordered ministry”



## **D-1.0000 CHAPTER I. PRINCIPLES OF CHURCH DISCIPLINE**

### **Preamble**

#### **D-1.0101 Church Discipline**

Church discipline is the church's exercise of authority given by Christ, both in the direction of guidance, control, and nurture of its members and in the direction of constructive criticism of offenders. The church's disciplinary process exists not as a substitute for the secular judicial system, but to do what the secular judicial system cannot do. Thus, the purpose of discipline is to honor God by making clear the significance of membership in the body of Christ; to preserve the purity of the church by nourishing the individual within the life of the believing community; to achieve justice and compassion for all participants involved; to correct or restrain wrongdoing in order to bring members to repentance and restoration; to uphold the dignity of those who have been harmed by disciplinary offenses; to restore the unity of the church by removing the causes of discord and division; and to secure the just, speedy, and economical determination of proceedings. In all respects, all participants are to be accorded procedural safeguards and due process, and it is the intention of these rules so to provide.

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Amend (2004, 82-3, 302, Item 04-08, Recommendation 3) Added wording specifically related to participants in disciplinary cases.

GA (2008, 48, 51, 282, Item 04-27): "...[T]he Rules of Discipline cannot be used to mediate intrinsic differences of theology, policy, polity, power, or trust. These broader issues of conflict should be addressed by individuals within the church and by administrative processes within the church such as mediation, administrative review committees, or administrative commissions. Judicial process is to be used when an individual church member, after trying to bring about an adjustment or settlement of the quarrel, complaint, delinquency, or irregularity asserted has determined after prayerful deliberation that the due process provided by the Rules of Discipline is necessary to preserve the purity and purposes of the church either to limit the behavior of individuals within the church or to correct the unconstitutional use of power by governing bodies."

PJC (2010, 219-12, 395, Phinisee v. Pby of Charleston Atlantic): Justice delayed is an impediment to the process.

PJC (2010, 219-02, 359, PC(USA) through Pby of Greater Atlanta v. Ransom): Rather than being a criminal code with conduct specifically proscribed, PC(USA) Constitution is infused with principles and standards to which ordained officers voluntarily submit when they answer the ordination questions.

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#### **D-1.0102 Power Vested in Christ's Church**

The power that Jesus Christ has vested in his Church, a power manifested in the exercise of church discipline, is one for building up the body of Christ, not for destroying it, for redeeming, not for punishing. It should be exercised as a dispensation of mercy and not of wrath so that the great ends of the Church may be achieved, that all children of God may be presented faultless in the day of Christ.

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PJC (2010, 219-02, 359, PC(USA) through Pby of Greater Atlanta v. Ransom): Church discipline is not punishment; all judicial process through which discipline is implemented must be in the context of pastoral care and oversight.

PJC (1999, 831, 12.077, Wier v. Second PC, Fort Lauderdale): Reference to serious consequences of disciplinary actions and exhortation not to provoke such cases through irregular ordinations or to initiate cases vindictively or without prayerful consideration.

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## **D-1.0103 Conciliate and Mediate**

The traditional biblical obligation to conciliate, mediate, and adjust differences without strife is not diminished by these Rules of Discipline. Although the Rules of Discipline describe the way in which judicial process within the church, when necessary, shall be conducted, it is not their intent or purpose to encourage judicial process of any kind or to make it more expensive or difficult. The biblical duty of church people to “come to terms quickly with your accuser while you are on the way to court...” (Matthew 5:25) is not abated or diminished. It remains the duty of every church member to try (prayerfully and seriously) to bring about an adjustment or settlement of the quarrel, complaint, delinquency, or irregularity asserted, and to avoid formal proceedings under the Rules of Discipline unless, after prayerful deliberation, they are determined to be necessary to preserve the purity and purposes of the church.

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Amend Referred (2008, 48, 49, 249, Item 04-07): Stated Clerk was instructed to prepare an advisory opinion outlining existing remedies to address abuses of judicial process, and OGA was instructed to prepare possible constitutional amendments for 2010 GA to provide for responses following due process, for permanent judicial commissions and sessions to censure persons found guilty of abusing judicial process through frivolous and/or harassing complaints and/or allegations.

Amend Rejected (2006, 38-39, 417, Item 05-15): Rejected request to assure that discussion, mediation, and/or reconciliation have been attempted before judicial process is begun. See at D-10.0102.

Amend Rejected (2004, 81, 294, Item 04-02): Rejected requiring all members to hold matter “in prayer and confidentiality”.

PJC (2006, 217-7, 475, Williamson v. Pby of W. North Carolina): A PJC may order a lower governing body to formulate a plan for a process of reconciliation.

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<sup>1</sup> [The Rules of Discipline were adopted 1995, effective July 6, 1996, replacing Rules of Discipline adopted by UPC 1982, PCUS 1982, with different preambles. See “Historical Summaries Relating to the Constitutions of the Uniting Churches,” printed as Appendix C.]



## D-2.0000 CHAPTER II. JUDICIAL PROCESS DEFINED

### D-2.0100 1. Judicial Process

#### D-2.0101 Church Discipline

Judicial process is the means by which church discipline is implemented within the context of pastoral care and oversight. It is the exercise of authority by the **councils** of the church for

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Amend Rejected (1999, 64, 603, Ovt. 99-23): Overture proposed adding language here declaring church discipline not meant to “resolve personal grievances” and in D-7.0402b to assess costs for frivolous complaints.

PJC (2010, 219-03, 362, Sundquist v. Heartland Pby): Merely creating an administrative commission is not an act of discipline.

PJC (2010, 219-02, 359, PC(USA) through Pby of Greater Atlanta v. Ransom): Church discipline is not punishment; all judicial process through which discipline is implemented must be in the context of pastoral care and oversight.

PJC (2006, 217-9, Preliminary Order, Synod of the Northeast v. Board of Pensions): Until a subsequent GA has taken back the fiduciary power, the GAPJC has no jurisdiction over the Board’s fiduciary responsibility under Pennsylvania law.

PJC (2006, 217-7, 475, Williamson v. Pby of W. North Carolina): No PJC in our denomination has the authority to amend or to invalidate any part of the Constitution.

PJC (2006, 217-1, 455, Hope, et.al. v. Pby of San Francisco): GAPJC decides only PC(USA) constitutional error and cannot interpret presbytery policy.

PJC (2001, 577, 12.1028, Londonderry v. Pby of N.N.E.): Sufficient for a PJC to base its decision on Scripture and the *Constitution*; no need to cite every provision that might be applicable, unless failure to consider a relevant provision would change the results.

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**D-2.0101a.** the prevention and correction of irregularities and delinquencies by **councils**, the General Assembly Mission Council, or an entity of the General Assembly (Remedial Cases, D-6.0000);

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Amend (2008, 23, 617, Item 08-05): Added “Mission” to “General Assembly Council”.

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**D-2.0101b.** the prevention and correction of offenses by persons (Disciplinary Cases, D-10.0000).

#### D-2.0102 Councils of the Church

The **councils** of the church for judicial process are the session, the presbytery, the synod, and the General Assembly. The session itself conducts trials. The presbytery, the synod, and the General Assembly conduct trials and hearings through permanent judicial commissions.

## **D-2.0103 Alternative Forms of Resolution**

To meet the goals of D-1.0103, the investigating committee may initiate if it deems appropriate, and with the written consent of the accused, alternative forms of resolution conducted by professionally trained and certified mediators and arbitrators. The purpose of the process is to achieve justice and compassion for all persons involved through mediation and settlement.

No statements, written or oral, made at or in connection with this process, shall be themselves admissible in evidence at a subsequent investigation or trial.

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Amend (2008, 48, 49, 262, Item 04-15): Changed “all parties involved” to “the accused”, and “parties” to “persons” after “compassion for all”.

Amend (1996, 241, 21.013, Ovt. 96-48): Added new language allowing for utilization of alternate dispute resolution techniques in disciplinary cases. See changes at D-10.0202g and D-10.0301

Amend Referred (2001, 12.036-.042, OGA Rec.; 2000, 62, 387, Ovt. 00-23): Report of SC referred back, directing consultation with Synod of Pacific and Pby of SF. Overture to “correct inconsistencies” re. ADR referred to OGA in 2000. Changes proposed here and at D-10.0202 and D-10.0301-.0303. Referral resulted in 2002 Amendment; see at D-10.0401c.

Amend Rejected (2006, 38-39, 419, Item 05-16): Rejected request to add new paragraph requiring investigating committee or PJC to assure compliance with D-1.0103 in order to avoid frivolous complaints. See at D-10.0102.

PJC (2008, 324, 218-15, First PC of Washington v. Pby of Washington): Permanent judicial commissions are not required by the *Book of Order* to instruct or even encourage parties to engage in non-judicial dispute resolution.

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## **D-2.0200 2. Types of Cases**

### **D-2.0201 Remedial or Disciplinary**

Judicial process consists of two types of cases: remedial and disciplinary.

### **D-2.0202 Remedial**

A remedial case is one in which an irregularity or a delinquency of a lower **council**, the General Assembly Mission Council, or an entity of the General Assembly may be corrected by a higher **council**.

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Amend (2008, 23, 617, Item 08-05): Added “Mission” to “General Assembly Council”.

Amend Rejected (2006, 38-39, 420, Item 05-17): Rejected adding ability to file remedial action against gov body moderator or clerk.

GA (2004, 47, 202, Item 03-18): Clarified that word “entity” denotes organized body, not an individual or an office held by an individual.

PJC (2006, 217-9, **Preliminary Order**, Synod of the Northeast v. Board of Pensions): Until a subsequent GA has taken back the fiduciary power, the GAPJC has no jurisdiction over the Board's fiduciary responsibility under Pennsylvania law.

PJC (2006, 217-7, 475, Williamson v. Pby of W. North Carolina): No PJC in our denomination has the authority to amend or to invalidate any part of the Constitution.

PJC (2006, 217-1, 455, Hope, et.al. v. Pby of San Francisco): GAPJC decides only PC(USA) constitutional error and cannot interpret presbytery policy.

PJC (2003, 283, 215-12, Westminster PC v. OGA et al.): Claim against moderator or clerk in individual capacities is disciplinary, not remedial.

PJC (1999, 12.177, Session of Govans PC, Baltimore v. GAC): Release of advice by GAC did not constitute an irregularity. Decision did not consider the content of the advice.

PJC (1998, 136, 12.0184, Pby of Nat. Capital v. OGA): Release of advice by OGA did not constitute an irregularity. Decision did not consider the content of the advice.

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### **D-2.0202a. Irregularity**

An irregularity is an erroneous decision or action.

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PJC (2006, 217-14, 501, Concord Liberty PC v. OGA, et al): Complaint dismissed for failure to state a claim upon which relief may be granted since irregularities asserted were not "actions" subject to remedial attack under D-2.0202a.

PJC (2000, 581, 12.098, Pby of Shenango v. GAC): Issuance of awards (by GAC) not addressed in *Constitution*, therefore is not subject to review under D-2.0202a (irregularity).

PJC (1998, 136, 12.0184, Pby of Nat. Cap. v. OGA): See at D-6.0305d.

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### **D-2.0202b. Delinquency**

A delinquency is an omission or failure to act.

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PJC (1984, 107, 11.088, Edmonds v. Pby of Cape Fear): Discusses difference between a delinquency and an irregularity.

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### **D-2.0203 Disciplinary**

A disciplinary case is one in which a church member or **a person in an ordered ministry** may be censured for an offense.

#### **D-2.0203a. Church Persons in Ordered Ministry**

**Persons in ordered ministries** are **teaching elders, ruling elders, and deacons.**

#### **D-2.0203b. Offense**

An offense is any act or omission by a member or **a person in an ordered ministry** of the church that is contrary to the Scriptures or the *Constitution of the Presbyterian Church (U.S.A.)*.

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GA(2010, 59, 348, Item 05-25): “An offense does not include the act of participating in deliberations and decisions ultimately made by a committee or commission of a governing body or of the governing body.”

PJC (2010, 219-09, 384, Davis v. Pby of San Francisco): 1) Governing body of membership determines whether a church officer or member has departed from biblical and constitutional standards to find a member guilty of a disciplinary offense.

2) PC(USA) does not have a legal code of behavior or a list of “essentials” of Reformed faith.

PJC (2010, 219-02, 359, PC(USA) through Pby of Greater Atlanta v. Ransom): Church discipline is not punishment; all judicial process through which discipline is implemented must be in the context of pastoral care and oversight.

PJC (2001, 584, 12.1111, Pby of Elizabeth v. Finn): A material omission with intention to deceive or mislead is a chargeable offense.

Earlier Ref.: (PC(USA), 1928, 86, PJC, Altvater v. Pby of Toledo): Pastoral relationship dissolved for contumacy.  
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## D-3.0000 CHAPTER III. JURISDICTION IN JUDICIAL PROCESS

### D-3.0101 Jurisdiction

In judicial process, each of the **councils** has jurisdiction as follows:

#### D-3.0101a. Session

The session of a church has original jurisdiction in disciplinary cases involving members of that church.

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Amend Rejected (2006, 38-39, 420, Item 05-17): Rejected adding ability to file remedial action against gov body moderator or clerk.  
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#### D-3.0101b. Presbytery

**D-3.0101b.(1)** The presbytery has original jurisdiction in disciplinary cases involving **teaching elder** members of that presbytery and **ruling elders commissioned to pastoral service** in congregations in the presbytery. (G-3.0307)

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Amend (1996, 257, 21.077, 370, 33.104): Provided for pby to have original jurisdiction over CLPs in disciplinary cases. See note at G-14.0564.

Amend Rejected (2006, 38-39, 420, Item 05-17): Rejected adding ability to file remedial action against gov body moderator or clerk.

GA (2006, 38, 40, 438, Item 05-24): The decision to allow a commissioned lay pastor from another presbytery to labor within the bounds of a presbytery is determined by the presbytery in which such ministry occurs.  
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**D-3.0101b.(2)** A **teaching elder** engaged in work within the bounds of a presbytery other than the presbytery of membership, whether that work is under the jurisdiction of the presbytery or not, does, by engaging in that work, submit to the jurisdiction of that presbytery for the purposes of discipline. Should disciplinary process be initiated against a **teaching elder** under this provision, the presbytery of membership shall be notified. This paragraph shall apply even if the provisions of G-3.0306 concerning permission to labor outside or within the bounds have not been followed. This paragraph shall not apply if the **teaching elder** is working in a validated ministry under the provisions of G-2.0502 and G-2.0503a.

-----  
Amend Proposed (2012, 26, 28, 612, Item 06-18): Intent is to address the use of “labor outside or within the bounds” in this section which is no longer found in the Form of Government

Amend (1999, 63, 96, 12.061-.062): Made original “b” a sub-section “1” and added a new “2” to allow a presbytery where a minister works to assume jurisdiction for purposes of discipline.

Amend (1996, 257, 21.077, 370, 33.104): Provided for presbytery to have original jurisdiction over CLPs in disciplinary cases. See note at G-14.0564.  
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### **D-3.0101c. Presbytery, Synod, General Assembly**

The presbytery, the synod, and the General Assembly have jurisdiction in remedial cases (D-6.0000) and in appeals (D-8.0000 and D-13.0000).

-----  
Amend (1995, 201, 21.012, 1992 Ref.): With the adoption of the new Rules of Discipline, removed the language making the synod PJC a final court except in matters involving interpretation of the Constitution or where a synod exercised original jurisdiction.

Amend (1984, 597, 55.038, Item 14): Inserted “Decisions of the synod shall be final . . . of the church.”

Amend Rejected (2006, 38-39, 420, Item 05-17): Rejected adding ability to file remedial action against gov body moderator or clerk.

PJC (2006, 217-7, 475, Williamson v. Pby of Western North Carolina): No governing body or PJC has the authority to declare a properly adopted provision of the *Constitution* invalid; only amendment process can modify or remove. PJC (2001, 577, 12.1028, Londonderry v. Pby of N.N.E.):

PJC (2006, 210-6, Veldhuizen v. Pby of San Francisco); (1999, 839, 12.183, Veldhuizen Request for Reconsideration of 210-6): No standing for any party to request reconsideration of a final decision of GA PJC.

PJC (1998, 136, 12.0191, Veldhuizen v. Pby of San Francisco; 1994, 151, 11.092, Hoover v. Pby of Charlotte): GA PJC has assumed original jurisdiction in all future cases involving the persons having filed the complaints.

PJC (1998, 138, 12.0226, Dickson v. Synod of the SW): See at D-6.0202a(2).

PJC (1997, 134, 12.0132, Veldhuizen & Yoshioka v. Pby of San Francisco): PJC directed GA Stated Clerk to take administrative action related to case.

PJC (1997, 142, 12.0262, Cook): A minister/accused has no standing to file a complaint against Synod (PJC) before appeal of disciplinary case heard. Appropriate remedy is appeal.

PJC (1995, 128, 11.062, Thomas v. Austin Seminary): Academic discrimination matters not properly within jurisdiction of GA PJC.

PJC (1988, 116, 11.068, Hardwick v. Williams and Session of Pearsall Mem. PC): Appeal dismissed on the grounds that it did not affect the doctrine of the church or the interpretation of the Constitution.

PJC (1987, 120, 11.075b, Buonaiuto v. Pby of Long Island; 1985, 118, 11.070, PC(USA) v. Tempelman): See at D-8.0201.  
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### **D-3.0101d. Church Is Dissolved**

When a church is dissolved, the presbytery shall determine any case of discipline begun by the session and not concluded.

### **D-3.0102 No Further Judicial Action**

When a case, either remedial or disciplinary, has been transmitted to a permanent judicial commission, the electing **council** shall take no further judicial action on the case.

### **D-3.0103 Lower Council Fails to Act**

When a lower **council** fails to act in a particular remedial or disciplinary case for a period of ninety days after the filing of a complaint in a remedial case or charges in a disciplinary case, the higher **council**, on the request of any party, may assume jurisdiction in the case. It may either issue specific instructions to the lower **council** as to its disposition or conclude the matter itself.

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Amend Rejected (1986, 188, 15.203, Ovt. 78-86): See G-11.0103s, re assumption of jurisdiction.

PJC (2000, 583, 12.121, In the matter of Molyneux v. Pby of Missouri River Valley): Allowing for mediation between parties can be an appropriate step in processing a case and does not create the conditions for assumption of jurisdiction by a higher court.

PJC (2000, 582, 12.110, In the matter of Finlan v. First P. C., Oceanside, 2000, 583, 12.116, In the Matter of Hennigan v. Pby of Charlotte): Though synod PJC acted slowly, GA PJC declined jurisdiction, but admonished Synod PJC to act expeditiously.

PJC (1998, 140, 12.0254, Yoshioka): GA PJC declined jurisdiction when there was no showing that the synod PJC had failed to act.

PJC (1996, 169, 12.058, PC(USA) v. Haddox): Where lower PJC committed procedural lapses appellate PJC considered case on its merits.

PJC (1995, 129, 11.063, Brown v. Pby of San Diego): GA PJC instructed Synod to order its PJC to meet. When Synod did not order and Synod PJC did not meet, GA PJC assumed jurisdiction.

PJC (1995, 125, 11.060, Mt. Auburn PC v. Pby of Cincinnati): PJC may accept jurisdiction, rather than remanding, when remanding would result in delay of final decision.

PJC (1995, 120, 11.055, White v. Pby of Redwoods): Higher governing body may assume jurisdiction after lower governing body PJC has failed to act on preliminary determination made by Moderator and Clerk.

### **D-3.0104 Jurisdiction over Transferred Teaching Elders**

A **teaching elder** transferred from one presbytery to another presbytery shall be subject to the jurisdiction of the first until received by the second. A **teaching elder** transferred by a presbytery to another denomination shall be subject to the jurisdiction of the presbytery until received by that denomination.

### **D-3.0105 Enforce and Recognize Judicial Decisions**

Each **council** shall enforce and recognize the judgments, decisions, and orders of every other **council** acting under the provisions of the Rules of Discipline.

-----  
Amend (1999, 63, 96, 12.061-.063): Added a new section “.0105” and renumbered. Requires each governing body to honor the decisions of any other governing body when it acts under the Rules of Discipline. See at D-3.0101b for a related amendment.

GA (2006, 38, 40, 443, Item 05-27): Decisions of the PJs of synods and pby are binding on the parties to the particular cases in which the decisions are rendered unless overturned on appeal. No synod or pby PJC is able to make its decisions binding beyond the parties to the particular case by simply declaring it to be so.

GA (2003, 68, 232, Item 03-04, Req 03-4): "It is assumed that members, officers, and governing bodies of the church will abide by lawful orders issued by permanent judicial commissions."

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### **D-3.0106 When Jurisdiction Ends**

Jurisdiction in judicial process ends when **a person in an ordered ministry** or a member renounces the jurisdiction of the church. Should the accused in a disciplinary case renounce the jurisdiction of the church as provided in **G-2.0407** or **G-2.0509**, the clerk or stated clerk shall report to the **council** both the renunciation and the status of the matter at that time, including the name of the accused, the date and fact of renunciation during an investigation or trial, and the charges filed.

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Amend (1999, 64, 575, Overture 99-3): Added wording at end of current section to specify what is included in report of renunciation. Rejected allowing completion of jud. process despite renunciation.

GA (1990, 239, 21.121, Req. 90-4): The trial of a church officer or member would cease immediately should the person renounce the jurisdiction of the church.

PJC (1985, 118, 11.069, Kennedy v. Pby of Shenango): One's right of appeal is lost upon renunciation of jurisdiction.

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## **D-4.0000 CHAPTER IV. REFERENCE**

### **D-4.0100 1. Reference**

#### **D-4.0101 Definition**

A reference is a written request, made by a session or a permanent judicial commission of a presbytery or synod to the permanent judicial commission of the next higher **council**, for trial and decision or a hearing on appeal in a remedial or disciplinary case not yet decided.

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PJC (2003, 277, 215-8, Hart, Pby of San Joaquin et al. v. Pby of Redwoods): Only session or PJC may ask for reference.  
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#### **D-4.0102 Proper Subject**

A proper subject of reference involves matters or questions for which it is desirable or necessary that a higher **council** decide the case.

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PJC (2008, 314, 218-07, Pby of Redwoods v. Spahr): Example of GAPJC not accepting case on reference from synod PJC.

PJC (1995, 122, 11.057, Shack PC v. Bryan): Since members of session were involved with difficulties within the church, it would be difficult for them to be impartial triers of fact.

PJC (1995, 132, 11.065, Pby of Central Florida v. Herrero): Session may refer an allegation of sexual misconduct against member to presbytery.  
-----

#### **D-4.0103 Duty of Lower Council**

With its written request for reference to a higher **council**, the lower **council** shall specify its reasons for the request and transmit the whole record of proceedings in the case and shall take no further action thereon. If the reference is accepted, all proceedings, including the trial or hearing on appeal, shall thereafter be held in the higher **council**.

### **D-4.0200 2. Action on Reference**

#### **D-4.0201 Duty of Higher Council**

Upon receipt of a request for reference, the stated clerk of the higher **council** shall transmit the request to the permanent judicial commission for a decision whether or not to accept the case.

#### **D-4.0202 Acceptance**

If the permanent judicial commission decides to accept the reference, it shall proceed to trial and decision or to a hearing on appeal.

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PJC (2008, 311, 218-06, Pby of Wyoming v. King): Pby PJC properly referenced case to Synod PJC.

PJC (2008, 314, 218-07, Pby of Redwoods v. Spahr): Example of GAPJC not accepting case on reference from synod PJC.

PJC (1998, 136, 12.0191, Veldhuizen v. Pby of San Francisco): Synod PJC reference accepted.

PJC (1996, 177, 12.094, Veldhuizen v. Pby of San Francisco): Synod PJC reference, coupled with request from complainant for GA PJC to accept jurisdiction, accepted.

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**D-4.0203Refusal**

The permanent judicial commission may refuse to accept the case for reference and return it to the lower **council**, stating its reasons for refusal. The lower **council** shall then conduct the trial or hearing on appeal and proceed to a decision.

## **D-5.0000 CHAPTER V. PERMANENT JUDICIAL COMMISSIONS**

### **D-5.0100 1. Service on Permanent Judicial Commissions**

#### **D-5.0101 Election**

The General Assembly, each synod, and each presbytery shall elect a permanent judicial commission from the **teaching elders and ruling elders** subject to its jurisdiction. Each commission shall be composed of **teaching elders and ruling elders** in numbers as nearly equal as possible. When the commission consists of an odd number of members, the additional member may be either a **teaching elder or a ruling elder**. The General Assembly commission shall be composed of one member from each of its constituent synods. The synod commission shall be composed of no fewer than eleven members distributed equally, insofar as possible, among the constituent presbyteries. In those synods with fewer than eleven presbyteries, each presbytery shall have at least one member. The presbytery commission shall be composed of no fewer than seven members, with no more than one of its **ruling elder** members from any one of its constituent churches. Two of the members of the presbytery commission shall be designated to review any petition for review of the procedures of the investigating committee while the investigation in a disciplinary case is in process (D-10.0204) and to review any petition for review of the decision not to file charges (D-10.0303). These two members shall not take part in any subsequent trial. A session shall refer either form of petition to the presbytery commission.

-----  
Amend Proposed (2012, 20, 23, 341, Item 05-13): Would provide for two or more synods sharing common boundaries to form a shared PJC.

Amend (1999, 63, 93, 12.053-.060, OGA Rec.): Added sentences to facilitate petitions for review by pby PJC. See D-10.0204.

Amend Rejected (2010, 28, 257, Item 04-01): Would have allowed synods to share a permanent judicial commission.

GA (2003, 68, 236, Item 03-07, Req 03-7): When 2 members are used for this procedure review, quorum is the majority of the number of members remaining.

PJC (2003, 281, 215-9, Pby Charlotte v. Jacobs): Inclusion of 2 pastors from same church on a PJC is not prohibited by D-5.0101, but may give appearance of impropriety.

#### **D-5.0102 Term**

The term of each member of a permanent judicial commission shall be six years, with the exception that membership on the Permanent Judicial Commission of the General Assembly shall end when that member transfers membership to a church or presbytery outside the synod from which nominated. In each even-numbered year, the General Assembly shall elect members for a term of six years to fill the vacancies then occurring. Their terms of office will begin with the dissolution of the General Assembly at which they are elected.

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Amend (2003, 34, 112, Item 02-01): Changed to even-numbered election years to accommodate move to biennial assemblies.  
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### **D-5.0103 Classes**

In synods and presbyteries, commissioners shall be elected in three classes, with no more than one half of the members to be in one class. When established for the first time, one class shall serve for two years, the second class for four years, and the third class for six years.

### **D-5.0104 Vacancy**

Any vacancy due to resignation, death, or any other cause may be filled by the electing **council**, which may elect a person to fill the unexpired term at any meeting thereof.

### **D-5.0105 Eligibility**

No person who has served on a permanent judicial commission for a full term of six years shall be eligible for reelection until four years have elapsed after the expired six-year term. No person shall serve on more than one permanent judicial commission at the same time. No person shall serve on the Permanent Judicial Commission of the General Assembly who is a member of any other entity elected by the General Assembly until that person shall have resigned such membership. The moderator, stated clerk, or any member of the staff of a **council** or the staff of any of its entities shall not serve on its permanent judicial commission.

### **D-5.0106 Commission Expenses**

All necessary expenses of a permanent judicial commission shall be paid by the electing **council**.

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Amend Proposed (2012, 20, 23, 341, Item 05-13): Would provide for two or more synods sharing common boundaries to form a shared PJC.  
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## **D-5.0200 2. Meetings**

### **D-5.0201 Officers**

Each permanent judicial commission shall meet and elect from its members a moderator and a clerk.

### **D-5.0202 Bases of Power**

In the cases transmitted to it, the permanent judicial commission shall have only the powers prescribed by and conduct its proceedings according to the *Constitution of the Presbyterian Church (U.S.A.)*.

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PJC (1995, 123, 11.059, Broad Ave. PC, et al. v. General Assembly Council): Judicial process is inherently limited to specific cases. Judicial Commission is not a general board of review.

PJC (1993, 170, 11.047, Veldhuizen v. Pby of San Francisco): See at G-13.0103r.

See amendment (1987, 143, 15.173, Ref. 1-86) at G-13.0103r clarifying role of GA in interpreting the *Book of Order* through ACC or PJC action.  
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## D-5.0203 Meetings

The meetings of the permanent judicial commission shall be held at such times and places as the electing **council** shall direct, or, if no directions are given, at such times and places as the commission shall determine.

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Amend Proposed (2012, 20, 23, 341, Item 05-13): Would provide for two or more synods sharing common boundaries to form a shared PJC.  
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## D-5.0204 Quorum

The quorum of a permanent judicial commission shall be a majority of the members, except that the quorum of a presbytery commission for a disciplinary case shall be a majority of the membership other than the two members assigned responsibilities under D-10.0204 or D-10.0303. The quorum of a session for judicial process shall be the moderator of the session and a majority of the **ruling elder** members.

-----  
Amend (1999, 63, 93, 12.053-.060, OGA Rec.): Amended quorum for pby PJC and session. See new D-10.0204.

Amend (1989, 223, 21.153, Req. 89-1): Changed quorum from one more than half to a majority.

GA (2003, 68, 236, Item 03-07, Req 03-7): When 2 members are used for procedure review, quorum is the majority of the number of members remaining. See D-5.0101.  
-----

## D-5.0205 Who Shall Not Participate

When a church or lower **council** is a party to a case, members of a permanent judicial commission who are members of that church, or of that lower **council**, or of churches within that lower **council** shall not participate in the trial or appeal of that case.

-----  
Amend (1995, 201, 21.012, 1992 Ref.): The new Rules of Discipline incorporate the language earlier rejected, so that the issue is membership of a church or governing body, not residence within the geographic bounds of a governing body.

Amend Rejected (1990, 230, 21.038, Ovt. 89-110): Superseded by 1995 adoption of new RoD.  
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## D-5.0206 Lack of Quorum

If, through absence, disqualification, or disability, a sufficient number of the members of a permanent judicial commission are not present to constitute a quorum, the permanent judicial commission shall recess until a quorum can be obtained.

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Amend Proposed (2012, 20, 23, 341, Item 05-13): Would provide for two or more synods sharing common boundaries to form a shared PJC.

Amend (1989, 223, 21.153, Req. 89-1): Changed from “adjourn” to “recess”.

PJC (1995, 122, 11.057, Shack PC v. Bryan): Decision, by session without quorum of eligible elders, is null and void.

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#### **D-5.0206a. Inability to Reach a Quorum**

The permanent judicial commission shall report its inability to reach a quorum to the stated clerk of the **council** that elected it.

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Amend (1989, 223, 21.153, Req. 89-1): Changed from “try the case” to “reach a quorum”.

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#### **D-5.0206b. Roster of Former Members**

The stated clerk of the **council** shall keep a current roster of those members of the permanent judicial commission whose terms have expired within the past six years. The names shall be arranged alphabetically within classes beginning with the most recent class. Whenever the permanent judicial commission reports its inability to obtain a quorum, the stated clerk shall immediately select, by rotation from that roster, a sufficient number of former members of the permanent judicial commission to constitute a quorum. The stated clerk shall report the roster annually to the **council**.

#### **D-5.0206c. Participant Expenses**

If a permanent judicial commission is unable to try a case for lack of a quorum, the **council** shall reimburse the expenses reasonably incurred by those persons required to be present.

## **D-6.0000 CHAPTER VI. REMEDIAL CASES**

### **D-6.0100 1. Initiating a Remedial Case and Obtaining a Stay of Enforcement**

#### **D-6.0101 Method of Initiation**

A remedial case is initiated by the filing of a complaint with the stated clerk of the **council** having jurisdiction.

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Amend Proposed (2012, 20, 23, 341, Item 05-13): Would provide for two or more synods sharing common boundaries to form a shared PJC.

Amend Rejected (2010, 57, 307, Item 05-01): Rejected requiring that a statement indicating what efforts have been made to fulfill the biblical obligation to conciliate, mediate, and adjust differences must accompany the complaint.

Amend Rejected (2006, 38-39, 420, Item 05-17): Rejected adding ability to file remedial action against governing body moderator or clerk.

PJC (2008, 314, 218-08 Prelim, Yun et al v. Session of Korean United PC of NJ): (1) Details how filing may be accomplished.

PJC (2) Filing is timely if received by stated clerk on or before the due date, or, if due date is on a weekend or holiday, on the next business day.

PJC (2004, 369, 216-7, Park v. Hahna Korean Pby Church): Complaint received by stated clerk must initiate judicial process - governing body may not choose administrative process instead.

#### **D-6.0102 Definition of Complaint**

A complaint is a written statement alleging an irregularity in a particular decision or action, or alleging a delinquency. (D-2.0202) The filing of a complaint does not, by itself, stay enforcement of the decision or action.

#### **D-6.0103 Stay of Enforcement**

**A stay of enforcement is a written instruction from the permanent judicial commission having jurisdiction that orders the suspension of a decision or an action until a complaint or appeal is finally determined.**

-----  
Amend (2010, 59, 349, Item 05-26): Added language to this section clarifying the stay process and action required of the stated clerk.

Amend (2003, 67, 229, Item 03-03, Req 03-3): Clarified process for obtaining a stay of enforcement.

Amend Rejected (2006, 38-39, 420, Item 05-17): Rejected adding ability to file remedial action against governing body moderator or clerk.

GA (2006, 38, 40, 445, Item 05-29): Referred request for clarification to OGA to consult with ACC for appropriate response.

PJC (2010, 219-12, 395, Phinisee v. Pby of Charleston Atlantic): The grant of a stay of enforcement is a discretionary function and the *Book of Order* provides no basis for compelling any stay.

PJC (2003, 265, 215-3, Pby San Joaquin v. Synod of the Pacific): Concurring opinion contains discussion of theory behind stay.

PJC (2003, 283, 215-10, Wager v. Synod of NE): Stay is lifted when complaint is withdrawn.

PJC (1999, 831, 12.077, Wier v. Second PC, Fort Lauderdale): (1) A stay of enforcement is the appropriate means to prevent an ordination until a case is decided.

PJC (2) Violating a stay of enforcement constitutes an irregularity (reference to report of Special Committee of 1925 (PCUSA *Minutes*, 1927, p. 68). An ordination service performed in violation of a stay is null and void.

PJC (3) Absent a valid stay of enforcement, even a negative judgment about the action of the ordaining body would not invalidate the ordination.

PJC (1991, 185, 11.052, Garton v. Pby of Blackhawk): A stay of enforcement continues the pastoral relationship in a remedial case. The church is obligated to continue salary and benefits.

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### **D-6.0103a. Time Limit to File a Request for a Stay**

**No later than thirty (30) days after the alleged irregular action of the council or the remedial decision of a permanent judicial commission being appealed, a person having standing to file a complaint or appeal may simultaneously file either a complaint or an appeal, and a request for a stay of enforcement with the stated clerk of the council having jurisdiction to hear the case. The request may be made in the following manner:**

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Amend (2010, 59, 349, Item 05-26): Amended time frame in which to file stay to 30 days. Time frame for PJC to enter stay is now 10 days from mod and clerk's findings.

Amend (2000, 128-136, 16.158, Req. 00-6): Amended time frame in which stay may be entered to 45 days.

Amend Rejected (2006, 38-39, 420, Item 05-17): Rejected adding ability to file remedial action against gov body moderator or clerk.

PJC (2008, 314, 218-08 Prelim, Yun et al v. Session of Korean United PC of NJ): (1) Details how filing may be accomplished.

PJC (2) Filing is timely if received by stated clerk on or before the due date, or, if due date is on a weekend or holiday, on the next business day.

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**(1) A request signed by one third of the members recorded as present when the decision or action was made by the council;**

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PJC (1988, 122, 11.119, Campbell et al. v. Pby of Atlantic): An instrument with the required number of names typed on it, but not signed, is not a valid stay of enforcement.

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(2) A request signed by one third of the members of the permanent judicial commission that decided the remedial case; or

(3) A request signed by the complainant or appellant requesting that at least three members of the permanent judicial commission having jurisdiction to hear the complaint or appeal sign the stay of enforcement.

**D-6.0103b. Request Given to Moderator and Clerk**

The complaint or appeal shall be promptly transmitted by the most expeditious means available by the stated clerk along with the request for a stay of enforcement to the permanent judicial commission moderator and clerk for their determination as to:

(1) whether the complaint or appeal meets the preliminary issues in D-6.0305 or D-8.0301, and

(2) if the request is made under D-6.0103a(1) or D-6.0103a(2), either:

(a) whether the request made under D-6.0103a(1) is complete and timely, including validation of the signatures and intent of those who signed; or

(b) whether the request made under D-6.0103a(2) is complete and timely.

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Amend (2010, 59, 349, Item 05-26): Added new procedure for moderator and clerk of PJC.

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**D-6.0103c. Time Line for Preliminary Questions**

The moderator and clerk of the permanent judicial commission within seven (7) days after their receipt of the request shall report their findings to the permanent judicial commission and the parties.

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Amend (2010, 59, 349, Item 05-26): Added time frame for new procedure of Moderator and Clerk of PJC.

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**D-6.0103d. Time Line for En-tering a Stay of Enforcement**

The permanent judicial commission may enter a stay of enforcement within ten (10) days of the moderator and clerk’s findings in the following manner:

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Amend (2010, 59, 349, Item 05-26): Added time frame for PJC entering stay.

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**(1) By the moderator and the clerk in determining that the request made under D-6.0103a(1) or D-6.0103a(2) is complete and timely and the preliminary issues are met for the complaint or appeal.**

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Amend (2010, 59, 349, Item 05-26): Added procedure for PJC entering stay.  
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**(2) If the request is made under D-6.0103(a)(3), by three members of the permanent judicial commission filing with the stated clerk of the council that has jurisdiction to hear the case a statement that in his or her judgment substantial harm will occur if the action or decision is not stayed and that in her or his judgment probable grounds exist for finding the decision or action erroneous. Each permanent judicial commission member must include a summary of the specific council action or decision being stayed.**

-----  
Amend (2010, 59, 349, Item 05-26): Amended standard for signing stay to substantial harm.

PJC (2006, 217-7, Modified Stay of Enforcement, Williamson v. Pby of W. North Carolina): (1) Declined opportunity to define “harm”.

PJC (2) The Synod PJC acted beyond its authority when it ordered a lower governing body to suspend the performance of a constitutional duty. Such action “would subvert the authority of the constitution and would constitute ‘harm’ under D-6.0103a(3)(c).”

### **D-6.0103e. Distribution of Stay**

**The stated clerk shall send a copy of the stay of enforcement to the parties and to the permanent judicial commission members.**

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Amend (2010, 59, 349, Item 05-26): Amended distribution of stay.

Amend (2003, 67, 229, Item 03-03, Req 03-3): Clarified process for obtaining a stay of enforcement.  
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### **D-6.0103f. Effective Time**

The stay of enforcement shall be effective until the time for filing a complaint or notice of appeal shall have expired or, if timely filed, until the decision of the permanent judicial commission having jurisdiction over the case, except as hereafter provided.

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Amend (1988, 130, 12.088, Ovt. 32-88): Changed the effective time of a stay.  
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## **D-6.0103g. Objection to Stay of Enforcement**

The respondent may, within forty-five days of the filing of a stay of enforcement, file with the permanent judicial commission having jurisdiction over the case an objection to the stay of enforcement, whereupon no fewer than three members of such permanent judicial commission shall conduct a hearing on all of the issues relating to the stay of enforcement. The parties may be present or represented at such hearing. At such hearing, the stay of enforcement may be modified, terminated, or continued until the decision on the merits of the case by the permanent judicial commission.

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Amend (2000, 128-136, 16.158, Req. 00-6): Amended the provision to allow forty-five days to file objection.

PJC (2006, 217-5, 469, Session of 2nd PC of Tulsa v. Eastern Oklahoma Pby): In a hearing on Stay of Enforcement under D-6.0103(a)(3)(c), it is appropriate to hear limited oral arguments on the merits.

PJC (2004, 377, 216-15, Second Presbyterian Church v. Eastern Oklahoma Pby): No further action is available after a D-6.0103d hearing on a stay until the decision on the merits of the case.

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## **D-6.0200 2. Filing a Complaint in a Remedial Case**

### **D-6.0201 Parties**

In a remedial case the party or parties filing the complaint shall be known as the complainant or complainants and the party or parties against whom the complaint is made shall be known as the respondent or respondents.

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Amend Rejected (2006, 38-39, 420, Item 05-17): Rejected adding ability to file remedial action against gov body moderator or clerk.

PJC (2010, 219-06, 376, Yun et al v Korean United PC of New Jersey): "Remedial complaints can only be filed against governing bodies", not congregations.

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### **D-6.0202 Who May File Complaint**

A complaint of an irregularity or a complaint of a delinquency may be filed by one or more persons or **councils** subject to and submitting to the jurisdiction of a **council**.

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Amend Rejected (2006, 38-39, 420, Item 05-17): Rejected adding ability to file remedial action against gov body moderator or clerk.

GA (2008, 48, 51, 274, Item 04-21): "Absent a judicial finding that an individual is a vexatious litigant, and a corresponding order of a permanent judicial commission to require judicial review of filings from that individual before any other judicial process is commenced (as in Hoover v. Presbytery of Charlotte, Remedial Cases 206-9, 206-11, and Case 206-10), all members of the Presbyterian Church (U.S.A.) enjoy the same access to our judicial process as provided in the Rules of Discipline."

PJC (2003, 265, 215-3, Pby San Joaquin v. Synod of the Pacific): (1) Pby has standing to file complaint against synod for the conduct of synod's stated clerk.

PJC (2) Remedial case that challenges a decision of a governing body's PJC may not be filed against the governing body. A party must make any challenge to a decision by an appeal.

PJC (1996, 176, 12.093, Lundin v. Pby of Chicago): A church member who is not an enrolled member of Presbytery has no standing to file against presbytery.

PJC (1995, 125, 11.060, Mt. Auburn PC v. Pby of Cincinnati): Complaints should not be filed prospectively, on the assumption that harm will be done.

PJC (1994, 140, 11.085, Phinisee v. Pby of Grace): A document, even unartfully drafted, can be sufficient to constitute a complaint.

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### **D-6.0202a. Against Presbytery, Synod, or Council at Same Level (Time Limit)**

In the instance of a complaint against a presbytery, a synod, or by a **council** against another **council** at the same level, a complaint of an irregularity shall be filed within ninety days after the alleged irregularity has occurred; and a complaint of a delinquency shall be filed within ninety days after failure or refusal of respondent to cure the alleged delinquency at its next meeting, provided that a written request to do so has been made prior to said meeting. Those eligible to file such a complaint are

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Amend (1992, 297, 21.016, Ovt. 92-9): Struck "thirty days" and inserted "three months". 1995 RoD changed to "ninety days".

Amend Rejected (1987, 136, 15.079, Ovt. 29-87): Rejected requiring written request to correct irregularity as well as delinquency.

PJC (2012, 220-11, Thomas v. Pby of Philadelphia): Standing may be raised at any time in the judicial process.

PJC (2006, 217-13, 499, Frye v. First PC Session, Tecumseh, MI): A complaint filed within ninety days of the session's response to an inactive member's request for restoration to the active roll is timely filed.

PJC (2003, 265, 215-3, Pby San Joaquin v. Synod of the Pacific): (1) Pby has standing to file complaint against synod for the conduct of synod's stated clerk.

PJC (2) Remedial case that challenges a decision of a governing body's PJC may not be filed against the governing body. A party must make any challenge to a decision by an appeal.

PJC (1999, 831, 12.077, Wier v. Second PC, Fort Lauderdale): Violating a stay of enforcement would be an irregularity.

PJC (1998, 136, 12.0184, Pby of Nat. Capital v. OGA): See at D-6.0305c.

PJC (1994, 147, 11.090, Bayley v. Pby of Minnesota Valleys): The purpose of orderly procedure and time limits is discussed.

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**D-6.0202a.(1) a teaching elder or a ruling elder** enrolled as a member of a presbytery concerning an irregularity or a delinquency during that period of enrollment, against the presbytery, with the synod;

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PJC (2008, 300, 218-02, Fair-Booth v. National Capital Pby): (1) An elder commissioner enrolled at a particular pby meeting has standing to file remedial complaint against that pby concerning an irregularity or delinquency that occurred during that period of enrollment.

PJC (2) An elder-commissioner to pby is enrolled at a pby meeting only if s/he is present at the meeting and fulfills the pby's enrollment procedure. Such an elder is enrolled only for that meeting, and the elder's enrollment terminates when the meeting is adjourned.

PJC (1999, 12.107, Heiserman v. Bd. of Pensions): An individual lacks standing to file complaint against an entity of GA if not an employee under D-6.0202b(3).

PJC (1991, 189, 11.056, In the Matter of Veldhuizen): Minister restored to the roll until his complaint was determined. If issue of complaint was presumed renunciation, minister could not be denied standing to complain based on that presumption.

PJC (1986, 155, 11.042, Hoover v. Pby of Mecklenberg): Minister not received by presbytery does not have standing to complain against action by which membership was denied.

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**D-6.0202a.(2)** a commissioner to a synod, concerning an irregularity or a delinquency during that commissioner's period of enrollment, against the synod, with the General Assembly;

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PJC (1998, 138, 12.0226, Dickson v. Synod of the SW): Example of a complaint by a synod commission against synod.

PJC (1998, 139, 12.0249, Cook), (1997, 142, 12.0262, Cook): A minister/accused has no standing to file a complaint against Synod (PJC) before appeal of disciplinary case heard. Appropriate remedy is appeal.

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**D-6.0202a.(3)** a session against the presbytery, with the synod;

**D-6.0202a.(4)** a presbytery against the synod, with the General Assembly;

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PJC (2003, 265, 215-3, Pby San Joaquin v. Synod of the Pacific): Pby has standing to file complaint against synod for the conduct of synod's stated clerk.

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**D-6.0202a.(5)** any **council** against any other **council** of the same level, with the **council** immediately higher than the **council** complained against and to which the latter **council** is subject;

**D-6.0202a.(6)** a person who is an employee of a presbytery, a synod, or an entity of a presbytery or synod, claiming to have sustained injury or damage to person or property by the **council** or entity, against the presbytery, with the synod, or against the synod, with the General Assembly.

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Amend Proposed (2012, 20, 23, 341, Item 05-13): Would provide for two or more synods sharing common boundaries to form a shared PJC.

Amend (1998, 164, 16.0184, Req. 98-2, 168): Added a new “(6)” to extend standing for the filing of a complaint to an employee of a pby, synod, or an entity of either.

PJC (2003, 265, 215-3, Pby San Joaquin v. Synod of the Pacific): ROD do not permit a challenge to PJC rulings by a party not involved in original case.

PJC (1998, 138, 12.0226, Dickson v. Synod of SW): Synod employee does not have standing to complain. But see amendment above.

PJC (1998, 137, 12.0215, Session, New Lebanon PC v. The General Assembly): See at D-6.0307b.

PJC (1994, 142, 11.086, Hope PC v. Central PC): An example of a complaint by a session against a session.

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### **D-6.0202b. Against Session or General Assembly *Mission Council* or Entity (Time Limit)**

In the instance of a complaint against a session, the General Assembly Mission Council, or an entity of the General Assembly, a complaint of an irregularity shall be filed within ninety days after the alleged irregularity has occurred; and a complaint of a delinquency shall be filed within ninety days after failure or refusal of respondent to cure the alleged delinquency at its next meeting, provided that a written request to do so has been made prior to said meeting. Those eligible to file such a complaint are

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Amend (2008, 23, 617, Item 08-05): Added “Mission” to “General Assembly Council”.

GA (2004, 47, 202, Item 03-18): Clarified that word “entity” denotes organized body, not an individual or an office held by an individual.

PJC (2003, 283, 215-12, Westminster PC v. OGA et al.): Claim against moderator or clerk in individual capacities is disciplinary, not remedial.

PJC (1999, 831, 12.077, Wier v. Second PC, Fort Lauderdale): Violating a stay of enforcement would be an irregularity.

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**D-6.0202b.(1)** a member of a particular church against the session of that church, with the presbytery;

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Amend Rejected (1992, 323, 21.250, Req. 91-29): Paragraph regarding filing a complaint against an administrative commission is unnecessary. Any judicial complaint is filed against the administrative commission acting as the session.

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**D-6.0202b.(2)** a session, a presbytery, or a synod against the General Assembly Mission Council or an entity of the General Assembly, with the General Assembly;

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Amend (2008, 23, 617, Item 08-05): Added “Mission” to “General Assembly Council”.

PJC (2000, 590, 12.221, White v. GAC and BoP): An individual member of a congregation does not have standing to file a complaint under this provision.

PJC (1997, 141, 12.0251, Pby of San Juan v. PC(USA) Found.): Example of Pby complaint against GA entity.  
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**D-6.0202b.(3)** a person who is an employee of the General Assembly Mission Council or an entity of the General Assembly, claiming to have sustained injury or damage to person or property by the General Assembly Mission Council or an entity of the General Assembly, with the General Assembly.

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Amend (2008, 23, 617, Item 08-05): Added “Mission” to “General Assembly Council”.

Amend (1995, 201, 21.012, 1992 Ref.): Clarified that person claiming injury or damage must be an employee of the GAC or an entity of the GA to have standing.

PJC (1999, 12.107, Heiserman v. Bd. of Pensions): Individual lacks standing to file complaint against entity of GA if not employee under D-6.0202b(3).

PJC (1993, 177, 11.053, In the Matter of Request for Reconsideration of Decision in 205-3): GA. PJC does not have the authority to overturn the GA. in programmatic decisions. D-6.0500 [now D-6.0202b(3) does not include a complaint against the legislative body of the GA.

PJC (1991, 176, 11.048, Santin v. Church Vocations Unit): Jurisdiction accepted in EEO complaint.

PJC (1988, 115, 11.121, Olson v. Trustees of San Francisco Seminary): Complaint concerning tenure review found not timely filed. The PJC did not resolve questions of the nature and extent of relief available.

PJC (1988, 116, 11.066, Malcolm v. Office of Stated Clerk): A complaint under this section is dismissed when the complainant declines to offer any evidence as to damage or injury suffered.

PJC (1987, 120, 11.075c, Malcolm v. Advisory Council on Church and Society): A disciplinary case may not be initiated through this provision. Further, a complaint under this section must state specific relief which can be granted.  
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**D-6.0202b.(4)** a person who is an employee of a particular church claiming to have sustained injury or damage to person or property by the session or an entity of the session against the session of the church, with the presbytery.

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Amend (1998, 164, 16.0184, Req. 98-2, 168): Added a new “(4)” to extend standing for filing a complaint to an employee of a particular church.  
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## **D-6.0300 3. Pretrial Procedures**

### **D-6.0301 Statements in Complaint**

A complaint shall state the following:

**D-6.0301a.** The name of the complainant and the name of the respondent.

**D-6.0301b.** The particular irregularity including the date, place, and circumstances thereof; or the particular delinquency including the dates of the written request to cure the delinquency and of the next meeting at which the respondent failed to do so.

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Amend Rejected (2006, 38-39, 420, Item 05-17): Rejected adding ability to file remedial action against gov body moderator or clerk.

PJC (1997, 136, 12.0169, Phillips v. Pby of S. Kansas): Complaint must state clearly whether it is about an irregularity or delinquency and provide specificity about actions which are the source of the complaint.

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**D-6.0301c.** The reasons for complaint of the irregularity or delinquency.

**D-6.0301d.** The interest or relationship of the complainant, showing why that party has a right to file the complaint.

**D-6.0301e.** The relief requested.

**D-6.0301f.** That a copy of the complaint has been delivered to the respondent by certified delivery or personal service. The complainant shall file with the stated clerk of the higher **council** a receipt signed by the addressee or an affidavit of personal service.

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GA (2002, 67, 300, Item 04-14, Req 02-2): Makes clear that “personal and certified delivery” means any delivery that can provide proof of physical service.

PJC (2008, 314, #218-08 Prelim, Yun et al v. Session of Korean United PC of NJ): (1) Details how filing may be accomplished.

PJC (2) Filing is timely if received by stated clerk on or before the due date, or, if due date is on a weekend or holiday, on the next business day.

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**D-6.0302 Committee of Counsel**

When a **council**, the General Assembly Mission Council, or an entity of the General Assembly becomes either a complainant or a respondent, it shall designate no more than three persons to be a committee of counsel. This committee shall represent that complainant or respondent in the case until final decision is reached in the highest **council** to which the case is appealed.

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Amend (2008, 23, 617, Item 08-05): Added “Mission” to “General Assembly Council”.

PJC (1995, 123, 11.058, Hoover v. Presbytery of Charlotte): Previous service on SDC (now IC) does not preclude appointment to a Committee of Counsel.

PJC (1991, 179, 11.049, Matsuda, et al. v. Pby of San Francisco): Committee of Counsel erred in describing its task as “assisting” the PJC rather than as defending the pby on the charges filed; and in declining to participate further in the case.

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### **D-6.0302a. Provide by Rule**

A **council**, the General Assembly Mission Council, or an entity of the General Assembly may provide by rule for the appointment of a committee of counsel.

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Amend (2008, 23, 617, Item 08-05): Added "Mission" to "General Assembly Council".  
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### **D-6.0302b. Shall Not Serve**

The clerk of session, the stated clerk, or executive of presbytery or synod shall not serve on a committee of counsel of the **council** served.

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Amend Rejected (2000, 62, 370, Ovt. 00-11): Rejected request to delete this provision.  
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### **D-6.0303 Answer to Complaint**

The committee of counsel of the respondent shall file with the stated clerk of the higher **council** a concise answer within forty-five days after receipt of the complaint, and shall furnish a copy of the answer to the complainant. The answer shall admit those facts alleged in the complaint that are true, deny those allegations that are not true or are mistakenly stated, and present other facts that may explain the situation identified as an irregularity or delinquency. The answer may also raise any issues mentioned in D-6.0305 and may include a motion to dismiss the complaint.

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Amend (2000, 128-136, 16.158, Req. 00-6): Changed "thirty days" to "forty-five days" and made extensive changes in order and some in procedures for preliminary process (D-6.0303-.0310 affected).

Amend Rejected (2006, 38-39, 420, Item 05-17): Rejected adding ability to file remedial action against gov body moderator or clerk.

PJC (2003, 277, 215-8, Hart, Pby of San Joaquin et al. v. Pby of Redwoods): Motion to dismiss may, but is not required to be, filed with Answer.

PJC (1996, 167, 12.044, Gallman v. Oak Grove PC): Tardy arrival by comm. of counsel at hearing may be excused by PJC. Record in this case did not show that complainant's rights were prejudiced.

PJC (1985, 108, 11.063, Hennigan v. Pby of Catawba): Failure to file an answer to a remedial complaint does not, by itself, provide a basis for granting the relief requested in the complaint.

### **D-6.0304 Procedure Prior to Trial**

When the complaint and answer have been filed with the stated clerk of the higher **council**, the stated clerk shall transmit them at once to the officers of the permanent judicial commission of the **council** and shall give notice to the parties that the case has been received.

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Amend Rejected (2006, 38-39, 420, Item 05-17): Rejected adding ability to file remedial action against gov body moderator or clerk.

GA (2004, 81, 299, Item 04-06): Requires stated clerk immediately to transmit complaint and answer to PJC; no discretion is allowed.

PJC (2010, 219-12, 395, Phinisee v. Pby of Charleston Atlantic): The synod PJC has the discretion to determine whether a continuance is needed.

PJC (1997, 137, 12.0187, Henderson v. Synod of So. Calif. & Hawaii): Withdrawal of complaint prior to trial ended matter.

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## **D-6.0305 Examination of Papers**

Upon receiving the papers specified in D-6.0304, the moderator and the clerk of the permanent judicial commission of the body that will try the case shall promptly examine the papers to determine whether

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Amend Rejected (2006, 38-39, 420, Item 05-17): Rejected adding ability to file remedial action against govbody moderator or clerk.

PJC (2006, 217-6, 472, Raines v. Session of Miami Shores PC): Dismissal under D-6.0306c “is a final decision that renders the case ripe for appeal.” When all criteria listed in D-6.0305 are answered in the affirmative, the case is not ripe for an appeal.

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### **D-6.0305a. Jurisdiction**

the **council** has jurisdiction;

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PJC (2012, 221-01, Priest v. Pby of Detroit): Action taken by Committee on Preparation for Ministry was not action of pby and therefore synod PJC did not have jurisdiction to hear remedial complaint against pby.

PJC (2006, 217-9, Preliminary Order, Synod of the Northeast v. Board of Pensions): Until a subsequent GA has taken back the fiduciary power, the GAPJC has no jurisdiction over the Board’s fiduciary responsibility under Pennsylvania law.

PJC (2006, 217-3, 467, Pby of Baltimore v. Synod of Mid Atlantic): If governing body rescinds action which was the subject matter of the complaint, case becomes moot.

PJC (2003, 265, 215-3, Pby San Joaquin v. Synod of the Pacific): Remedial case that challenges a decision of a governing body’s PJC may not be filed against the governing body. A party must make any challenge to a decision by an appeal.

PJC (2002, 346, 214-8, Montreat PC v. GAC): GAPJC is not general board of review. No jurisdiction to review decisions of GAC.

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### **D-6.0305b. Standing**

the complainant has standing to file the case;

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PJC (2012, 220-07, Haapalainen v. Synod of Lincoln Trails): Elder must be present at Synod meeting for standing to file remedial complaint against Synod.

PJC (2012, 221-01, Priest v. Pby of Detroit): Candidate who had membership by rule in pby (former moderator) had standing to file remedial complaint..

PJC (2008, 300, 218-02, Fair-Booth v. National Capital Pby): An elder-commissioner to pby is enrolled at a pby meeting only if s/he is present at the meeting and fulfills the pby's enrollment procedure. Such an elder is enrolled only for that meeting, and the elder's enrollment terminates when the meeting is adjourned.

PJC (2003, 265, 215-3, Pby of San Joaquin v. Synod of the Pacific): Pby has standing to file complaint against synod for the conduct of synod's stated clerk.

PJC (1999, 12.107, Heiserman v. Bd. of Pensions): Plan members lack standing to file remedial cases against the Board of Pensions.

PJC (1998, 137, 12.0215, Session of New Lebanon PC v. The General Assembly): Dismissed because GA is not among the governing bodies against which a complaint may be filed.

PJC (1998, 138, 12.0220, Schumacher v. Pby of Palo Duro): Dismissed because minister did not have standing [was not a member of pby against which complaint was filed]. Also not timely filed.

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#### **D-6.0305c. Timely Filed**

the complaint was timely filed; and

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PJC (2008, 314, 218-08 Prelim, Yun et al v. Session of Korean United PC of NJ): Filing is timely if received by stated clerk on or before the due date, or, if due date is on a weekend or holiday, on the next business day.

PJC (1998, 136, 12.0184, Pby of Nat. Capital v. OGA): Attempt to join complaint by a session was denied because not timely filed.

PJC (2001, 12.1100, Soto v. GAC): Complaint not timely filed, PJC cited *Haggin v. Pby of The Redwoods* (1997, 134, 12.0122) in which appeal was not timely filed: "filed with the ... stated clerk" means filed with and received by the stated clerk

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#### **D-6.0305d. Relief Can Be Granted**

the complaint states a claim upon which relief can be granted.

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PJC (2010, 219-08, 380, Bierschwale et al v Twin Cities Area Pby): Any alleged irregularity in the process by which motions are adopted is judicially reviewable.

PJC (2010, 219-06, 376, Yun et al v Korean United PC of New Jersey): Complaint alleging errors by session did state a claim upon which relief can be granted. It is permissible to dismiss those alleged errors against individuals and the congregation in general.

PJC (2010, 219-04, 369, Wolfe v Pby of Winnebago): 1) In determining whether the complaint states a claim upon which relief can be granted, the PJC must assume the truth of the facts as alleged in the complaint.

2) Pby has right and responsibility to approve or disapprove ministerial tasks undertaken by its members, but should not be exercised arbitrarily.

3) Pby is obligated to treat all parties with fundamental fairness and provide them an opportunity to present their positions.

4) Complaint alleging COM failed to report and recommend action to pby and pby failed to give sufficient opportunity for minister to be heard is a claim upon which relief may be granted.

PJC (2006, 217-14, 501, Concord Liberty PC vs OGA, et al): Complaint dismissed for failure to state a claim upon which relief may be granted since irregularities asserted were not “actions” subject to remedial attack under D-2.0202a.

PJC (2006, 217-11, 490, Kuipers v. Elkton PC, Session) In determining whether a complaint states a claim upon which relief can be granted, the PJC must assume the truth of facts alleged in the complaint (*Hope v. Presbytery of San Francisco*, Minutes 2004, p.363).

PJC (2006, 217-9 Preliminary Order, Synod of the Northeast v. Board of Pensions): (1) The GA, acting through its PJC, has jurisdiction to issue constitutional interpretations in cases involving the Board of Pensions.

PJC (2) Until a GA has taken back the fiduciary power delegated to the Board of Pensions, the only relief that can be granted by the GAPJC against the Board of Pensions is declaratory in nature.

PJC (2006, 217-7, 475, Williamson v. Pby of W. North Carolina): No PJC in our denomination has the authority to amend or to invalidate any part of the Constitution.

PJC (2006, 217-1, 455, Hope, et.al. v. Pby of San Francisco): GAPJC decides only PC(USA) constitutional error and cannot interpret presbytery policy.

PJC (2004, 363, 216-6, Hope v. Pby of San Francisco): (1) PJC must assume truth of facts alleged in complaint to determine whether a complaint states a claim upon which relief can be granted.

PJC (2) No summary dismissal appropriate where facts are in dispute.

PJC (2003, 272, 215-5, McKittrick v. West End PC): (1) In ruling on a motion to dismiss for failure to state a claim, PJC must assume the truth of the facts alleged.

PJC (2) Declaratory relief may be available even if requested relief is beyond PJC’s power.

PJC (2003, 277, 215-8, Hart, Pby of San Joaquin et al. v. Pby of Redwoods): Motion to dismiss may, but is not required to be, filed with Answer.

PJC (2002, 332, 214-1, Hair/McCallum v. Session, 1st PC, Samford): If full complement of session classes are elected and installed before persons previously elected are installed, challenge to person becomes moot.

PJC (2002, 336, 214-3, Smart v. Baltimore Psby): If challenge is made to Moderator and Clerk’s finding under D-6.0305d, complainant should be allowed to present testimonial as well as documentary evidence.

PJC (2002, 338, 214-4, Twilleager v. Session, Central PC, Merced, CA): Death of litigant ends jurisdiction.

PJC (2002, 339, 214-5, Wier v. 2nd PC, Ft. Lauderdale): (1) Remedial case may not be brought in place of a disciplinary case.

PJC (2) Remedial complaint alleging facts having consequences to a person’s reputation or career must assert a higher degree of specificity in factual allegations (including how, when, where, and under what circumstances) of the alleged sinful conduct.

PJC (2002, 346, 214-8, Montreat PC v. GAC): (1) GAPJC is not general board of review. Power to implement responsibilities are assigned to governing bodies and councils.

PJC (2) Governing body does not commit a delinq by failing to exercise its power to implement responsibility according to one or more Presbyterian’s understanding of Christ’s lordship.

PJC (2002, 347, 214-9, Combier v. Session, Madison Ave. PC): PJC has no jurisdiction to award attorney’s fees in remedial cases.

PJC (2001, 575, 12.1004, Hennigan v. Pby of Charlotte): PJC may not substitute its judgment for that of lower governing body or its AC without substantial information that the decision was improper.

PJC (2001, 575, 12.1004, Hennigan v. Pby of Charlotte; 2000, 584, 12.140, Bower v. Pby of Pittsburgh): Permanent judicial commissions do not make monetary awards. But D-7.0201d requires “the party calling the witness” to pay expenses, so ordering Complainant to pay actual, documented expenses appropriate. See also note at D-7.0402b (1997, 134, 12.0132, and 1993, 170, 11.047).

PJC (2001, 577, 12.1028, Londonderry v. Pby of N.N.E.; 1993, 170, 11.047, Veldhuizen v. Pby of San Francisco): No PJC has authority to declare sections of the BO unconstitutional.

PJC (2000, 581, 12.098, Pby of Shenango v. GAC): Issuance of awards (by GAC) not addressed in *Constitution*, therefore is not subject to review under D-2.0202a (irregularity) and fails to state a claim upon which relief can be granted.

PJC (2000, 584, 12.140, Bower v. Pby of Pittsburgh): Circumstances may change whether in trial a PJC can grant any relief, but this does not invalidate complainant’s allegation of claims for which relief could have been granted.

PJC (1999, 831, 12.077, Wier v. Second PC, Ft. Lauderdale): A disciplinary, rather than remedial, case is the only provision for proceeding against a newly ordained officer.

PJC (1999, 838, 12.169, Pby of E. Tenn. v. Cook): Proper to dismiss because issues related to matters of pby discretion in addition to being a remedial attack on a disciplinary case (see notes at D-10.0303e and D-11.0403c).

PJC (1999, 12.177, Session of Govans PC, Baltimore v. GAC): Release of advice by GAC did not constitute an irregularity. Decision did not consider the content of the advice.

PJC (1998, 134, 12.0161, Anderson, et. al., v. Pby of Scioto Valley): Proper to dismiss if facts alleged are insufficient to entitle complainant to relief requested. Synod had found that Pby had the right to act.

PJC (1998, 136, 12.0184, Pby of Nat. Capital v. OGA): Release of advice by OGA did not constitute an irregularity. Decision did not consider the content of the advice.

PJC (1998, 136, 12.0191, Veldhuizen v. Pby of San Francisco): Complaint against Pby lodged because person representing Pby in earlier case (1997, 134, 12.0132) filed protest and Pby recorded protest in its minutes. Dismissed because not irregular to protest decision of GA PJC.

PJC (1997, 134, 12.0132, Veldhuizen & Yoshioka v. Pby of San Francisco; 2003, #215-8, 277-281, Hart, Pby of San Joaquin et al. v. Pby of Redwoods): PJC consolidated cases for judicial economy.

PJC (1996, 167, 12.044, Gallman v. Oak Grove PC): Circumstances, such as the lack of information to resolve a key issue or passage of time, may render a case moot. See also 1996, 170, 12.068, Rice v. Pby of Philadelphia, 1996, 178, 12.095, Panko v. Pby of Wabash Valley.

PJC (1995, 123, 11.059, Broad Ave. PC, et. al. v. GAC): See note at D-5.0202.

PJC (1995, 125, 11.060, Mt. Auburn PC v. Pby of Cincinnati): Issues are not ripe for determination when they are based on possible future actions.

PJC (1997, 141, 12.0242, San Mateo Korean PC v. Pby of San Francisco, 1995, 121, 11.056, Evans v. Pby of Lake Michigan): See at D-11.0403c.

PJC (1995, 120, 11.055, White v. Pby of Redwoods[207-3]): Remedial complaint asking Synod to require SDC to file charges was dismissed “due to inability to grant the relief sought.”

PJC (1993, 163, 11.043, Metherell v. 204th GA): Complaint dismissed where it does not state claim on which relief can be granted.

PJC (1992, 178, 11.049, Pby of Blackhawk v. Syn of Lincoln Trails): Complainant’s specification of irregularity deals with conclusions reached after considering evidence and assumption about the weight of evidence rather than with errors in procedure.

PJC (1991, 189, 11.056, In the Matter of Veldhuizen): Stated clerks do not have the right or authority to decide what matters reach permanent judicial commissions.

PJC (1988, 116, 11.067, Hoover v. Pby of Catawba): Failure by a commission to determine whether relief can be granted may result in the requirement to hold another hearing.

PJC (1986, 155, 11.042, Hoover v. Pby of Mecklenburg): When a complaint is filed after the expiration of the 30-day (90-day, see D-6.0202 a, b) limit, no judicial process is commenced.

Note: For relief in “employment cases see Brown v. Pby of San Diego at G-9.0705 and Santin v. Church Voc. Min. Unit at D-6.0202b(3).

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## **D-6.0306 Preliminary Questions Determined**

The moderator and clerk shall report their findings to the parties and to the permanent judicial commission.

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Amend (2010, 59, 347, Item 05-25): Added section d saying that if no challenge is made to their findings, “the case shall be dismissed without further action or order of the PJC.”

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### **D-6.0306a. If Challenge Made**

If a challenge is made to the findings of the moderator and clerk within thirty days of receipt of those findings, either by a party to the case or by a member of the permanent judicial commission, opportunity shall be provided to present evidence and argument on the finding in question. Parties shall be invited to submit briefs prior to the hearing of the jurisdictional questions.

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Amend (2004, 81, 295, Item 04-03): Requires challenges to findings of moderator or clerk to be made within 30 days.

PJC (2006, 217-5, 469, Session of 2nd PC of Tulsa v. Eastern Oklahoma Pby): “There is no ‘right’ to a trial if all the jurisdictional questions are not answered in the affirmative.”

PJC (2001, 582, 12.1089, Pahn v. Pby of Midwest Hanmi): Example of officers of PJC requesting additional briefing after hearing before PJC asked to make preliminary order final.

PJC (1998, 136, 12.0191, Veldhuizen v. Pby of San Francisco): Request for a second hearing on the jurisdictional questions was denied.

PJC (1997, 139, 12.0219, Anderson, et. al. v. Pby of Scioto Valley): Provides a model for a hearing on preliminary questions (12.0234).

PJC (1997, 141, 12.0247, Lesane v. Pby of New Harmony, 1997, 141, 12.0251, Pby of San Juan v. PC(USA) Found.): Examples of confirmation of finding by officers that case should be dismissed.

PJC (1995, 119, 11.054, 11.055, both cases White v. Pby of Redwoods): Once PJC Moderator and Clerk determined that case raises jurisdictional issues, proper procedure is to issue preliminary order and give parties and other commission members an opportunity to seek a hearing.

PJC (1993, 176, 11.051, Session of Witherspoon PC v. Pby of Whitewater Valley, 205-11): Complaints or appeals dealing with procedures are appropriately raised after final determination on the merits.

PJC: (1993, 175, 11.050, Session of Witherspoon PC, 205-10) The filing of a document in support of a motion cannot be the basis for a new remedial case.

PJC (1993, 160, 11.042, Hoover v. Pby of Charlotte): Although PJCs often confirm pretrial decisions, they are free to do otherwise.

PJC (1992, 175, 11.046, Fernandez, et al. v. Pby of Grand Canyon): The full PJC must rule to resolve the objection concerning the threshold questions.

PJC (1985, 123, 11.072, Schneider v. Pby of Chicago): Motion to dismiss prior to hearing the case on the merits is not permitted. But see pretrial procedures in new Rules of Discipline above.

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### **D-6.0306b. If Hearing Necessary**

If a hearing is necessary to decide the finding in question, that hearing shall be scheduled at least thirty days prior to the trial on the complaint, unless the circumstances, including monetary considerations, render advisable the disposition of the preliminary questions immediately before the trial on the complaint.

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PJC (2006, 217-5, 377, Session of 2nd PC of Tulsa v. Eastern Oklahoma Presbytery): (1) BOO does not require Clerk to use personal service or certified mail for delivering decision of PJC on a preliminary question hearing.

PJC (2) “Whenever a lower PJC conducts a hearing concerning a potential final disposition that might be the subject of a further appeal, it would be a wise practice for a PJC to create such a record”, even though it is not required by the Constitution.

PJC (2004, 363, 216-6, Hope v. Pby of San Francisco): Record in a case may be transmitted to the clerk of the higher governing body for the purpose of deciding a challenge to a ruling on preliminary questions.

PJC (2002, 336, 214-3, Smart v. Pby of Baltimore): Example of situation where additional evidence was deemed necessary and was ordered.

PJC (1997, 136, 12.0169, Phillips v. Pby of S. Kansas): It is error for a PJC to fail to hold a hearing to contest a motion to dismiss.

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### **D-6.0306c. If Preliminary Question in Negative**

If the permanent judicial commission determines that any point listed in D-6.0305 has been answered in the negative, the permanent judicial commission shall dismiss the case.

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PJC (2006, 217-6, 472, Raines v. Session of Miami Shores PC): Dismissal under D-6.0306c “is a final decision that renders the case ripe for appeal.” When all criteria listed in D-6.0305 are answered in the affirmative, the case is not ripe for an appeal.

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### **D-6.0306d.**

**If no challenge is made to a finding of the moderator and clerk that one or more points listed in D-6.0305 (or D-8.0301, or D-13.0106, as applicable) has been answered in the negative, the case shall be dismissed without further action or order of the permanent judicial commission.**

## D-6.0307 Duty of Respondent Clerk of Session or Stated Clerk

### D-6.0307a. List to Parties

Within forty-five days after the receipt of a complaint, the clerk of session or stated clerk of the respondent **council** or the respondent entity or council shall list in writing to the parties all of the papers and other materials pertaining to the case.

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PJC (2010, 219-11, 390, Naegeli et al v Pby of San Francisco): Minutes of CPM should have been included in the record. Items deemed confidential and not admissible should be listed and made a part of the record, which includes all authenticated written records of a governing body or PJC.

PJC (2006, 217-5, 469, Session of 2nd PC of Tulsa v. Eastern Oklahoma Pby): Requires governing body clerk to list in writing all materials pertaining to case even if there are concurrent hearings on preliminary issues or stay of enforcement.

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### D-6.0307b. Minutes and Papers

Within fifteen days thereafter, the complainant may request in writing that the respondent file additional minutes or papers pertaining to the case.

### D-6.0307c.

Upon notification by the stated clerk of the higher **council** of jurisdiction that the case has been accepted, the clerk of session or stated clerk of the respondent shall transmit to the stated clerk of the higher **council** without delay the minutes and papers pertaining to the case, along with the list of the record and any requests for additional papers which, if available, shall be included.

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PJC (2004, 363, 216-6, Hope v. Pby of San Francisco): Record in a case may be transmitted to the clerk of the higher governing body for the purpose of deciding a challenge to a ruling on preliminary questions.

NOTE: The Department of Constitutional Services believes this section should include a requirement that a copy be furnished to the complainant. This will be addressed editorially later, but clerks of session or stated clerks should provide a copy to the complainant, even though the provision does not so state.

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## D-6.0308 Procedure for Record

When the minutes and papers have been filed with the stated clerk of the higher **council**, the stated clerk shall transmit them to the permanent judicial commission and give notice to the parties of an estimated date for trial.

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PJC (1995, 130, 11.064, Baker v. Pby of Middle Tennessee): Parties should be given an estimated date for trial at the outset of the case.

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## **D-6.0309 Trial Briefs**

The permanent judicial commission may require either party in an original proceeding to file a trial brief outlining the evidence to be produced and the theory upon which the evidence is considered to be relevant.

## **D-6.0310 Pretrial Conference**

At any time after a case is received by a permanent judicial commission, the commission may provide by rule for the parties or their counsel, if any, to explore settlement possibilities; or, in a pretrial conference, to seek agreement on a statement of facts and disputed issues, to exchange documents and other evidence, and to take other action which might reasonably and impartially narrow the dispute and expedite its resolution.

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Amend Rejected (**2006, 38-39, 420, Item 05-17**): Rejected adding ability to file remedial action against gov body moderator or clerk.

GA (**2008, 49, 264, Item 04-16**): Gives detailed advice about the possibilities when the parties enter into a private resolution of a remedial case and advise the permanent judicial commission before which it is pending that the complaint is being withdrawn.

PJC (**2008, 303, 218-03**, Session of Palos Park v. ACC ): Example of mediated settlement in remedial case.

PJC (**2006, 217-9, 486**, Synod of the Northeast, et al. v. Board of Pensions of the PC(USA)): Example of case being dismissed because agreement was reached.

PJC (**2001, 583, 12.1095**, Pby of the John Knox v. Synod of Lakes & Prairies): Example of settlement reached between parties during recess of pretrial conference. Based on agreement, complaint withdrawn.

PJC (**2001, 575, 12.1004**, Hennigan v. Pby of Charlotte): Example of a case in which PJC should have utilized pretrial procedures to refine issues in case in order to properly present them.

PJC (**2000, 580, 12.071**, Cong. for Reconciliation v. Pby of Miami): Parties may agree to limit issues in complaint to be considered in trial.

PJC (**2000, 579, 12.065**, Pby of the James v. Synod of Mid-Atlantic, **2000, 582, 12.104**, Chamberlain and Jimenez v. GAC): Examples of cases dismissed because of settlements reached between parties.

PJC (**1996, 178, 12.096**, Ling v. First PC of Bay Saint Louis, MS): Pretrial conferences are to be scheduled to involve all parties, not to be held with either party separately (12.098).

PJC (**1995, 130, 11.064**, Baker v. Pby of Middle Tennessee): While not strictly required, a pretrial hearing is frequently desirable.

PJC (**1988, 123, 11.121**, Olson v. Trustees of San Francisco Seminary): Upon receipt of a settlement contract signed by both of the parties, case was dismissed "with prejudice," or beyond the possibility of being reopened.

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## **D-7.0000 CHAPTER VII. TRIAL IN A REMEDIAL CASE**

### **D-7.0100 1. Conduct of Trial**

#### **D-7.0101 Trial--Remedial**

The trial of a remedial case shall be conducted by a permanent judicial commission.

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Amend Rejected (2006, 38-39, 420, Item 05-17): Rejected adding ability to file remedial action against gov body moderator or clerk.

PJC (1991, 179, 11.049, Matsuda, et al. v. Pby of San Francisco): PJC has the right and obligation to set an appropriate trial date and, barring extreme emergency, hold to it.

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#### **D-7.0102 Conducted Formally**

The trial shall be conducted formally with full decorum in a neutral place suitable to the occasion.

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PJC (1995, 130, 11.064, Baker v. Pby of Middle Tennessee): Trial must be conducted with the degree of formality mandated by the *Rules of Discipline*.

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### **D-7.0200 2. Citations and Testimony**

#### **D-7.0201 Citation of Parties and Witnesses**

Citations to appear at trial for parties or such witnesses as either party may request shall be signed by the moderator or clerk of the permanent judicial commission, who shall cause them to be served.

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PJC (2010, 219-05, 371, Lee et al v Midwest Hanmi Pby): "...[W]itnesses may be both factual and expert if qualified and if a proper foundation is laid. Fact witnesses should have first-hand knowledge. Experts should have sufficient expertise to aid the trier of fact and the ability to express opinions that assist the trier of fact."

PJC (2000, 586, 12.169, Benton, et al. v. Pby of Hudson River): Appropriate for PJC to determine testimony and other evidence not relevant because it does not relate to actions of respondent.

PJC (1995, 130, 11.064, Baker v. Pby of Middle Tennessee): Witnesses do not have to be cited in order to testify.

PJC (1988, 116, 11.067, Hoover v. Pby of Catawba): Failure to cite requested witnesses may require rehearing.

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### **D-7.0201a. Members Cited**

Only members of the Presbyterian Church (U.S.A.) may be cited to appear.

### **D-7.0201b. Others Requested**

Other persons can only be requested to attend.

### **D-7.0201c. Witnesses from Another Council**

When it is necessary in the trial to summon witnesses who are under the jurisdiction of another **council** of the church, the clerk or stated clerk of the other **council** shall, on the application of the permanent judicial commission trying the case, issue a citation to the witnesses to appear at the place of trial and give evidence as may be required.

### **D-7.0201d. Expenses**

Any witness shall be entitled to receive from the party calling the witness reimbursement for expenses incurred in attendance at the trial.

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PJC (2000, 584, 12.140, Bower v. Pby of Pittsburgh): Case in which PJC affirmed requirement and notes that this does not constitute monetary awards.  
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### **D-7.0202 Service of Citation**

A citation shall be delivered by personal service or by certified delivery. The moderator or clerk of the permanent judicial commission trying the case shall certify the fact and date of service or delivery.

### **D-7.0203 Second Citation**

If a party or a witness who is a member of the Presbyterian Church (U.S.A.) fails to obey a citation, a second citation shall be issued accompanied by a notice that if the party or witness does not appear at the time appointed, unless excused for good cause, the party or witness shall be considered guilty of disobedience and contempt, and for such offense may be subject to disciplinary action.

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PJC (1996, 169, 12.058, PC(USA) v. Haddox): Witness who fails to appear may be subject to sanction but cannot be compelled to appear.  
-----

GA (1989, 228, 21.222, Req. 89-15): Second citation is mandatory, unless the party requesting the original citation waives the second. If the original citation was initiated by the PJC, the PJC may proceed without a second attempt to obtain the person. Travel time is the only time lapse required.  
-----

## **D-7.0204 Refusal of Witness to Testify**

A member of the Presbyterian Church (U.S.A.) who, having been summoned as a witness and having appeared, refuses without good cause to testify, and, after warning, continues to refuse may be subject to disciplinary action.

## **D-7.0205 Deposition**

Testimony by deposition may be taken and received in accordance with the provisions of D-14.0304.

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GA (2002, 67, 300, Item 04-13, Req 02-1): Authoritative Interpretation makes clear that depositions taken under the Rules of Discipline are for evidence only, not for “discovery.”.

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## **D-7.0300 3. Procedures in Trial**

### **D-7.0301 Counsel**

Each of the parties in a remedial case shall be entitled to appear and may be represented by counsel, provided, however, that no person shall act as counsel who is not a member of the Presbyterian Church (U.S.A.). No member of a permanent judicial commission shall appear as counsel before that commission while a member.

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Amend (1997, 179, 21.0173, Req. 97-1): Substituted “Each of the parties” for “The Complainant” in the first sentence to clarify right of Respondent to appear and be represented by counsel.

GA (1991, 391, 21.055, Req. 91-6): See at G-9.0705.

PJC (2010, 219-12, 395, Phinisee v. Pby of Charleston Atlantic): Presbytery’s attorney’s service on other pby committees dealing with aspects of the conflict does not disqualify his service as presbytery’s counsel in this remedial case.

PJC (1994, 153, 11.093, Phillipy v. Pby of Middle Tennessee): There is no provision in ROD for reimbursement of legal fees in a remedial case.

PJC (1993, 160, 11.042, Hoover v. Pby of Charlotte; 1993, 170, 11.047, Veldhuizen v. Pby of San Francisco): No provision requires a PJC to obtain counsel for a party to a remedial case.

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### **D-7.0302 Circulation of Materials**

No party to a remedial case or any other person shall circulate or cause to be circulated among the members of the permanent judicial commission any written, printed, or visual materials of any kind upon any matter pertaining to the case before the final disposition thereof. Notwithstanding this prohibition, the permanent judicial commission may request, or grant leave to file, additional materials.

-----  
PJC (2006, 217-1, Hope, et.al. v. Pby of San Francisco): Parties or their counsel may not speak with members of PJC unless other party and counsel consent or are present.

PJC (1993, 160, 11.042, Hoover v. Pby of Charlotte): See at D-8.0403a.

PJC (1994, 145, 11.088, PC(USA) v. Truscott): Synod PJC erred in receiving ex parte material.  
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### **D-7.0303 Control Conduct of Trial**

The permanent judicial commission shall have full authority and power to control the conduct of the trial and of all parties, witnesses, counsel, and the public, including removal of them, to the end that proper dignity and decorum shall be maintained.

-----  
PJC (2006, 217-1, 455, Hope, et.al. v. Pby of San Francisco): Marathon session of more than thirteen hours with minimal breaks is neither reasonable nor fair.

PJC (1996, 178, 12.096, Ling v. First PC of Bay St. Louis): PJC Moderator should control conduct of a trial; a trial is not a town meeting.  
-----

#### **D-7.0303a. Questions as to Procedure**

Questions as to procedure or the admissibility of evidence arising in the course of a trial shall be decided by the moderator after the parties have had an opportunity to be heard. A party or a member of the permanent judicial commission may appeal from the decision of the moderator to the commission, which shall decide the question by majority vote.

-----  
PJC (1985, 113, 11.065, PC(USA) v. Hardwick): Substantial compliance with the *Book of Church Order* was necessary, and was not accomplished.

PJC (1985, 111, 11.063, Hennigan v. Pby Catawba): By proceeding to trial on the merits without having taken an exception, the issue has been waived.  
-----

#### **D-7.0303b. Absences**

The absence of any member of the permanent judicial commission after a trial has commenced shall be recorded. That person shall not thereafter participate in that case.

### **D-7.0304 Loss of Quorum**

Loss of a quorum shall result in a mistrial and the case shall be tried again from the beginning.

## **D-7.0400 4. Trial**

### **D-7.0401 Procedure in a Remedial Case**

The trial of a remedial case shall proceed as follows:

### **D-7.0401a. Announcement by the Moderator**

The moderator shall read aloud sections D-1.0101 and D-1.0102, shall announce that the **council** is about to proceed to trial, and shall enjoin the members to recollect and regard their high character as judges of a **council** of the Church of Jesus Christ and the solemn duties they are about to undertake.

### **D-7.0401b. Eligibility of Commission Members**

The parties or their counsel may object and be heard on the organization and jurisdiction of the permanent judicial commission.

#### ***D-7.0401b.(1) Disqualification***

**D-7.0401b.(1)** A member of a permanent judicial commission is disqualified if the member is personally interested in the case, is related by blood or marriage to any party, has been active for or against any party, or is ineligible under the provisions of D-5.0205.

-----  
PJC (2003, 277, 215-8, Hart, Pby of San Joaquin et al. v. Pby of Redwoods): Member of PJC who has acted for or against a party as counsel should be recused.

#### ***D-7.0401b.(2) Challenges***

**D-7.0401b.(2)** Any member of a permanent judicial commission may be challenged by any party, and the validity of the challenge shall be determined by the remaining members of the permanent judicial commission.

-----  
PJC (1999, 831, 12.077, Wier v. Second PC, Ft. Lauderdale): Discussion of recusals and reliance on D-5.0205, -7.0401, and D-11.0403a, not ex parte advice.

PJC (1995, 122, 11.057, Shack PC v. Bryan): See at D-4.0102.

### **D-7.0401c. Procedural Objections**

The permanent judicial commission shall determine all preliminary objections, and any other objections affecting the order or regularity of the proceedings.

-----  
PJC (2006, 217-1, 455, Hope, et.al. v. Pby of San Francisco): PJC has discretion to allow oral argument on pretrial motions.

PJC (1991, 183, 11.051, PC(USA) v. Murdock & Woodard): (1) Summary dismissal is not permissible. PJC must hear the evidence before deciding on its competence.

PJC: (2) Charges, specifications, and witness lists may be amended up until the time of trial.

PJC (1990, 139, 11.087): Letter on procedures sent by order of GA to presbytery and synod stated clerks, and moderators of permanent judicial commissions.

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#### **D-7.0401d. Amend Complaint**

The complainant shall be permitted to amend the complaint at the time of the trial, provided that the amendment does not change the substance of the complaint or prejudice the respondent.

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PJC (2006, 217-9, 486, Synod of the Northeast, et al. v. Board of Pensions of the PC(USA): Example of case being dismissed because agreement was reached.

PJC (2001, 575, 12.1004, Hennigan v. Pby of Charlotte): Amendments to a complaint and other procedures (D-6.0306, D-6.0309, D-6.0310) may refine, but not expand, the scope of the complaint.

PJC (2001, 575, 12.1004, Hennigan v. Pby of Charlotte): Issues arising after filing of complaint could not be considered in relation to the complaint.

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#### **D-7.0401e. Opening Statements**

The parties shall be given an opportunity to make opening statements.

#### **D-7.0401f. Rules of Evidence**

The rules of evidence in D-14.0000 shall be followed.

#### **D-7.0401g. Evidence**

Evidence as is deemed necessary or proper, if any, shall be presented on behalf of the complainant and the respondent.

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PJC (2102, 220-12, Cubbin-Will v. Pby of Tropical Florida): Evidence occurring after the date of complaint may be admissible to show remedy by council of potential irregularity.

PJC (1996, 167, 12.044, Gallman v. Oak Grove PC): It is the responsibility of the parties in a remedial case to obtain and represent evidence; it is not the responsibility of the permanent judicial commission to search independently for such evidence (12.047).

PJC (1985, 123, 11.072, Schneider v. Pby of Chicago): In the trial of a remedial case, the permanent judicial commission may not, itself, elicit evidence concerning issues not raised in the complaint.

PJC (1983, 131, F. 3, Phillabaum v. Pby of Wyoming): Found complainant had been foreclosed from fully developing his testimony.

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#### **D-7.0401h. Final Statements**

The parties shall be given an opportunity to make final statements, the complainant having the right of opening and closing the argument.



## **D-7.0402 Decision**

The permanent judicial commission shall then meet privately. All persons not members of the commission shall be excluded.

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PJC (2010, 219-15, 404, Consent Order, Caledonia PC v. Pby of John Knox): Example of consent decree that results in dismissal but not a decision.

PJC (2010, 219-14, 400, Westbrook v. Pby of New Hope): PJC is required to deliberate in private and should not distribute preliminary notes or drafts of decisions.

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### **D-7.0402a. Deliberation**

No complaint in a remedial case shall be sustained unless it has been proved by a preponderance of the evidence. Preponderance means such evidence as, when weighed with that opposed to it, has more convincing force and the greater probability of truth. After careful deliberation the commission shall vote on each irregularity or delinquency assigned in the complaint and record the vote in its minutes.

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PJC (2102, 220-12, Cubbin-Will v. Pby of Tropical Florida): Proper to dismiss Remedial Complaint where remedy sought has already been achieved.

PJC (2012, 220-09, Pby of New York City v. Edmonds): Factual determinations made by a trier of fact are accorded a presumption of correctness. These determinations are not to be disturbed on appeal unless they are “plainly wrong, without supporting evidence or manifestly unjust”. Questions of constitutional interpretation are not subject to the same deference. (In addition see: 1988, 200-4, Hardwick v. Session of Pearsall; 2008, 218-10, Bush v. Pby of Pittsburgh; 2008, 218-07, Pby of Redwoods v. Spahr; 2010, 219-02, PCUSA through Pby of Greater Atlanta v Ransom; 2010, 219-07, Pby Wyoming v. King; 2010, 219-08, Bierschwale et al v Twin Cities Area Pby; 2010, 219-11, Naegeli et al v Pby of San Francisco.)

PJC (2006, 217-1, 455, Hope, et.al. v. Pby of San Francisco): PJC may group or summarize specifications of error but may not omit one.

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### **D-7.0402b. Decision**

The permanent judicial commission shall then decide the case. If the complaint is sustained either in whole or in part, the commission shall either order such action as is appropriate or direct the lower **council** to conduct further proceedings in the matter.

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Amend Rejected (1999, 64, 603, Ovt. 99-23): See at D-2.0101.

GA (2006. 38, 40, 443, Item 05-27): (1) Decisions of the PJC's of synods and pby's are binding on the parties to the particular cases in which the decisions are rendered unless overturned on appeal. No synod or pby PJC is able to make its decisions binding beyond the parties to the particular case by simply declaring it to be so.

GA (2) Governing bodies and members in the same jurisdiction and a lower jurisdiction below the one rendering a decision should be aware that the PJC will render similar decisions in cases on the same issues and with like fact situations. *Wefer v. Synod of Pennsylvania (Minutes, UPC, 1957, Part I, pp. 188 - 93)*.

GA (3) Only the General Assembly Permanent Judicial Commission has the power to render decisions that are authoritative interpretations binding on the entire church, because the *Book of Order* so provides (G-13.0103r).

PJC (2102, 220-12, *Cubbin-Will v. Pby of Tropical Florida*): Proper to dismiss Remedial Complaint where remedy sought has already been achieved.

PJC (2010, 219-14, 400, *Westbrook v. Pby of New Hope*): PJC is required to deliberate in private and should not distribute preliminary notes or drafts of decisions.

PJC (2006, 217-9 **Preliminary Order**, *Synod of the Northeast v. Board of Pensions*): (1) The GA, acting through its PJC, has jurisdiction to issue constitutional interpretations in cases involving the Board of Pensions.

PJC (2) Until a GA has taken back the fiduciary power delegated to the Board of Pensions, the only relief that can be granted by the GAPJC against the Board of Pensions is declaratory in nature.

PJC (2006, 217-7, **Modified Stay of Enforcement**, *Williamson v. Pby of W. North Carolina*): The Synod PJC acted beyond its authority when it ordered a lower governing body to suspend the performance of a constitutional duty. Such action "would subvert the authority of the constitution and would constitute 'harm' under D-6.0103a(3)(c)."

PJC (2006, 217-7, 475, *Williamson v. Pby of W. North Carolina*): A PJC may order a lower governing body to formulate a plan for a process of reconciliation.

PJC (2003, 272, 215-5, *McKittrick v. West End PC*): PJC has power to issue declarative relief even if it may not order actual relief. Ex: PJC may admonish session to refrain from conducting future irregular installations.

PJC (2001, 577, 12.1028, *Londonderry, et al v. Pby of N. New England*, 575, *Hennigan v. Pby of Charlotte*): Examples of GA PJC recessing, reconvening to finish drafting decision in case (appeals).

PJC (1999, 831, 12.077, *Wier v. Second PC, Ft. Lauderdale*): An ordaining body may be disciplined for erroneous action and for being contumacious.

PJC (1997, 134, 12.0132, *Veldhuizen & Yoshioka v. Pby of San Francisco*, 1993, 170, 11.047, *Veldhuizen v. Pby of SF*): Not error for PJC to fail to order money damages. See Concurring Opinion in 1993 decision for alternate view not adopted.

PJC (1995, 125, 11.060, *Mt. Auburn PC v. Pby of Cincinnati*): Issue not raised in complaint cannot be decided by PJC.

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### **D-7.0402c. Written Decision**

A written decision shall be prepared while in session, and shall become the final decision when a copy of the written decision is signed by the moderator and clerk of the permanent judicial commission. A copy of the written decision shall immediately be delivered to the parties to the case by personal service or by certified delivery.

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Amend Rejected (2008, 48, 49, 248, **Item 04-06**): Would have allowed final decision to be completed within ten days of the meeting

Amend Rejected (1994, 186, 21.013, **Ovt. 94-1**; 1993, 316, 21.031, **Ovt. 93-37**): Rejected amendment to mandate the review of GA PJC decisions by the GA.

PJC (2010, 219-14, 400, Westbrook v. Pby of New Hope): PJC must complete the full written decision and order while in session, and a final decision and order must be signed by the PJC moderator and clerk. All final decisions should be dated.

PJC (2006, 217-12, 493, Chesterbrook Taiwanese P v National Capital Pby): A dissent is permissible in a decision, however the dissent does not have binding authority.

PJC (2006, 217-1, 455, Hope, et.al. v. Pby of San Francisco): PJC must meet in person for consideration and adoption of a final written decision.

PJC (1997, 134, 12.0132, Veldhuizen & Yoshioka v. Pby of San Francisco): GA PJC directed action by an office not directly involved in the case (administrative action by Stated Clerk of GA).

PJC (1991, 179, 11.049, Matsuda, et al v. Pby of San Francisco): Decision is written after session or PJC has considered evidence, deliberated, and voted on specifications.

PJC (1995, 121, 11.056, Evans v. Pby of Lake Michigan): See at D-11.0403c.

PJC (1995, 123, 11.058, Hoover v. Pby of Charlotte): Cases already adjudicated are not addressable by filing a new complaint.

GA (2002, 67, 300, Item 04-14, Req 02-2): Makes clear that “personal and certified delivery” means any delivery that can provide proof of physical service.

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#### **D-7.0402d. Filed Promptly**

Within thirty days of the conclusion of the trial, the decision shall be filed with the stated clerk of the **council** that appointed the permanent judicial commission.

#### **D-7.0402e. Further Publicity**

The moderator or clerk of the permanent judicial commission shall disseminate the decision as the permanent judicial commission may direct.

### **D-7.0500 5. Provisions for Appeal**

#### **D-7.0501 Appeal Time**

For each party, the time for filing an appeal shall run from the date the decision is delivered to, or refused by, that party.

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Amend (1984, 597, 55.038, Item 14): Struck “deposit of” and inserted “delivery or refusal of”.

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#### **D-7.0502 Appeals**

An appeal may be initiated only by one or more of the original parties. Rules of appeal are found in D-8.0000.

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PJC (2004, 371, 216-4A, Sohn v. Hanmi Presbytery): There is no process for granting a motion for reconsideration.

PJC (2003, 265, 215-3, Pby San Joaquin v. Synod of the Pacific): ROD do not permit a challenge to PJC rulings by a party not involved in original case.

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## **D-7.0600 6. Record of Proceedings**

### **D-7.0601 Record of Proceedings**

The clerk of the permanent judicial commission shall do the following:

#### **D-7.0601a. Verbatim Recording**

Arrange in advance for the accurate verbatim recording of all testimony and oral proceedings.

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PJC (1994, 154, 11.094, Saurbaugh v. Pby of Great Rivers): Verbatim recording is required unless all parties waive it.

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#### **D-7.0601b. Exhibits**

Identify and maintain all exhibits offered in evidence (noting whether or not they were accepted as evidence) and keep a list of all exhibits;

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PJC (2010, 219-11, 390, Naegeli et al v Pby of San Francisco): Record consists of all items listed including "items offered into evidence even if they were not accepted as admissible evidence."

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#### **D-7.0601c. Minutes**

Record minutes of the proceedings, which shall include any actions or orders of the permanent judicial commission relating to the case with the vote thereon.

#### **D-7.0601d. Record**

Prepare the record of the case, which shall consist of

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PJC (2010, 219-11, 390, Naegeli et al v Pby of San Francisco): Record consists of all items listed including "items offered into evidence even if they were not accepted as admissible evidence."

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**D-7.0601d.(1)** the complaint and the answer thereto;

**D-7.0601d.(2)** all minutes and papers filed in the case;

**D-7.0601d.(3)** a certified transcript, if requested;

**D-7.0601d.(4)** all properly marked exhibits, records, documents, and other papers;

**D-7.0601d.(5)** the written decision; and

**D-7.0601d.(6)** any actions or orders of the permanent judicial commission relating to the case with the vote thereon.

### **D-7.0601e. Preservation**

Within fourteen days after the decision becomes final, certify and transmit the record of the case to the stated clerk of the electing **council**, who shall preserve it for at least two years.

### **D-7.0601f. Transcript**

Upon the request, and at the expense of any requesting party, cause to be prepared, as promptly as circumstances permit, a true and complete transcript of all the testimony and oral proceedings during the course of the trial. A copy of this transcript, when certified by the person making the same to be true and complete, shall be delivered to each party requesting the same upon satisfactory arrangement for payment, and one additional copy shall be made for inclusion in the record to be sent forward upon any appeal pursuant to D-8.0000.

### **D-7.0602 Additions to the Record**

No person may supplement or add to the record in a case except for good cause as determined by the moderator and clerk of the permanent judicial commission responsible for conducting the trial. No request to supplement the record shall be considered until received in writing by the stated clerk of the lower **council**, who shall transmit it to the moderator and clerk of the permanent judicial commission. A copy of the request shall be delivered to all parties and every party shall have ten days to respond in writing.

### **D-7.0700 7. Duty of Stated Clerk**

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GA (2003, 68, 231, Item 03-04, Req 03-4): G.A. Stated Clerk has no authority to enforce orders of GAPJC.  
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### **D-7.0701 Reporting the Decision**

If the **council** is meeting when the decision is received from the clerk of the permanent judicial commission, the stated clerk shall report the decision immediately and enter the full decision upon the minutes of the **council**. If the **council** is not meeting, the stated clerk shall report the decision to the **council** at its first stated or adjourned meeting thereafter, or at a meeting called for that purpose, and enter the full decision upon the minutes of the **council**.

-----  
GA (2006, 46, 48, **Item 03-14, Recommendation 4**): PJC should be specific about all actions the lower governing body has been directed to take.

PJC (1998, 136, 12.0191, Veldhuizen v. Pby of San Francisco): See at D-6.0305d for right to protest decision.

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## **D-8.0000 CHAPTER VIII. APPEAL IN A REMEDIAL CASE**

### **D-8.0100 1. Initiation of an Appeal**

#### **D-8.0101 Definition**

An appeal of a remedial case is the transfer to the next higher **council** of a case in which a decision has been rendered in a lower **council**, for the purpose of obtaining a review of the proceedings and decision to correct, modify, set aside, or reverse the decision.

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PJC (2006, 217-6, 472, Raines v. Session of Miami Shores PC): Dismissal under D-6.0306c “is a final decision that renders the case ripe for appeal.” When all criteria listed in D-6.0305 are answered in the affirmative, the case is not ripe for an appeal.  
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#### **D-8.0102 Initiation of Appeal**

An appeal may be initiated only by one or more of the original parties in the case, and is accomplished by the filing of a written notice of appeal.

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PJC (2003, 265, 215-3, Pby San Joaquin v. Synod of the Pacific): ROD do not permit a challenge to PJC rulings by a party not involved in original case.

PJC (1994, 145, 11.088, PC(USA) v. Truscott): As the PJC of a lower governing body is not a party to an appeal, its officers should not be involved in writing briefs on appeal.

PJC (1993, 160, 11.042, Hoover v. Pby of Charlotte): Any party to a remedial case has the right to appeal the decision of a lower governing body to a higher one regardless of the language of the decision.

PJC (1985, 118, 11.069, Kennedy v. Pby of Shenango): A person who has left the church (renounced jurisdiction, D-6.0501 (formerly D-5.0300) has no standing to file an appeal because no PJC has jurisdiction to hear it.  
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#### **D-8.0103 Effect of Appeal**

The notice of appeal shall not suspend any further action implementing the decision being appealed unless a stay of enforcement has been obtained in accordance with the provisions of D-6.0103.

#### **D-8.0104 Withdrawal of Appeal**

On application, the permanent judicial commission of the higher **council** may grant a petition for withdrawal of an appeal. The permanent judicial commission shall deny a petition if its approval would defeat the ends of justice.

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GA (2008, 49, 264, Item 04-16): Gives detailed advice about the possibilities when the parties enter into a private resolution of a remedial case and advise the permanent judicial commission before which it is pending that the complaint is being withdrawn.

PJC (2003, 262, 215-1, Bae v. Atlantic Korean-American Pby): PJC has discretion to grant a petition for withdrawal of an appeal if it finds such approval would not defeat the ends of justice.

PJC (1999, 831, 12.070, Riefle v. Knox PC; 1998, 137, 12.0210, Lee and Pahn v. Pby of Midwest Hanmi; 1996, 176, 12.093, Lundin, et al. v. Pby of Chicago): Examples of such a withdrawal.

## **D-8.0105 Grounds for Appeal**

The grounds for appeal are

PJC (1997, 141, 12.0242, San Mateo Korean PC v. Pby of San Francisco, (1997, 142, 12.0262, Cook), (1995, 121, 11.056, Evans v. Pby of Lake Michigan): Issues in a disciplinary case not grounds for a remedial case.

PJC (1995, 130, 11.064, Baker v. Pby of Middle Tennessee): If party fails to raise an issue at trial before the lower judicatory body, that party may not raise it.

PJC (1995, 133, 11.066, Lewis v. Pby of New York City): Holding contrary to evidence is basis for reversal on appeal, but a PJC cannot substitute its judgment for that of the PJC of the lower governing body.

PJC (1993, 174, 11.049, Gaddie v. Pby of Whitewater Valley): No requirement to give due process provisions of the BO the same interpretation as in U.S. Constitution. Gaddie affirmed in Brown V. Pby of San Diego (1995, 129, 11.063).

PJC (1993, 160, 11.042, Hoover v. Pby of Charlotte): Error found to have been harmless and not prejudicial.

**D-8.0105a.** irregularity in the proceedings;

PJC (2012, 220-01, White v. Session of St. Paul PC): To sustain allegations of irregularity in proceedings, must show facts to prove or support alleged procedural error.

**D-8.0105b.** refusing a party reasonable opportunity to be heard or to obtain or present evidence;

**D-8.0105c.** receiving improper, or declining to receive proper, evidence or testimony;

**D-8.0105d.** hastening to a decision before the evidence or testimony is fully received;

**D-8.0105e.** manifestation of prejudice in the conduct of the case;

**D-8.0105f.** injustice in the process or decision; and

**D-8.0105g.** error in constitutional interpretation.

PJC (2006, 217-7, 475, Williamson v. Pby of W. North Carolina): The factual findings of a lower judicial body “have a presumption of correctness, and are not to be disturbed unless they are plainly wrong, without supporting evidence, or manifestly unjust.”



PJC (2006, 217-1, 455, Hope, et.al. v. Pby of San Francisco): GAPJC decides only PC(USA) constitutional error and cannot interpret presbytery policy.

PJC (2001, 584, 12.1111, Pby of Elizabeth v. Finn; 2000, 580, 12.071, Cong. for Reconciliation v. Pby of Miami, 1998, 133, 12.0136, Bevensee v. Pby of New Brunswick): Judgments of a lower commission on factual issues have presumption of correctness and are disturbed only if plainly wrong, without supporting evidence, or manifestly unjust. Cases cite Hardwick case, 1983.

PJC (1997, 141, 12.0247, Lesane v. Pby of New Harmony): Proper to dismiss if appeal fails to state at least one of grounds of appeal.

PJC (1996, 178, 12.096, Ling v. First Church of Bay St. Louis, MO; PCUS 1983, 45, Hardwick v. The PJC, Synod of NC): The lowest court of jurisdiction is in the best position to determine the issues of fact, including the justification of those involved for their acts and/or omissions.

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## **D-8.0200 2. Filings in Appeal Process**

### **D-8.0201 Time for Filing Written Notice of Appeal**

A written notice of appeal shall be filed within forty-five days after a copy of the judgment has been delivered by certified delivery or personal service to the party appealing.

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Amend (2000, 128-136, 16.158, Req. 00-6): As part of major revision, added provision in appeals process that is also in D-6.0310.

Changed “thirty days” to “forty-five days” and made extensive changes in order and some in procedures for preliminary process (D-8.0201-.0307 affected).

PJC (2010, 219-02, 359, PC(USA) through Pby of Greater Atlanta v. Ransom): Appeal is timely filed if sent by a “permissible means of service” (certified mail or personal delivery) on or before the due date.

PJC (2008, 314, 218-08 Prelim, Yun et al v. Session of Korean United PC of NJ): Filing is timely if received by stated clerk on or before the due date, or, if due date is on a weekend or holiday, on the next business day.

PJC (1997, 134, 12.0122, Haggin v. Pby of the Redwoods): Ruled that “filed with the stated clerk” in D-13.0400 (new D-8.0201, see a. below) means filed with and received by the SC. Mailing is not sufficient.

PJC (1987, 120, 11.075b, Buonaiuto v. Pby of Long Island; 1985, 118, 11.070, PC(USA) v. Tempelman): The General Assembly PJC is without jurisdiction to hear an appeal when written notice of appeal is not timely filed.

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**D-8.0201a.** The written notice of appeal shall be filed with the stated clerk of the lower **council** which elected the permanent judicial commission from whose judgment the appeal is taken.

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PJC (1997, 142, 12.0257, Lee v. Pby of San Francisco): Notice of appeal not properly filed if not filed with stated clerk as required in this section.

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**D-8.0201b.** The party appealing shall provide a copy of the notice of appeal to each of the other parties and to the stated clerk of the **council** which will hear the appeal.

## **D-8.0202 Content of Written Notice of Appeal**

The written notice of appeal shall state and include

**D-8.0202a.** the name of the party or parties filing the appeal, called the appellant or appellants, and their counsel if any;

**D-8.0202b.** the name of the other party or parties, called the appellee or appellees, and their counsel if any;

**D-8.0202c.** the **council** from whose judgment the appeal is taken ;

**D-8.0202d.** the judgment or decision, and date and place thereof, from which the appeal is taken (enclose a copy of the judgment or decision with the notice of appeal);

**D-8.0202e.** a statement of the errors of the permanent judicial commission which conducted the trial or hearing on appeal that are the grounds for the appeal (D-8.0105); and

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PJC (2010, 219-02, 359, PC(USA) through Pby of Greater Atlanta v. Ransom): PJC is only required to address Specification of Errors set forth in Notice of Appeal but may choose to address other Specification of Errors set forth in Briefs or at oral argument on appeal.

PJC (2008, 314, 218-08, Yun, et al v. Session of Korean United PC of NJ): When considering whether a Notice of Appeal states one or more grounds for appeal, the PJC must assume the truth of the facts alleged in the Notice of Appeal.

PJC (2000, 580, 12.071, Congregation for Reconciliation v. Pby of Miami): On appeal, PJC may only consider matters that were part of trial or hearing on appeal by lower PJC.

PJC (1996, 167, 12.044, Gallman v. Oak Grove PC): Must state all specifications of error, not incorporate by reference.

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**D-8.0202f.** a certification that a copy of the notice of appeal was provided by certified delivery or by personal service to each of the other parties and to the stated clerk of the **council** that will hear the appeal.

## **D-8.0203 Transmittal of Notice of Appeal to Officers**

Upon receipt of the notice of appeal and the decision being appealed, the stated clerk of the higher **council** shall transmit them to the officers of the permanent judicial commission.

## **D-8.0300 3. Prehearing Proceedings**

### **D-8.0301 Examination of Papers**

Upon receiving the papers specified in D-8.0203, the moderator and the clerk of the permanent judicial commission of the **council** that will hear the case shall promptly examine the papers to determine whether

**D-8.0301a.** the **council** has jurisdiction;

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PJC (2000, 584, 12.135, Hair and McCallum v. First P. C., Stamford): Appropriate to grant joint motion to dismiss appeals, as case was within jurisdiction of pby PJC, remanded by synod PJC.  
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**D-8.0301b.** the appellant has standing to file the appeal;

**D-8.0301c.** the appeal papers were properly and timely filed; and

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PJC (1998, 132, 12.0131, Whitehead v. Pby of Detroit, 1998, 134, 12.0156, Session of Brighton PC v. Pby of Genesee Valley): Examples of appeals dismissed because not timely filed.  
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**D-8.0301d.** the appeal states one or more of the grounds for appeal set forth in D-8.0105.

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PJC (2010, 219-02, 359, PC(USA) through Pby of Greater Atlanta v. Ransom): PJC is only required to address Specification of Errors set forth in Notice of Appeal but may choose to address other Spec. of Errors set forth in Briefs or at oral argument on appeal.

PJC (2008, 314, 218-08, Yun, et al v. Session of Korean United PC of NJ): When considering whether a Notice of Appeal states one or more grounds for appeal, the PJC must assume the truth of the facts alleged in the NoA.

PJC (2000, 580, 12.071, Cong. for Reconciliation v. Pby of Miami): Issues not heard by PJC conducting trial due to agreement of parties are not subject to appeal. See note on same case at D-6.0310.

PJC (1996, 178, 12.095, Panko v. Pby of Wabash Valley): Appeal dismissed because all the issues were moot.

PJC (1995, 125, 11.060, Mt. Auburn PC v. Pby of Cincinnati): See at D-6.0202.  
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## **D-8.0302 Preliminary Questions Determined**

The moderator and clerk shall report their findings to the parties and to the permanent judicial commission.

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Amend (2010, 59, 347, Item 05-25): Added section d saying that if no challenge is made to their findings, “the case shall be dismissed without further action or order of the PJC.”  
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**D-8.0302a.** If a challenge is made to the findings of the moderator and clerk within thirty days after the receipt of those findings, either by a party to the case or by a member of the permanent judicial commission, opportunity shall be provided to present evidence and argument on the finding in question.

-----  
Amend (2004, 81, 295, Item 04-03): Requires challenges to findings of moderator or clerk to be made within 30 days.

PJC (2008, 314, 218-08, Yun, et al v. Session of Korean United PC of NJ): When considering whether a Notice of Appeal states one or more grounds for appeal, the PJC must assume the truth of the facts alleged in the NoA.

PJC (2008, 311, 218-06, Pby of Wyoming v. King): Hearing on preliminary questions is limited and should not determine merits of the errors alleged.

PJC (2006, 217-6, 472, Raines v. Session of Miami Shores PC): The PJC has discretion under D-8.0302b not to conduct a hearing on a challenge to the findings of the moderator and clerk on preliminary questions. However, parties must be provided an opportunity to present evidence and argument on the findings in question.

PJC (2006, 217-3, 467, Pby of Baltimore v. Synod of Mid Atlantic): If governing body rescinds action which was the subject matter of the complaint, case becomes moot.

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**D-8.0302b.** If a hearing is necessary to decide the item in question, that hearing shall be scheduled at least thirty days prior to the hearing on the appeal unless the circumstances, including monetary considerations, render advisable the disposition of the preliminary questions immediately before the hearing on the appeal.

**D-8.0302c.** If the permanent judicial commission determines that any point listed in D-8.0301 has been answered in the negative, the permanent judicial commission shall dismiss the appeal.

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PJC (2008, 314, 218-08, Yun, et al v. Session of Korean United PC of NJ): When considering whether a Notice of Appeal states one or more grounds for appeal, the PJC must assume the truth of the facts alleged in the NoA.

PJC (2008, 311, 218-06, Pby of Wyoming v. King): Hearing on preliminary questions is limited and should not determine merits of the errors alleged.

PJC (1996, 178, 12.096, Ling v. First PC of Bay St. Louis, MS): A PJC may not dispose of an appeal without a hearing and a review of the record (12.047). However, D-8.0302 now allows for the moderator and clerk to make a preliminary finding. No hearing is needed unless this ruling is challenged.

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**D-8.0302d.** If no challenge is made to a finding of the moderator and clerk that one or more points listed in D-6.0305 (or D-8.0301, or D-13.0106, as applicable) has been answered in the negative, the case shall be dismissed without further action or order of the permanent judicial commission.

### **D-8.0303 Record on Appeal**

The record on appeal shall be formed as follows:

#### **D-8.0303a. List of Record**

Within forty-five days after the receipt of a written notice of appeal, the stated clerk of the lower **council** shall list in writing to the parties all of the papers and other materials that constitute the record of the case. (D-7.0601d)

#### **D-8.0303b. Additional Records**

Within fifteen days thereafter, any party may file with the stated clerk of the lower **council** a written statement challenging the accuracy or completeness of the record of the case as listed by

the stated clerk. The written challenge shall state specifically the item or items listed in D-7.0601d which are claimed to be omitted from the record of the case.

### **D-8.0303c. Filing of Record on Appeal**

Upon notification by the stated clerk of the higher **council** of jurisdiction that the case has been accepted, the stated clerk of the lower **council** shall certify and file the record of the case, which may include authenticated copies of parts of the record, and shall include any written challenges disputing the completeness or accuracy of the record, with the stated clerk of the higher **council**.

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PJC (1991, 179, 11.049, Matsuda, et al. v. Pby of San Francisco): Stated clerk must file with PJC documents listed as the record in the case.

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### **D-8.0303d. Correction of the Record**

If anything material to either party is omitted from the record by error or accident, or is misstated therein, the omission or misstatement may be corrected. The parties may stipulate to the correction, or the session or permanent judicial commission of the lower **council** may certify and transmit a supplemental record, or the permanent judicial commission of the higher **council** may direct that the omission or misstatement be corrected. All other questions as to the form and content of the record shall be presented to the permanent judicial commission of the higher **council**.

### **D-8.0303e. Notice of Date of Reception**

The stated clerk of the higher **council** shall notify the parties of the date the record on appeal was received.

### **D-8.0303f. Copy Furnished at Cost**

Upon written request, the stated clerk of the higher **council** shall furnish any party to the appeal, at cost to that party, a copy of the record on appeal.

### **D-8.0303g. Extension**

For good cause shown, the stated clerk of the higher **council** may extend the time limits in D-8.0303 for a reasonable period.

## **D-8.0304 Filing of Appellant's Brief**

Within thirty days after the date of the filing of the record on appeal, the appellant shall file with the stated clerk of the higher **council** a written brief containing specifications of the errors alleged in the notice of appeal and arguments, reasons, and citations of authorities in support of the appellant's contentions as to the alleged errors specified.

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PJC (2010, 219-02, 359, PC(USA) through Pby of Greater Atlanta v. Ransom): PJC is only required to address Specification of Errors set forth in Notice of Appeal but may choose to address other Spec. of Errors set forth in Briefs or at oral argument on appeal.

PJC (2000, 580, 12.071, Cong. for Reconciliation v. Pby of Miami): Specifications of error cited in brief must correspond to those in notice of appeal, but PJC made restate specifications for clarity.

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#### **D-8.0304a. Copy to Other Party**

The brief shall be accompanied by a certification that a copy has been furnished to the other party or parties.

#### **D-8.0304b. Extension**

For good cause shown, the stated clerk of the higher **council** may extend this time limit for a reasonable period.

#### **D-8.0304c. Failure to File Brief**

Failure of appellant to file a brief within the time allowed, without good cause, shall be deemed by the permanent judicial commission an abandonment of the appeal.

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PJC (1985, 118, 11.068, Hedstrom v. Session of First PC, Nashville, TN): An appeal was dismissed following failure by appellant to file brief.

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### **D-8.0305 Filing of Appellee's Brief**

Within thirty days after the filing of appellant's brief, the appellee shall file with the stated clerk of the higher **council** a written brief responding thereto.

#### **D-8.0305a. Copy to Other Party**

The brief shall be accompanied by a certification that a copy has been furnished to the other party or parties.

#### **D-8.0305b. Extension**

For good cause shown, the stated clerk of the higher **council** may extend this time limit for a reasonable period.

#### **D-8.0305c. Failure to File Brief**

Failure of appellee to file a brief within the time allowed, without good cause, shall constitute waiver of the rights to file a brief, to appear, and to be heard.

### **D-8.0306 Transmittal of Record and Briefs**

Upon receipt of the record and the briefs, or upon the expiration of the time for filing them, the stated clerk of the higher **council** shall transmit the record and briefs to the clerk of the permanent judicial commission.

## **D-8.0307 Prehearing Conference**

At any time after an appeal is received by a permanent judicial commission, the commission may provide by rule for the parties or their counsel, if any, in a prehearing conference, to seek agreement on any of the disputed issues in the appeal, and to take other action which might reasonably and impartially narrow the dispute and expedite its resolution.

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Amend (2000, 128-136, 16.158, Req. 00-6): As part of major revision, added provision in appeals process that is also in D-6.0310.  
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## **D-8.0400 4. Hearing of Appeal**

### **D-8.0401 Notice of Hearing**

The moderator or clerk of the permanent judicial commission shall notify the parties of the date when they may appear in person or by counsel before the permanent judicial commission to present the appeal.

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PJC (2010, 219-12, 395, Phinisee v. Pby of Charleston Atlantic): The synod PJC has the discretion to determine whether a continuance is needed.

PJC (1998, 134, 12.0161, Anderson, et. al., v. Pby of Scioto Valley): Example of related cases beginning consolidated for hearing on appeal.

PJC (1997, 137, 12.0192, Hoover v. Pby of Charlotte): Continuance is discretionary on the part of a PJC.  
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### **D-8.0402 Failure to Appear**

Failure of a party to appear in person or by counsel shall constitute a waiver of participation in the hearing on appeal.

### **D-8.0403 Hearing:**

At the hearing the permanent judicial commission shall

#### **D-8.0403a. New Evidence**

determine whether to receive newly discovered evidence, under the provisions of D-14.0502, providing for the verbatim recording of such new evidence; and

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PJC (2006, 217-12, 493, Chesterbrook Taiwanese PC v National Capital Pby): Factual determinations made by PJC, trier of fact, have a presumption of correctness and are not to be disturbed on appeal unless they are plainly wrong, without supporting evidence or manifestly unjust (Hardwick v. Permanent Judicial Commission of the Synod of North Carolina, Minutes, 1983, p.45).

PJC (1993, 160, 11.042, Hoover v. Pby of Charlotte): PJC cannot consider on appeal evidence not in the trial record. See also PJC (1995, 125, 11.060, Mt. Auburn PC v. Pby of Cincinnati): note at D-7.0402b.

PJC (1995, 117, 11.053, Bolton v. Alamance PC): See at D-14.0502.

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## **D-8.0403b. Hearing**

give opportunity to be heard on the grounds of the appeal to those parties who have not waived that right, the appellant having the right of opening and closing the argument.

## **D-8.0404 Decision of Permanent Judicial Commission**

After the hearing and after deliberation, the permanent judicial commission shall vote separately on each specification of error alleged. The vote shall be on the question, “Shall the specification of error be sustained?” The minutes shall record the numerical vote on each specification of error.

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Amend (1989, 220, 21.121, Ovt. 89-36): Reinstated the question, “Shall the specification of error be sustained?”

GA (2006, 38, 40, 443, Item 05-27): (1) Decisions of the PJC’s of synods and pby’s are binding on the parties to the particular cases in which the decisions are rendered unless overturned on appeal. No synod or pby PJC is able to make its decisions binding beyond the parties to the particular case by simply declaring it to be so.

GA (2) Governing bodies and members in the same jurisdiction and a jurisdiction below the one rendering a decision should be aware that the PJC will render similar decisions in cases on the same issues and with like fact situations. *Wefer v. Synod of Pennsylvania (Minutes, UPC, 1957, Part I, pp. 188 - 93)*.

GA (3) Only the General Assembly Permanent Judicial Commission has the power to render decisions that are authoritative interpretations binding on the entire church, because the *Book of Order* so provides (G-13.0103r).

PJC (2012, 220-09, Pby of New York City v. Edmonds): Factual determinations made by a trier of fact are accorded a presumption of correctness. These determinations are not to be disturbed on appeal unless they are “plainly wrong, without supporting evidence or manifestly unjust”. Questions of constitutional interpretation are not subject to the same deference. (In addition see: 1988, 200-4, *Hardwick v. Session of Pearsall*; 2008, 218-10, *Bush v. Pby of Pittsburgh*; 2008, 218-07, *Pby of Redwoods v. Spahr*; 2010, 219-02, *PCUSA through Pby of Greater Atlanta v Ransom*; 2010, 219-07, *Pby Wyoming v. King*; 2010, 219-08, *Bierschwale et al v Twin Cities Area Pby*; 2010, 219-11, *Naegeli et al v Pby of San Francisco*.)

PJC (2012, 220-01, *White v. Session of St. Paul PC*): (1) Governing body has responsibility to determine a candidate’s suitability for ordination; that assessment may be overturned by higher governing body on review only for “extraordinary reasons.” See also 1981 *Rankin v. National Capital Union Pby*.

(2) Session sustained examination of candidate for ordination who testified he is gay, in a relationship with person of same gender that does not include sexual activity, and he is in compliance with G-6.0106b. Presbytery PJC did not have “extraordinary reasons” for reversing session’s action to sustain the examination.

PJC (2010, 219-15, 404, Consent Order, *Caledonia PC v. Pby of John Knox*): Example of consent decree that results in dismissal but not a decision.

PJC (2006, 217-12, 493, *Chesterbrook Taiwanese PC v National Capital Pby*): Factual determinations made by PJC, trier of fact, have a presumption of correctness and are not to be disturbed on appeal unless they are plainly wrong, without supporting evidence or manifestly unjust (*Hardwick v. Permanent Judicial Commission of the Synod of North Carolina, Minutes, 1983, p.45*).

PJC (1995, 117, 11.053, *Bolton v. Alamance PC*): Repetitious specifications of error may be consolidated to eliminate redundancy.



PJC (1985, 112, 11.065, PC(USA) v. Hardwick): Error for PJC to fail to record votes on each specification and file decision reflecting reasons.

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#### **D-8.0404a. If No Errors Are Found**

If not one of the specifications of error is sustained, and no other error is found, the decision of the lower **council** shall be affirmed.

#### **D-8.0404b. If Errors Are Found**

If one or more errors are found, the permanent judicial commission shall determine whether the decision of the lower **council** shall be affirmed, modified, set aside, reversed, or the case remanded for a new trial.

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GA (2006, 46, 48, Item 03-14, Recommendation 4): PJC should be specific about all actions the lower governing body has been directed to take.

PJC (1998, 134, 12.0161, Anderson, et. al., v. Pby of Scioto Valley): Example of commission hearing appeal of lower commission action on case remanded as result of first appeal.

PJC (1996, 169, 12.058, PC(USA) v. Haddox): Where lower PJC committed procedural errors, but both parties requested a final decision, appellate PJC resolved case on its merits rather than remanding it (12.047).

PJC (1996, 177, 12.094, Veldhuizen v. Pby San Francisco): Even though the public and arguably pejorative report of the results of an investigation was “deplored,” that did not constitute a claim on which relief could be granted.

PJC (1996, 178, 12.096, Ling v. First Church): Procedural errors of trial not reversible where substantial fairness was found.

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#### **D-8.0404c. Written Decision**

A written decision shall be prepared while in session, and shall become the final decision when a copy of the written decision is signed by the moderator and clerk of the permanent judicial commission. A copy of the decision shall immediately be delivered to the parties to the case by personal service or by certified delivery.

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Amend Rejected (2008, 48, 49, 248, Item 04-06): Would have allowed final decision to be completed within ten days of the meeting

PJC (2006, 217-1, 455, Hope, et.al. v. Pby of San Francisco): PJC must meet in person for consideration and adoption of a final written decision.

PJC (2001, 577, 12.1028, Londonderry, et al. v. Pby of N. New England, 575, Hennigan v. Pby of Charlotte): Examples of GA PJC recessing, reconvening to finish drafting decision in appeals.

GA (2002, 67, 300, Item 04-14, Req 02-2): Makes clear that “personal and certified delivery” means any delivery that can provide proof of physical service.

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#### **D-8.0404d. Determination of Each Error**

The decision shall include the determination of errors specified, and state the remedy as provided in D-8.0101. The permanent judicial commission may prepare its decision in a manner that will dispose of all substantive questions without redundancy. It may include an explanation of its determination.

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GA (2006, 46, 48, Item 03-14, Recommendation 4): PJC should be specific about all actions the lower governing body has been directed to take.

PJC (2102, 220-12, Cubbin-Will v. Pby of Tropical Florida): Evidence occurring after the date of complaint may be admissible to show remedy by council of potential irregularity.

PJC (2012, 220-01, White v. Session of St. Paul PC): (1) Governing body has responsibility to determine a candidate's suitability for ordination; that assessment may be overturned by higher governing body on review only for "extraordinary reasons." See also 1981 Rankin v. National Capital Union Pby.

(2) Session sustained examination of candidate for ordination who testified he is gay, in a relationship with person of same gender that does not include sexual activity, and he is in compliance with G-6.0106b. Presbytery PJC did not have "extraordinary reasons" for reversing session's action to sustain the examination.

PJC (2010, 219-02, 359, PC(USA) through Pby of Greater Atlanta v. Ransom): (1) PJC is only required to address Specification of Errors set forth in Notice of Appeal but may choose to address other Spec. of Errors set forth in Briefs or at oral argument on appeal.

(2) PJC not required to provide rationale for each Specification of Error, but encouraged to provide explanation for clarification.

PJC (2006, 217-12, 493, Chesterbrook Taiwanese PC v National Capital Pby): Factual determinations made by PJC, trier of fact, have a presumption of correctness and are not to be disturbed on appeal unless they are plainly wrong, without supporting evidence or manifestly unjust (Hardwick v. Permanent Judicial Commission of the Synod of North Carolina, Minutes, 1983, p.45).

PJC (1999, 834, 12.114, Pby of E. Tenn. v. Cook): Error for PJC to fail to record in its minutes vote on each specification of error. May combine in decision, but not in voting.

PJC (1995, 117, 11.053, Bolton v. Alamance PC): Example of consolidation to eliminate redundancy.

PJC (1996, 177, 12.094, Veldhuizen v. Pby San Francisco): Even though the public and arguably pejorative report of the results of an investigation was "deplored," that did not constitute a claim on which relief could be granted.

PJC (1996, 178, 12.096, Ling v. First Church): Procedural errors of trial not reversible where substantial fairness was found.

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#### **D-8.0404e. Filed Promptly**

Within thirty days of the conclusion of the hearing, the decision shall be filed with the stated clerk of the **council** that appointed the permanent judicial commission.

#### **D-8.0404f. Further Publicity**

The moderator or clerk of the permanent judicial commission shall disseminate the decision as the permanent judicial commission may direct.

## **D-9.0000 CHAPTER IX. REQUEST FOR VINDICATION**

### **D-9.0101 Request for Vindication**

A member of the Presbyterian Church (U.S.A.) who feels injured by rumor or gossip may request an inquiry for vindication by submitting to the clerk of session or stated clerk of the presbytery a clear narrative and statement of alleged facts.

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Amend (1995, 201, 21.038, 1992 Ref.): Vindication given a chapter of its own to distinguish it from accusations against a person as way to begin investigative process.

Amend (1989, 220, 21.124-5, Ovt. 89-36): Provision for vindication was added as one of the ways to initiate preliminary process.

PJC (2003, 274, #215-6, Pby Elizabeth v. Lynn): IC appointed under Chapter IX must carry out its work per procedures described in D-10.0202 and D-10.0203.

PJC (1995, 132, 11.065, Pby of Central Florida v. Herrero): Vindication filed concurrently with allegations, which resulted in the appointment of an SDC, was superfluous.

PJC (1993, 176, 11.052, In the Matter of Hoover): Instructions given in case of request for vindication.  
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#### **D-9.0101a. Review by Council**

If a **council**, through its appropriate committee, finds it proper to grant the request, it shall proceed with an investigating committee as provided in D-10.0201.

#### **D-9.0101b. Investigating Committee**

The investigating committee shall conduct an inquiry to ascertain the facts and circumstances and report in writing to the **council**.

### **D-9.0102 Concludes Matter Unless Charges Filed**

The report shall conclude the matter, unless the investigating committee reports that charges are being filed against the person requesting vindication. If charges are to be filed, the matter shall proceed with appropriate judicial process beginning with D-10.0402.



## **D-10.0000 CHAPTER X. DISCIPLINARY CASES**

### **D-10.0100 1. Procedure Preliminary to a Disciplinary Case**

#### **D-10.0101 Initiation of Preliminary Procedures**

Procedure preliminary to a disciplinary case is initiated by submitting to the clerk of session or the stated clerk of the presbytery having jurisdiction over the member (D-3.0101) a written statement of an alleged offense, together with any supporting information. The statement shall give a clear narrative and allege facts that, if proven true, would likely result in disciplinary action. Such allegations shall be referred to an investigating committee. (D-10.0201)

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Amend (1991, 575, 31.017, CR 90-29): Added sentence, “The written statement . . . action.” Edited in 1995 version of RoD.

Amend Rejected (2010, 57, 307, Item 05-01): Rejected requiring that a statement indicating what efforts have been made to fulfill the biblical obligation to conciliate, mediate, and adjust differences must accompany the allegation.

PJC (2010, 219-09, 384, Davis v. Pby of San Francisco): Investigating committee member with potential bias should disclose to accused potential bias. Bias on the part of IC member is not prejudicial to accused.

PJC (1999, 831, 12.077, Wier v. Second PC, Ft. Lauderdale): Method for proceeding against a newly ordained officer would be to allege actions by officer that would constitute an offense.

#### **D-10.0102 Statement of Offense**

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Amend Rejected (2006, 38-39, 427, Item 05-20): Rejected requirement of personal harm suffered by person filing allegations. GA directed Office of the General Assembly to undertake a study of the inappropriate use of judicial process and report findings and recommendation to the 218th General Assembly (2008). [See 2008 GA action below.] GA also urged individuals and governing bodies to become familiar with D-10.0102 and, as appropriate, to exercise their right to submit an accusation alleging (1) that a member of the Presbyterian Church (U.S.A.) has violated the commandment against bearing false witness, and/or (2) the member, if an officer of the church, has broken his/her ordination vows (see W-4.4003) by filing accusations in bad faith.

Amend Rejected (2006, 38, 40, 429, Item 05-20): Rejected changes about who may submit allegations.

GA (2008, 48, 51, 282, Item 04-27): GA reminds church that “RoD cannot be used to mediate intrinsic differences of theology, policy, polity, power, or trust. These broader issues of conflict should be addressed by individuals within the church and by administrative processes within the church such as mediation, administrative review committees, or administrative commissions. ...”

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The written statement may be submitted by

#### **D-10.0102a. Accusation**

a person under jurisdiction of a **council** of the Presbyterian Church (U.S.A.) making an accusation against another;

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Amend Rejected (2006, 38-39, 420, Item 05-17): Rejected adding ability to file remedial action against gov body moderator or clerk.

GA (2008, 48, 51, 274, Item 04-21): “Absent a judicial finding that an individual is a vexatious litigant, and a corresponding order of a permanent judicial commission to require judicial review of filings from that individual before any other judicial process is commenced (as in Hoover v. Presbytery of Charlotte, Remedial Cases 206-9, 206-11, and Case 206-10), all members of the Presbyterian Church (U.S.A.) enjoy the same access to our judicial process as provided in the Rules of Discipline.”

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### **D-10.0102b. Council**

a member of a **council** receiving information from any source that an offense may have occurred which should be investigated for the purpose of discipline; or

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Amend (1995, 201, 21.012, 1992 Ref.): Any member of a governing body may submit the written statement, based on information which may come to any member or entity (such as COM) of a governing body. Clarified that the governing body need not discuss whether an investigation should begin.

Amend (1991, 575, 31.017, CR 90-29): Clarified that as an alternative to a personal accusation, information received by a governing body from any source might lead the governing body to initiate an investigation.

GA (2004, 82, 300, Item 04-07): When clerk receives allegation from a non-member, must transmit to IC if clerk determines that sufficient information to allow investigation and to suggest an offense has been committed is included.

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### **D-10.0102c. Self-Accusation**

a person under jurisdiction of a **council** of the Presbyterian Church (U.S.A.) coming forward in self-accusation.

### **D-10.0103 Referral to Investigating Committee**

Upon receipt of a written statement of an alleged offense, the clerk of session or the stated clerk of presbytery, without undertaking further inquiry, shall then report to the **council** only that an offense has been alleged without naming the accused or the nature of the alleged offense, and refer the statement immediately to an investigating committee.

-----  
Amend (1991, 575, 31.017, CR 90-29): Added “without undertaking further inquiry.”

Amend Rejected (1987, 140, 15.137, Ovt. 53-87): Rejected amendment requiring that a church officer be placed on leave of absence when indicted for a felony involving child abuse or sexual misconduct.

GA (1995, 279, 21.103, Req. 95-10): See at G-11.0103o.

GA (1993, 576; 1991, 78, 89, VI .B. 4); 1989, 231, 21.252, Req. 89-23): Mandatory admin. leave in cases of sexual misconduct before guilt is established has been termed “unwise” (1989); recommended (1991); and judged a difficult question to be answered by gov. body policy (1993). But see 1995 interp.

PJC (2003, 281, 215-9, Pby Charlotte v. Jacobs): Not error for stated clerk to disclose fact of investigation to session of minister accused.

PJC (1990, 139, 11.087): Emphasizes that a stated clerk's role in judicial process must be a helpful and impartial one.

PJC (1991, 173, 11.046, Hoy et al. v. Pby of Trop. FL): A stated clerk has no constitutional authority to refuse to transmit to a PJC a filing that on its face purports to be a complaint.

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### **D-10.0104 Accusation from Other Council**

When a member is accused of an offense by a written statement presented to a **council** other than the one having jurisdiction over the member, it shall be the duty of the clerk of that session or the stated clerk of that presbytery to submit the written statement to the clerk of session or the stated clerk of the presbytery having jurisdiction over the member. The involved **councils** shall proceed cooperatively with judicial process.

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Amend (1995, 201, 21.012, 1992 Ref.): Established the responsibility of presbytery where misconduct is alleged to have occurred to share costs of disciplinary process and to participate in the investigation and any prosecution. See D-10.0201c.

Amend (1991, 575, 31.017, CR 90-29): Clarified which presbytery would be responsible for conducting a disciplinary process when the accusation concerned conduct in a presbytery other than the presbytery having jurisdiction over a member.

Amend Rejected (1998, 154, 16.0061, 657, Ovt. 98-11): Rejected proposed language to allow a governing body other than the one having jurisdiction over a member to assume jurisdiction under certain circumstances if offense occurred within its bounds.

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### **D-10.0105 Transfer Prohibited**

A session shall not grant a certificate of transfer to a member, nor shall a presbytery grant a certificate of transfer to a **teaching elder**, while an inquiry or charges are pending. The reasons for not granting transfer may be communicated by the clerk of session or the stated clerk of the presbytery to the appropriate persons.

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Amend Rejected (2006, 38, 40, 426, Item 05-19): Rejected adding approval to labor outside pby bounds as being prohibited.

GA (1988, 139, 12.205, Req. 3-88): Either an inquiry involving or charges against a minister is sufficient to prohibit the presbytery from transferring the minister.

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### **D-10.0106 Administrative Leave**

When a written statement of an alleged offense of sexual abuse toward any person under the age of eighteen, or who it is alleged lacked the mental capacity to consent, has been received against a **teaching elder**, the stated clerk receiving the allegation shall immediately communicate the

allegation to the permanent judicial commission. The moderator of the permanent judicial commission shall within three days designate two members, who may be from the roster of former members of the permanent judicial commission, to determine whether the accused shall be placed on a paid administrative leave during the resolution of the matter. The cost of such shall be borne by the employing entity whenever possible or be shared by the presbytery as necessary. While administrative leave is in effect, the **teaching elder** may not perform any pastoral, administrative, educational, or supervisory duties, and may not officiate at any functions such as Baptism, funerals, or weddings.

-----  
Amend Proposed (2012, 26, 27, 590, Item 06-09): Would require stated clerk to communicate any sexual abuse allegation to the PJC.

GA (2006, 38-39, 416, Item 05-14): Authorized editorial correction to be made by Stated Clerk of GA under Standing Rule M.2.b.(3).

GA (1995, 279, 21.103, Req. 95-10): Constitution does not allow for placement on administrative leave upon accusation of sexual misconduct.

GA (1991, 78, 89, VI. B. 4); 1989, 231, 21.252, Req. 89-23; 1987, 140, 15.137, Ovt. 53-87): Procedures for administrative leave in relation to allegations of sexual misconduct. But see note above (1995, 279, 21.103, Req. 95-10).

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#### **D-10.0106a. Determine if Leave is Required**

The designated members of the permanent judicial commission, after giving the accused the opportunity to be heard, shall determine whether the risk to the congregation and to potential victims of abuse, when considered in light of the nature and probable truth of the allegations, requires administrative leave or other restrictions upon the **teaching elder's** service. Such administrative leave or restrictions will continue until resolution of the matter in one of the ways prescribed in the Rules of Discipline or the leave or restrictions are altered or removed by the designated members of the commission.

#### **D-10.0106b. If Leave is Not Required**

If the designated members of the commission determine that no administrative leave or restriction is required, the investigating committee appointed to investigate the allegations shall be free at any point in its investigation to present additional evidence to the designated members supporting the imposition of administrative leave or other restrictions.

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Amend (2004, 85-6, 321, Item 04-10; & 2004, 86, 325, Item 04-11): Added new section D-10.0106 to provide for administrative leave when allegations of child sexual abuse are received.

Amend Defeated (2003, 65, 326, Item 04-09, Ovt 03-6): Would have added new section D-10.0106 to provide for mandatory leave upon allegations of child abuse. But see 2004 amendment.

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## D-10.0200 2. Investigation

### D-10.0201 Investigating Committee

An inquiry shall be made by an investigating committee designated by the **council** having jurisdiction over the member to determine whether charges should be filed.

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Amend (1995, 201, 21.012, 1992 Ref.): The special disciplinary committee (SDC) of the old Rules of Discipline has been renamed the investigating committee. In addition, rather than the entire investigating committee prosecuting any charges, it names one or more members to be a prosecuting committee.

GA (1992, 312, 21.149, ACC Rec.): Infringement of response team on the responsibilities of a special disciplinary [investigating] committee.

PJC (2010, 219-09, 384, Davis v. Pby of San Francisco): Investigating committee member with potential bias should disclose to accused potential bias. Bias on the part of IC member is not prejudicial to accused.

PJC (2001, 584, 12.1111, Pby of Elizabeth v. Finn): The clerk of session or stated clerk of governing body should be consulted on polity, not random sources such as electronic bulletin boards.

PJC (1995, 121, 11.056, Evans v. Presbytery of Lake Michigan): A response team must act in accord with the constitutional requirements of the *Book of Order*. A sexual misconduct response team must not usurp the functions of an SDC [investigating committee].

#### D-10.0201a. Membership

An investigating committee shall have no more than five but no less than three members, and may include members from another **council**, if appropriate, in accordance with D-10.0104. A session shall not appoint members of the session as members of the investigating committee.

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Amend (1999, 63, 93, 12.053-.060, OGA Rec.): Amended to specify that session members may not serve on an IC appointed by session.

Amend Rejected (2004, 81, 296, Item 04-04): Would have added sentence requiring investigation to be completed in 30 days when allegations involve misconduct between ministers.

#### D-10.0201b. Appointment by Rule

A presbytery may provide by rule for appointment of an investigating committee.

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Amend (1991, 575, 31.017, CR 90-29): Added, "A presbytery . . . special disciplinary [investigating] committee."

#### D-10.0201c. Expenses

The expenses of an investigating committee shall normally be paid by the **council** having designated it. If, however, the written statement results from information presented to a **council**

other than the one having jurisdiction over a member, the **council** within whose bounds the alleged offense occurred shall pay for the expenses of investigating within its bounds.

## **D-10.0202 Investigating Committee Responsibilities**

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Amend Proposed (2012, 26, 572, Item 06-02): Would add a new section requiring that an investigating committee review a statement of allegation to determine whether the facts alleged, if proven true, constitute an offense.

Amend (2010, 59, 340, Item 05-20): Inserted new section c. about determining whether the accusation repeats allegations previously made against the accused and if so, how to handle it.

Amend Rejected (2002, 67, 295, Item 04-12, OGA Rec.): Would have revised alternative forms of resolution possibilities including requirement that AFR agreements be placed in minister's file.

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The investigating committee shall

**D-10.0202a.** provide the accused with a copy of the statement of alleged offense described in D-10.0101;

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PJC (2001, 584, 12.1111, Pby of Elizabeth v. Finn): The name of the accuser is not required as part of the statement of alleged offense.

-----

**D-10.0202b.** provide the person making the accusation with a statement of the investigating committee's procedures;

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Amend (2004, 84, 309, Item 04-08, Recommendation 7) Added new section "b" and renumbered following sections, to provide accuser with procedures of investigating committee.

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**D-10.0202c. determine whether the accusation repeats allegations previously made against the accused, and if so, report to the council having jurisdiction over the accused that it will not file charges (D-10.0202j) unless the accusation contains new information warranting investigation or is the subject of an investigation that has not been concluded.**

**D-10.0202d.** make a thorough inquiry into the facts and circumstances of the alleged offense;

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PJC (2010, 219-02, 359, PC(USA) through Pby of Greater Atlanta v Ransom): IC must make thorough inquiry into facts and circumstances of alleged offense. IC may end up filing more than one charge based on more than one offense from a single core allegation.

PJC (2001, 584, 12.1111, Pby of Elizabeth v. Finn): RoD do not prohibit single IC from investigating unrelated allegations, but it may be wise to appoint another IC if investigation of initial allegations may prejudice findings on unrelated allegations arising after investigation under way.

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**D-10.0202e.** examine all relevant papers, documents, and records available to it;

**D-10.0202f.** ascertain all available witnesses and inquire of them;

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PJC (2003, 274, 215-6, Pby Elizabeth v. Lynn): D-10.0202d does not include any and all people who may know the accused, but only those who had some knowledge of the events in question.  
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**D-10.0202g.** determine, in accordance with **G-3.0102** and D-2.0203b, whether there are probable grounds or cause to believe that an offense was committed by the accused;

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PJC (2010, 219-07, 378, Pby of Wyoming v King): Appellate body must determine if legal standard of conduct has been properly applied; that is question of law, not a question of fact.

PJC (2010, 219-02, 359, PC(USA) through Pby of Greater Atlanta v Ransom): IC must make thorough inquiry into facts and circumstances of alleged offense. IC may end up filing more than one charge based on more than one offense from a single core allegation.

(2) Whether charges are based on facts that are significant enough to be chargeable offenses is decision properly made by trier of fact.

(3) PC(USA) Constitution is infused with principles and standards to which ordained officers voluntarily submit.

-----  
**D-10.0202h.** decide whether the charge(s) filed-on the basis of the papers, documents, records, testimony, or other evidence-can reasonably be proved, having due regard for the character, availability, and credibility of the witnesses and evidence available;

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PJC (2010, 219-07, 378, Pby of Wyoming v King): Factual determinations made by trier of fact are assumed to be correct; questions of law are not subject to the same deference.

(2) Appellate body must determine if legal standard of conduct has been properly applied; that is question of law, not a question of fact.

PJC (2010, 219-02, 359, PC(USA) through Pby of Greater Atlanta v Ransom): IC must make thorough inquiry into facts and circumstances of alleged offense. IC may end up filing more than one charge based on more than one offense from a single core allegation.

(2) Whether charges are based on facts that are significant enough to be chargeable offenses is decision properly made by trier of fact.

(3) PC(USA) Constitution is infused with principles and standards to which ordained officers voluntarily submit.

-----  
**D-10.0202i.** initiate, if it deems appropriate, alternative forms of resolution, ordinarily after the investigation has been completed, probable cause has been determined, but before the charges have been filed. The purpose of alternative forms of resolution will be to determine if agreement

can be reached between the investigating committee and the accused concerning any charges which may be filed.

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Amend (2008, 48, 49, 262, Item 04-15): Changed “all parties involved” to “the investigating committee and the accused”.

Amend (1996, 241, 21.013, Ovt. 96-48): Inserted new D-10.0202g (relettered g & h as h & i) to allow for alternative forms of resolution to be utilized after the investigation phase has been completed.

Amend Referred (2001, 12.036-.042, OGA Rec.; 2000, 62, 387, Ovt. 00-23): Report of SC referred back, directing consultation with Synod of Pacific and Pby of SF. Overture to “correct inconsistencies” re. AFR referred to OGA in 2000. Referral resulted in 2002 Amend; see at D-10.0401c.

Amend Rejected (2002, 67, 295, Item 04-12, OGA Rec.): Would have clarified process for AFR in disciplinary cases.

GA (2004, 81, 298, Item 04-06): In using alternate form of resolution, charges must be filed with agreement; if no charges filed, PJC lacks ability to evaluate agreement; if no agreement, file charges & proceed to trial.

PJC (2008, 324, 218-15, First PC of Washington v. Pby of Washington): Permanent judicial commissions are not required by the *Book of Order* to instruct or even encourage parties to engage in non-judicial dispute resolution.

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**D-10.0202i.(1)**Any mediation shall be completed within 120 days unless a continuance is allowed by the session or permanent judicial commission.

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PJC (2010, 219-12, 395, Phinisee v. Pby of Charleston Atlantic): The synod PJC has the discretion to determine whether a continuance is needed.

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**D-10.0202i.(2)**The investigating committee shall report any settlement agreement to the session or permanent judicial commission for its approval.

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See D-10.0405b(4) and D-11.0403e.

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**D-10.0202i.(3)**The session or permanent judicial commission shall convene to receive the settlement agreement; vote to approve it by at least two-thirds of the members eligible to vote; make a record of its proceedings according to the provisions of D-11.0601d, including the name of the accused, the substance of the charge(s), and censure; and transmit its decision to the clerk of session or the stated clerk, who shall report it according to the provisions of D-11.0701.

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Amend (2008, 48, 49, 262, Item 04-15): Deleted “accusation or” and added “(s)” after “charge”.

Amend (2004, 85, 313, Item 04-08, Recommendation 9) Clarified steps required in process when alternative dispute resolution is used.

GA (2008, 48, 51, 276, Item 04-22): “[T]he name of the accused and substance of the accusation must be spread across the records of the presbytery.”

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**D-10.0202i.(4)**The investigating committee shall provide an advocate for the accused throughout settlement negotiations, and may provide an advocate for other interested persons at its own discretion.

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Amend (2008, 48, 49, 262, Item 04-15): Added wording about provision by the investigating committee of advocates to accused and other interested parties.

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**D-10.0202i.(5)**If a settlement satisfactory to both the investigating committee and the accused in the alternative form of resolution is not reached, the investigating committee shall designate a prosecuting committee per D-10.0202j, and the case shall proceed on the charges filed.

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Amend (2008, 48, 49, 262, Item 04-15): Clarified what happens if alternate form of resolution is not reached.

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**D-10.0202j.** report to the **council** having jurisdiction over the accused only whether or not it will file charges; and

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Amend Rejected (2004, 81, 297, Item 04-05): Would have required dissemination of findings when no charges filed.

PJC (1996, 177, 12.094, Veldhuizen v. Pby of San Francisco): (1) Because the COM of a presbytery is always open to communications from ministers and elders on sessions, an SDC [investigating committee] could refer a matter to the COM in the event no charges are filed.

PJC: (2) Investigating committee exceeded requirements in its report.

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#### **D-10.0202k. Designate Prosecuting Committee**

if charges are to be filed, prepare and file them in accordance with the provisions of D-10.0401-.0404, and designate one or more persons (to be known as the prosecuting committee) from among its membership to prosecute the case.

## **D-10.0203 Rights of the Persons Involved**

### **D-10.0203a. Rights of the Accuser**

The investigating committee shall inform the person making the accusation of the right to be accompanied by an advocate at each and every conference between the person making the accusation and the investigating committee, the prosecuting committee, and the session or permanent judicial commission. The role of the advocate is to provide support and consultation.

### **D-10.0203b. Rights of the Person Alleging Harm**

If the statement of accusation is submitted on behalf of another person who is alleged to have been harmed by the offense, the investigating committee shall notify that person of the right to be accompanied by an advocate at each and every conference with the investigating committee, the prosecuting committee, and the session or permanent judicial commission.

### **D-10.0203c. Rights of the Person Alleged Against**

At the beginning of each and every conference with an investigating committee or any of its members, the person against whom an allegation has been made shall be informed by the investigating committee or its members of the right to remain silent, to be represented by counsel, and, if charges are later filed, to have counsel appointed if unable to secure counsel. (D-11.0301- .0302)

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Amend (2004, 84, 309, Item 04-08, Recommendation 7) Added new sections to clarify right of accuser to be accompanied by an advocate throughout the process.

Amend (2002, 67, 294, Item 04-11, Ovt 02-12): Clarified that any conversation by accused with any member of IC constitutes a "conference."

GA (1992, 312, 21.149, ACC Rec.): See at D-10.0201.

GA (1991, 391, 21.055, Req. 91-6): See at G-9.0705.

PJC (1999, 834, 12.114, Pby of E. Tenn. v. Cook): (1) Specifies duty of Pby to appoint counsel if accused is unable to secure counsel.

PJC (2) Conscious decision to plead guilty to a charge prepared with accused person's knowledge and consent precludes raising issues about conduct of investigation or preliminary issues in trial.

PJC (1995, 121, 11.056, Evans v. Pby of Lake Michigan): The rights of an accused under the *Book of Order* in the context of alleged sexual misconduct should not be abridged by implementation of a misconduct policy.

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## **D-10.0204 Petition for Review of Investigative Procedures**

During the course of the investigation, the person against whom an allegation has been made may petition the commission to review procedures of the investigating committee. Proper subjects for such a petition shall be limited to whether the committee has followed a proper trail of evidence, whether the evidence being considered is properly in the hands of the investigating committee, and whether the committee has examined relevant evidence proposed by the accused.

### **D-10.0204a. Hearing**

The review of the petition shall be done in a hearing conducted by the two members of the commission designated according to D-5.0101, at which both parties may be present and represented by counsel. The hearing shall be conducted within thirty days of receipt of the petition. Decisions shall be communicated to both parties within fifteen days of the hearing.

### **D-10.0204b. Results**

The results of the review shall be communicated to the moderator of the commission and will inform the review of charges in D-10.0405.

-----  
Amend (1999, 63, 93, 12.053-.060, OGA Rec.; 1997, 174, 21.0106, Ovt. 97-28): New D-10.0204-.0204b. provides for a petition on the part of the person under investigation for PJC review of aspects of the investigation while the investigation is still in progress.  
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## **D-10.0300 3. Communicate Determination**

### **D-10.0301 Communicate Determination**

If the investigating committee initiates an alternative form of resolution, it shall notify the **council** through its clerk of session or stated clerk.

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Amend Referred (2001, 12.036-.042, OGA Rec.; 2000, 62, 387, Ovt. 00-23): Report of SC referred back, directing consultation with Synod of Pacific and Pby of SF. Overture to “correct inconsistencies” re. ADR referred to OGA in 2000. Referral resulted in 2002 Amend; see at D-10.0401c(2)  
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### **D-10.0302 If Charges Are to Be Filed**

If the investigating committee has decided to file charges, it shall promptly inform the accused in writing of the charges it will make, including a summary of the facts it expects to prove at trial to support those charges. It shall ask the accused if that person wishes to plead guilty to the charges to avoid full trial and indicate the censure it will recommend to the session or permanent judicial commission.

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PJC (2010, 219-09, 384, Davis v. Pby of San Francisco): 1) Governing body of membership determines whether a church officer or member has departed from biblical and constitutional standards to find a member guilty of a disciplinary offense.

2) PC(USA) does not have a legal code of behavior or a list of “essentials” of Reformed faith.

PJC (2010, 219-02, 359, PC(USA) through Pby of Greater Atlanta v Ransom): IC must make thorough inquiry into facts and circumstances of alleged offense. IC may end up filing more than one charge based on more than one offense from a single core allegation.

PJC (2002, 341, 214-6, Pby Santa Fe v. Gearhart): A party pleading guilty makes moot any challenges arising up to the guilty plea.

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### **D-10.0303 Petition for Review**

If no charges are filed, the investigating committee shall file a written report of that fact alone with the clerk of session or stated clerk of the presbytery, and notify the person who submitted the written statement.

**D-10.0303a.** Within 30 days of receipt of the report, that person may petition the session or the permanent judicial commission to review the decision of the investigating committee not to file charges. The petition shall allege those instances in which the investigating committee has not fulfilled the duties specified in D-10.0202.

**D-10.0303b.** The investigating committee shall submit a written response to the facts alleged in the petition.

**D-10.0303c.** The designated members of the permanent judicial commission shall consider the petition and the response, giving attention to the duties specified in D-10.0202 and to the question of whether the principles of church discipline will be preserved by the decision of the investigating committee not to file charges. The decision of the designated members of the commission upon the petition and response shall be rendered within ninety days.

**D-10.0303d.** If they sustain the petition, a new investigating committee shall be appointed by the session or presbytery.

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Amend (1999, 63, 93, 12.053-.060, OGA Rec.): Amended the language in “c” and “d” to specify that designated members of the PJC would do the review of the IC work. See D-5.0101 for related amendment.

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**D-10.0303e.** If once again no charges are filed, the matter is concluded.

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Amend Rejected (1992, 296, 21.015, Ovt. 92-4): Rejected request to include right of individuals to face their accusers when being investigated by a special disciplinary [investigating] committee.

GA (1991, 394, 21.109, Req. 91-19): If no charges have been filed in the case, the clerk of session or stated clerk should retain the record of the investigation for at least three years.

PJC (2004, 371, 216-4A, Sohn v. Hanmi Psby): Disciplinary case is concluded once a petition for review process has been completed and no charges are filed.

PJC (2000, 579, 12.059, Tucker v. Pby of Louisville): Only review authorized of decision by investigating committee not to file charges is process in D-10.0303. Affirmed Warner and White decisions; decision not to file charges not subject to review through remedial process.

PJC (1995, 120, 11.055, White v. Pby of Redwoods [207-3]): May not use remedial complaint to seek review of an SDC's [investigating committee's] failure to file charges. But see D-10.0303a for right to petition for review.



PJC (1994, 139, 11.084, Veldhuizen v. Pby of San Francisco): Dissatisfaction with the results or the process used by SDC [investigating committee] does not provide the basis for a remedial complaint seeking to address the same issues.

PJC (1986, 155, 11.044, Warner v. Pby of Pacific): Pby's acceptance of the special disciplinary [investigating] committee's report concluded the disciplinary case.

See notes on related issues at D-6.0305d.

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**D-10.0303f.** If charges are filed, consideration shall be given to the possibility of reference.  
(D-4.0000)

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PJC (1991, 186, 11.053, PC(USA) v. Hughes): These provisions protect the due process rights of the accused without interfering with the prosecutorial duties of the special disciplinary [investigating] committee.

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## **D-10.0304 Disposition of Records**

If no charges are filed, the disposition of the investigating committee's records shall be in accordance with session or presbytery policy.

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GA (1991, 394, 21.109, Req. 91-19): See at D-10.0303e.

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## **D-10.0400 4. Charges**

### **D-10.0401 Time Limit**

No charges shall be filed later than **five** years from the time of the commission of the alleged offense, nor later than one year from the date the investigating committee was formed, whichever occurs first, except as noted below.

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Amend (2010, 59, 347, Item 05-25): Change from three years to five years when charges may be filed.

Amend (2003, 68-69, 238, Item 03-11, Ovt 03-1): Modified section to permit tolling of time line to accommodate concurrent secular time lines.

Amend (1995, 243, 21.019, 1992 Ref.): Removed the provision tolling the time for filing charges if the accused is incarcerated or involved in civil or criminal process (language contained in Com. 91-9, VII.B., was adopted in 1991, 1011). Ecclesiastical discipline is a separate process.

Amend Rejected (2008, 48, 49, 243, Item 04-03): Would have started time limit at time of discovery of alleged offenses in instances of financial misconduct.

GA (2003, 68, 235, Item 03-06, Req 03-6): One year period begins on date IC names are reported to governing body or date of first IC meeting, whichever comes first.

PJC (2008, 314, 218-08 Prelim, Yun et al v. Session of Korean United PC of NJ): Filing is timely if received by stated clerk on or before the due date, or, if due date is on a weekend or holiday, on the next business day.

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### **D-10.0401a. When Civil Proceedings**

In those situations where civil proceedings have commenced, the investigating committee may request of its permanent judicial commission or session and receive an extension of its time for filing charges of up to six months from the conclusion of any investigation or resulting trial undertaken by civil authorities. The investigating committee shall maintain contact with civil authorities to determine when such civil proceedings have concluded.

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Amend (2003, 68-69, 238, Item 03-11, Ovt 03-1): Modified section to permit tolling of time line to accommodate concurrent secular time lines.  
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### **D-10.0401b. When Sexual Abuse**

For instances of sexual abuse of another person, the three year time limit shall not apply. Charges may be brought regardless of the date on which an offense is alleged to have occurred.

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Amend (1997, 168, 21.0020, Ovt. 97-6): Added at end of sentence “regardless of the date on which an offense is alleged to have occurred”. Action taken in light of Sisley decision; see below.

Amend (1991, 387, 21.023, Ovt 91-21; 398, 21.150, Ovt. 89-61, Ovt. 89-104): Added language to create an exception to the three-year time limit for filing charges, eliminating the time limit in cases where sexual abuse of another person is alleged.

Amend Rejected (2008, 48, 49, 243, Item 04-03): Would have started time limit at time of discovery of alleged offenses in instances of financial misconduct.

GA (1998, 166, 16.0216, CR 97-19): Rejected attempt to limit the filing of any charges based on G-6.0106b so that individuals ordained before June 21, 1997, could not be charged under that provision.

GA (1992, 308, 21.096, Req. 92-11): By declining the recommendation of the Advisory Committee on the Constitution, the 204th G. A. (1992) upheld the 1991 statement.

GA (1991, 76, 387, 21.023, Ovt. 91-21): That the intent of making this alteration in the statute of limitations of filing charges in cases of sexual misconduct is that it be retroactive. But see PJC (1996, 181, 12.113, Pby of New York City v. Sisley); note below.

GA (1991, 393, 21.091, Req. 91-14): Section is comparable to a “statute of limitations” in criminal cases that prevents a civil government from prosecuting a case after a certain period of time has elapsed.

PJC (1996, 181, 12.113, Pby of New York City v. Sisley): Allegations concerning sexual abuse of another person cannot be handled in judicial process if the conduct is alleged to have occurred before June 10, 1989. But see 1997 amendment at D-10.0401a.

PJC (1996, 181, 12.113, Pby of New York City v. Sisley): The exception to the time limit for filing charges adopted in 1991 cannot revive charges that were time barred before the amendment took effect on June 10, 1992, so no charges for conduct before June 10, 1989, may be prosecuted.  
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### **D-10.0401c. Definition of Sexual Abuse**

Sexual abuse of another person is any offense involving sexual conduct in relation to

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Amend (1995, 201, 21.012, 1992 Ref.): “Sexual abuse of another person,” language added to the Constitution in 1991, was defined as part of the revision of the Rules of Discipline.

Amend Rejected (2004, 80, 293, Item 04-01): Would have restored the extended time limits for alternate dispute resolution.

GA (2003, 63, 326, Item 04-08, Req 03-10): Suggested that presbytery include provisions in the terms of call to deal with possible allegations of sexual misconduct.

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**D-10.0401c.(1)** any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or

**D-10.0401c.(2)** any person when the conduct includes force, threat, coercion, intimidation, or misuse of **ordered ministry** or position.

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Amend (2002, 67, 297, Item 04-12, OGA Rec.): Deleted first subsection “c” (from 1996), which extended time limits if alternative form of resolution is initiated.

Amend (1996, 241, 21.013, Ovt. 96-48): Added new section “c” dealing with time limits when utilizing alternative dispute resolution.

GA (1992, 312, 21.146, Req. 92-17): Concerning definition of “sexual abuse”: lower governing bodies are requested to send the written judicial opinion in such a case to OGA for study of the judicial definitions and interpretations.

PJC (1993, 170, 11.047, Veldhuizen v. Pby of San Francisco): The failure of pby to act promptly as required by RD to investigate allegations and find them to be without cause or proceed to file charges which can be tried and resolved is error.

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## **D-10.0402 Prosecution of Case**

If charges are filed, the prosecuting committee shall prosecute the case and represent the church during any appeals. (D-10.0202h)

### **D-10.0402a. Parties**

All disciplinary cases shall be filed and prosecuted by a **council** through an investigating committee and a prosecuting committee in the name of the Presbyterian Church (U.S.A.). The prosecuting committee is the representative of the church and, as such, has all of the rights of the appropriate **council** in the case.

### **D-10.0402b. Only Two Parties**

The only parties in a disciplinary case are the prosecuting **council** and the accused.

## **D-10.0403 Form of Charge**

Each charge shall allege only one offense. (D-2.0203b)

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PJC (2010, 219-09, 384, Davis v. Pby of San Francisco): 1) Governing body of membership determines whether a church officer or member has departed from biblical and constitutional standards to find a member guilty of a disciplinary offense.

2) PC(USA) does not have a legal code of behavior or a list of “essentials” of Reformed faith.

PJC (2004, 358, 216-5, Pby of Northern Kansas v. Myers): (1) Charge that alleges two separate offenses does not comply with form.

PJC (2) PJC must vote on each charge separately  
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### **D-10.0403a. Several Together**

Several charges against the same person may be filed with the **council** at the same time.

### **D-10.0403b. Details of the Charge**

Each charge shall be numbered and set forth the conduct that constituted the offense. Each charge shall state (as far as possible) the time, place, and circumstances of the commission of the alleged conduct. Each charge shall also be accompanied by a list of the names and addresses of the witnesses for the prosecution and a description of the records and documents to be cited for its support.

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PJC (2010, 219-02, 359, PC(USA) through Pby of Greater Atlanta v Ransom): IC must make thorough inquiry into facts and circumstances of alleged offense. IC may end up filing more than one charge based on more than one offense from a single core allegation.

PJC (1996, 169, 12.058, PC(USA) v. Haddox): The Rules of Discipline do not require that the statements of witnesses made to the SDC be furnished to the accused (12.061).

PJC (1994, 145, 11.088, PC(USA) v. Truscott): Admitting testimony by witnesses whose names were known but not disclosed when charges were filed is an error.

PJC (1985, 112, 11.065, PC(USA) v. Hardwick): Decision of guilt reversed on grounds, in part, that specifications not sufficient for the accused to prepare an adequate defense.  
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### **D-10.0403c. Tried Together**

Several charges against the same person may, in the discretion of the session or permanent judicial commission, be tried together.

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PJC (2004, 358, 216-5, Pby of Northern Kansas v. Myers): (1) PJC must vote on each charge separately.

PJC (2) Charge that alleges two separate offenses does not comply with form.  
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### **D-10.0404 Filing of Charge**

Every charge shall be prepared in writing and filed with the clerk of session or stated clerk of the presbytery.

### **D-10.0404a. Session**

Upon receipt of a charge, the clerk of a session shall present the charge to the session at its next meeting. The session shall determine whether it will try the case or refer it to the presbytery. (D-4.0000)

### **D-10.0404b. Presbytery**

Upon receipt of a charge, the stated clerk of the presbytery shall immediately forward it to the moderator or clerk of the permanent judicial commission of that presbytery.

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PJC (1994, 145, 11.088, PC(USA) v. Truscott): Stated clerk not allowed to attach other material to charge. PJC errs in receiving ex parte material.

PJC (2008, 314, 218-08 Prelim, Yun et al v. Session of Korean United PC of NJ): (1) Details how filing may be accomplished.

PJC (2) Filing is timely if received by stated clerk on or before the due date, or, if due date is on a weekend or holiday, on the next business day.

### **D-10.0405 Pretrial Conference**

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PJC (2008, 311, 218-06, Pby of Wyoming v. King): Example of SPJC accepting on reference and postponing the Pretrial Conference for 5 years because accused unable to appear due to incarceration.

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The session or permanent judicial commission, which is to try the case, shall hold a pretrial conference not later than thirty days after receipt of the charge(s).

### **D-10.0405a. Time and Place**

The moderator and clerk of the session or of the permanent judicial commission shall notify the accused, the counsel for the accused, if any, and the prosecuting committee of the time and place of the pretrial conference, and shall furnish the accused with a copy of the charge(s).

### **D-10.0405b. Those Present**

At the time set for the pretrial conference, the moderator and clerk of session or of the permanent judicial commission, the prosecuting committee, the accused, counsel for the accused, if any, and other appropriate persons at the discretion of the moderator and clerk shall ordinarily be present. The moderator shall

**D-10.0405b.(1)** read the charges to the accused;

**D-10.0405b.(2)** inform the accused of the right to counsel (D-11.0301);

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GA (1991, 391, 21.055, Req. 91-6): See at G-9.0705.  
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**D-10.0405b.(3)** furnish the accused with the names and addresses of all the witnesses then known, and a description of the records and documents that may be offered to support each charge;

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PJC (2010, 219-05, 371, Lee et al v Midwest Hanmi Pby): “[W]itnesses may be both factual and expert if qualified and if a proper foundation is laid. Fact witnesses should have first-hand knowledge. Experts should have sufficient expertise to aid the trier of fact and the ability to express opinions that assist the trier of fact.”

PJC (1985, 112, 11.065, PC(USA) v. Hardwick): The defendant’s right to know the specification of facts, including the time, place, and circumstances, or names of witnesses which will support the allegation of an offence. See also PC(USA) v. Haddox (1996, 169, 12.058).  
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**D-10.0405b.(4)** determine with the accused and the prosecuting committee those charges that are not in dispute and discuss alternatives to a full trial;

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PJC (2002, 341, 214-6, Pby Santa Fe v. Gearhart): A party pleading guilty makes moot any challenges arising up to the guilty plea.  
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**D-10.0405b.(5)** review any reports of petitions for review of the work of the investigating committee, hear any additional challenges to the appropriateness of charges, taking preliminary actions to dismiss some or all of the charges, dismiss the case, or permit amendments to the charges. Such preliminary determinations shall be reviewed by the session or permanent judicial commission in accord with D-11.0402c.

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Amend (1999, 63, 12.053-.060, OGA Rec.): Added a new “(5) and renumbered the following sections. The new section provides for taking preliminary actions concerning charges. See notes for D-10.0204.

PJC (2008, 311, 218-06, Pby of Wyoming v. King): Example of preliminary determinations made by moderator and clerk of PJC 5 years prior to a pre-trial conference and not put on record at trial, therefore presumed ratified by the entire synod PJC.  
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**D-10.0405b.(6)** schedule a trial to be held no sooner than thirty days following the pretrial conference, or, if all parties agree on those facts contained in the charges that are true and on a recommended degree of censure, schedule a censure hearing;

**D-10.0405b.(7)** order all parties to appear.

**D-10.0405c. Nothing More**

Nothing more shall be done at that meeting.

**D-10.0406 Witnesses Disclosed**

The accused shall provide a list of anticipated witnesses, including addresses, to the clerk of session or permanent judicial commission and the prosecuting committee at least twenty days prior to the trial date. The prosecuting committee and the accused shall each provide the session or permanent judicial commission and the other party with an updated list of witnesses no less than ten days prior to the trial date.





## **D-11.0000 CHAPTER XI. TRIAL IN A DISCIPLINARY CASE**

### **D-11.0100 1. Conduct of Trial**

#### **D-11.0101 Trial--Disciplinary**

The trial of a disciplinary case shall be conducted by a session or by a permanent judicial commission.

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PJC (1991, 179, 11.049, Matsuda, et al. v. Pby of San Francisco): See at D-7.0101.

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#### **D-11.0102 Conducted Formally**

The trial shall be conducted formally with full decorum in a neutral place suitable to the occasion.

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PJC (1995, 131, 11.064, Baker v. Pby of Middle Tennessee): See at D-7.0102.

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### **D-11.0200 2. Citations and Testimony**

#### **D-11.0201 Citation of Parties and Witnesses**

Citations to appear at trial for parties or such witnesses as either party may request shall be signed by the moderator or clerk of the session or permanent judicial commission.

##### **D-11.0201a. Members Cited**

Only members of the Presbyterian Church (U.S.A.) may be cited to appear.

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PJC (1995, 131, 11.064, Baker v. Pby of Middle Tennessee): See at D-7.0201.

PJC (1988, 116, 11.067, Hoover v. Pby of Catawba): See at D-7.0201.

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##### **D-11.0201b. Others Requested**

Other persons can only be requested to attend.

##### **D-11.0201c. Witnesses from Another Council**

When it is necessary in the trial to summon witnesses who are under the jurisdiction of another **council** of the church, the clerk or stated clerk of the other **council** shall, on the application of the

session or permanent judicial commission trying the case, issue a citation to the witnesses to appear at the place of trial and give evidence as may be required.

#### **D-11.0201d. Expenses**

Any witness shall be entitled to receive from the party calling the witness reimbursement for expenses incurred in attendance at the trial.

#### **D-11.0202 Service of Citation**

A citation shall be delivered by personal service or by certified delivery. The moderator or clerk of the session or permanent judicial commission trying the case shall certify the fact and date of service or delivery.

#### **D-11.0202a. Second Citation**

If a party or a witness who is a member of the Presbyterian Church (U.S.A.) fails to obey a citation, a second citation shall be issued accompanied by a notice that if the party or witness does not appear at the time appointed, unless excused for good cause shown, the party or witness shall be considered guilty of disobedience and contempt, and for such offense may be subject to disciplinary action.

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GA (1989, 228, 21.222, Req. 89-15): See at D-7.0203.

PJC (1996, 169, 12.058, PC(USA) v. Haddox): Not error for PJC to fail to compel witness' appearance; w. is subject to discipline.

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#### **D-11.0202b. Accused Does Not Appear**

If an accused in a disciplinary case does not appear after a second citation, the session or permanent judicial commission, after having appointed some person or persons to represent the accused as counsel, may proceed to trial and judgment in the absence of the accused.

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PJC (2008, 311, 218-06, Pby of Wyoming v. King): Accused incarcerated and unable to appear at trial. Example of PJC properly postponing trial for 5 yrs until accused is available to appear in person.

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#### **D-11.0203 Refusal of Witness to Testify**

A member of the Presbyterian Church (U.S.A.) who, having been summoned as a witness and having appeared, refuses without good cause to testify, and, after warning, continues to refuse may be subject to disciplinary action.

#### **D-11.0204 Deposition**

Testimony by deposition may be taken and received in accordance with the provisions of D-14.0304.

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PJC (1999, 834, 12.114, Pby of E. Tenn. v. Cook): See at D-11.0403e.  
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## **D-11.0300 3. Procedures in Trial**

### **D-11.0301 Counsel**

Each of the parties in a disciplinary case shall be entitled to appear and may be represented by counsel, provided, however, that no person shall act as counsel who is not a member of the Presbyterian Church (U.S.A.). No member of a permanent judicial commission shall appear as counsel before that commission while a member. Counsel need not be a paid representative or attorney-at-law.

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Amend (1997, 179, 21.0173, Req. 97-1): Substituted “Each of the parties” for “The accused” in the first sentence to clarify right of both parties to appear and be represented by counsel..

Amend (1995, 201, 21.012, 1992 Ref.): Added language to distinguish between counsel in judicial process and attorney-at-law.

PJC (1999, 834, 12.114, Pby of E. Tenn. v. Cook): See at D-10.0203.  
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### **D-11.0302 Unable to Secure Counsel**

If the accused in a disciplinary case is unable to secure counsel, the session or permanent judicial commission shall appoint counsel for the accused. Reasonable expenses for defense shall be authorized and reimbursed by the **council** in which the case originated.

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GA (1992, 309, 21.100): The selection of a particular counsel is the prerogative of the appointing body.

GA (1992, 309, 21.100): “Reasonable legal fee” is generally the appropriate hourly rate times the number of hours reasonably expended on the proceeding. Written agreement should be reached before or soon after legal services are begun.

GA (1991, 391, 21.055, Req. 91-6): See at G-9.0705.

PJC (2001, 584, 12.1111, Pby of Elizabeth v. Finn; 1999, 834, 12.114, Pby of E. Tenn. v. Cook): Request for appointment of counsel must be made. Request for payment of retained counsel does not meet requirements of this provision. See decisions for discussion of requirements.

PJC (1985, 112, 11.065, PC(USA) v. Hardwick): Defendant entitled to a hearing on question of ability to employ counsel and expense to governing body in pursuit of appeal.  
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### **D-11.0303 Circulation of Materials**

No party to a disciplinary case or any other person shall circulate or cause to be circulated among the members of the session or permanent judicial commission any written, printed, or visual

materials of any kind upon any matter pertaining to the case before the final disposition thereof. Notwithstanding this prohibition, the session or permanent judicial commission may request, or grant leave to file, additional materials.

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PJC (2006, 217-1, Hope, et.al. v. Pby of San Francisco): Parties or their counsel may not speak with members of PJC unless other party (counsel) consents or is present.

PJC (1999, 834, 12.114, Pby of E. Tenn. v. Cook): All persons admonished not to communicate directly with a PJC before, during, and after a trial until all appeals have been exhausted.

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**D-11.0304 Control Conduct of Trial**

The session or permanent judicial commission shall have full authority and power to control the conduct of the trial and of all parties, witnesses, counsel, and the public, including removal of them, to the end that proper dignity and decorum shall be maintained.

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PJC (2006, 217-1, 455, Hope, et.al. v. Pby of San Francisco): Marathon session of more than thirteen hours with minimal breaks is neither reasonable nor fair.

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**D-11.0304a. Questions as to Procedure**

Questions as to procedure or the admissibility of evidence arising in the course of a trial shall be decided by the moderator after the parties have had an opportunity to be heard. A party or a member of the session or permanent judicial commission may appeal from the decision of the moderator to the session or commission, which shall decide the question by majority vote.

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PJC (1985, 112, 11.065, PC(USA) v. Hardwick): See at D-7.0303a.

PJC (1985, 111, 11.063, Hennigan v. Pby Catawba): See at D-7.0303a.

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**D-11.0304b. Absences**

The absence of any member of the session or permanent judicial commission after a trial has commenced shall be recorded. That person shall not thereafter participate in that case.

**D-11.0305 Loss of Quorum**

Loss of a quorum shall result in a mistrial and the case shall be tried again from the beginning.

**D-11.0306 Closed Proceedings**

The proceedings shall ordinarily be conducted in open session; however, at the request of any party, or on its own initiative, the session or permanent judicial commission may determine at

any stage of the proceedings, by a vote of two thirds of the members present, to exclude persons other than the parties and their counsel.

## **D-11.0400 4. Trial**

### **D-11.0401 Presumption of Innocence**

The accused in a disciplinary case is presumed to be innocent until the contrary is proved, and unless guilt is established beyond a reasonable doubt, the accused is entitled to be found not guilty.

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GA (1989, 231, 21.252, Req. 89-23): An accusation does not establish guilt “without reasonable doubt,” and actions which put the presumption of innocence in jeopardy are unwise.  
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### **D-11.0402 Procedure in a Disciplinary Case**

The trial of a disciplinary case shall proceed as follows:

#### **D-11.0402a. Announcement by the Moderator**

The moderator shall read aloud sections D-1.0101 and D-1.0102, shall announce that the **council** is about to proceed to trial, and shall enjoin the members to recollect and regard their high character as judges of a **council** of the Church of Jesus Christ and the solemn duties they are about to undertake.

#### **D-11.0402b. Eligibility of Commission Members**

The parties or their counsel may object and be heard on the organization and jurisdiction of the session or permanent judicial commission.

##### ***Disqualification***

**D-11.0402b.(1)** A member of a session or permanent judicial commission is disqualified if the member is personally interested in the case, is related by blood or marriage to any party, has been active for or against any party, or is ineligible under the provisions of D-5.0205

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PJC (2003, 277, 215-8, Hart, Pby of San Joaquin et al. v. Pby of Redwoods): Member of PJC who has acted for or against a party as counsel should be recused.  
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##### ***Challenges***

**D-11.0402b.(2)** Any member of a session or permanent judicial commission may be challenged by any party, and the validity of the challenge

shall be determined by the remaining members of the session or permanent judicial commission.

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PJC (2004, 355, 216-3, Pby of San Jose v. Moyer): PJC must take action on each challenge of its organization.

PJC (1995, 122, 11.057, Shack PC v. Bryan): See at D-4.0102.  
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### **D-11.0402c. Preliminary Objections**

The session or permanent judicial commission shall determine all preliminary objections and any other objection affecting the order or regularity of the proceedings. It may dismiss the case or permit amendments to the charges in the furtherance of justice, provided that such amendments do not change the substance of the charges or prejudice the accused.

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PJC (2006, 217-1, 455, Hope, et.al. v. Pby of San Francisco): PJC has discretion to allow oral argument on pretrial motions.

PJC (1999, 834, 12.114, Pby of E. Tenn. v. Cook; 1996, 181, 12.113, Pby of New York City v. Sisley): Charges may be amended after the trial has begun if substance is not changed.

PJC (1991, 183, 11.051, PC(USA) v. Murdock & Woodard): See at D-7.0401c.

PJC (1990, 139, 11.087): See at D-7.0401c.

PJC (1985, 123, 11.072, Schneider v. Pby of Chicago): See at D-7.0401g.  
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### **D-11.0402d. Plea**

If the proceedings are found to be in order, and the charges are considered sufficient, the accused shall be called upon to plead ‘guilty’ or ‘not guilty’ to each charge. The plea shall be entered on the record. If the accused declines to answer or pleads ‘not guilty,’ a plea of ‘not guilty’ shall be entered on the record and the trial shall proceed. If the accused pleads ‘guilty,’ the **council** shall proceed in accordance with D-11.0403.

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Amend Rejected (1998, 159, 16.0124, 669, Ovt. 98-29): Rejected language explicitly prohibiting “nolo contendere” or “no contest.” But see related note below.

PJC (2002, 341, 214-6, Pby Santa Fe v. Gearhart): A party pleading guilty makes moot any challenges arising up to the guilty plea.

PJC (1999, 834, 12.114, Pby of E. Tenn. v. Cook): Example of plea after negotiation, even in recess from trial.

GA (1998, 159, 16.0124, 669, Ovt. 98-29): A plea of “nolo contendere” or “no contest” shall not be permitted in a disciplinary case.  
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### **D-11.0402e. Opening Statements**

The parties shall be given an opportunity to make opening statements.

### **D-11.0402f. Rules of Evidence**

The rules of evidence in D-14.0000 shall be followed.

### **D-11.0402g. Prosecution**

The prosecuting committee shall present its evidence in support of the charges, subject to objection and cross-examination by the accused.

### **D-11.0402h. Defense**

The accused shall have the opportunity to present evidence, subject to objection and cross-examination by the prosecuting committee.

### **D-11.0402i. Rebuttal**

The prosecuting committee then may introduce additional evidence, but only to rebut evidence introduced on behalf of the accused. This additional evidence is subject to objection and cross-examination by the accused.

### **D-11.0402j. Final Statements**

The parties shall be given an opportunity to make final statements. The prosecuting committee shall have the right of opening and closing the argument.

## **D-11.0403 Decision**

The session or permanent judicial commission shall then meet privately. All persons not members of the session or permanent judicial commission shall be excluded.

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GA (2006. 38, 40, 443, Item 05-27): (1) Decisions of the PJC's of synods and pby's are binding on the parties to the particular cases in which the decisions are rendered unless overturned on appeal. No synod or pby PJC is able to make its decisions binding beyond the parties to the particular case by simply declaring it to be so.

GA (2) Governing bodies and members in the same jurisdiction and a jurisdiction below the one rendering a decision should be aware that the PJC will render similar decisions in cases on the same issues and with like fact situations. *Wefer v. Synod of Pennsylvania (Minutes, UPC, 1957, Part I, pp. 188 - 93)*.

GA (3) Only the General Assembly Permanent Judicial Commission has the power to render decisions that are authoritative interpretations binding on the entire church, because the *Book of Order* so provides (G-13.0103r).

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### **D-11.0403a. Beyond a Reasonable Doubt**

After careful deliberation, the session or permanent judicial commission shall vote on each charge separately and record the vote in its minutes. In order to find the accused guilty of a charge, the session or permanent judicial commission must find that the pertinent facts within that charge have been proven beyond a reasonable doubt. Proof beyond a reasonable doubt

occurs when the comparison and consideration of all the evidence compels an abiding conviction that the material facts necessary to prove the charge are true.

### **D-11.0403b. Judgment of Guilt by a Two-thirds Vote**

No judgment of guilt may be found on a charge unless at least two thirds of the members of the session or permanent judicial commission eligible to vote agree on the judgment.

### **D-11.0403c. Written Decision**

A written decision stating the judgment on each charge and the determination of the degree of censure, if any, shall be prepared while in session. It shall become the final decision when signed by the moderator and clerk of the session or of the permanent judicial commission.

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Amend Rejected (1994, 186, 21.013, Ovt. 94-1; 1993, 316, 21.031, Ovt. 93-37): Rejected amendment to mandate the review of GA PJC decisions by the GA.

GA (2000, 62, 124, 16.143, Req. 00-2): A PJC report that does not include the name of the guilty party does not comply with the *Constitution's* intentions.

GA (2000, 62, 127, 16.152, Req. 00-4): A decision without name of guilty party may not constitute a recognizable decision. No provision in BO for a decision with multiple outcomes of censure or to retain jurisdiction of a case indefinitely.

PJC (2012, 220-09, Pby of New York City v. Edmonds): Factual determinations made by a trier of fact are accorded a presumption of correctness. These determinations are not to be disturbed on appeal unless they are "plainly wrong, without supporting evidence or manifestly unjust". Questions of constitutional interpretation are not subject to the same deference. (In addition see: 1988, 200-4, Hardwick v. Session of Pearsall; 2008, 218-10, Bush v. Pby of Pittsburgh; 2008, 218-07, Pby of Redwoods v. Spahr; 2010, 219-02, PCUSA through Pby of Greater Atlanta v Ransom; 2010, 219-07, Pby Wyoming v. King; 2010, 219-08, Bierschwale et al v Twin Cities Area Pby; 2010, 219-11, Naegeli et al v Pby of San Francisco.)

PJC (2010, 219-09, 384, Davis v. Pby of San Francisco): 1) Governing body of membership determines whether a church officer or member has departed from biblical and constitutional standards to find a member guilty of a disciplinary offense.

PJC (2) PC(USA) does not have a legal code of behavior or a list of "essentials" of Reformed faith.

PJC (2006, 217-1, 455, Hope, et.al. v. Pby of San Francisco): PJC must meet in person for consideration and adoption of a final written decision.

PJC (1997, 141, 12.0242, San Mateo Korean PC v. Pby of San Francisco, 1995, 121, 11.056, Evans v. Pby of Lake Michigan): Attack of a final decision in disciplinary case through separate remedial proceeding is improper.

PJC (1995, 123, 11.058, Hoover v. Pby of Charlotte): See at D-7.0402c.

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### **D-11.0403d. Announcement in Open Meeting**

When a session or permanent judicial commission has arrived at a decision, the moderator shall, in open meeting, announce the verdict for each charge separately.



### **D-11.0403e. Degree of Censure**

If the accused is found guilty or after the guilty plea, the session or permanent judicial commission should hear evidence as to the extent of the injury suffered, mitigation, rehabilitation, and redemption. This evidence may be offered by either party or the original accuser or that person's representative. The person who was directly harmed by the offense may submit a victim impact statement. The statement shall not be subject to cross-examination. The session or permanent judicial commission shall then meet privately to determine the degree of censure to be imposed. (D-12.0000) Following such determination and in an open meeting, the moderator of the session or permanent judicial commission shall then pronounce the censure.

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Amend (2004, 83, 304, Item 04-08, Recommendation 4) Allows a victim's impact statement after guilt determined and before censure imposed.

Amend (1995, 201, 21.012, 1992 Ref.): Added sentence "Following such determination ... pronounce the censure." to clarify that the verdict and censure should be pronounced as soon as possible, not waiting until the final decision is signed.

Amend (1991, 575, 31.017, CR 90-29): Inserted, "the extent of the injury suffered" in the first sentence; inserted a period after "redemption"; inserted "This evidence . . . commission."

PJC (2010, 219-07, 378, Pby of Wyoming v King): Factual determinations made by trier of fact are assumed to be correct; questions of law are not subject to the same deference.

(2) Appellate body must determine if legal standard of conduct has been properly applied; that is question of law, not a question of fact.

PJC (2010, 219-02, 359, PC(USA) through Pby of Greater Atlanta v Ransom): PJC determined censure based on facts at trial. Trier of fact's factual determinations have presumption of correctness and are not to be disturbed on appeal unless "plainly or palpably wrong, without supporting evidence, or manifestly unjust." The censure imposed was not unreasonable.

(2) Whether charges are based on facts that are significant enough to be chargeable offenses is decision properly made by trier of fact.

(3) PC(USA) Constitution is infused with principles and standards to which ordained officers voluntarily submit.

PJC (2003, 215-9, 281, Pby Charlotte v. Jacobs): Unless there is a stay of enforcement, censure takes effect immediately upon pronouncement of decision at trial.

PJC (2002, 214-6, 341, Pby Santa Fe v. Gearhart): Censure hearings must be conducted according to general requirements of D-11.0400.

PJC (1999, 834, 12.114, Pby of East Tenn. v. Cook): Example of censure hearing, including relaxed requirements for evidence.

PJC (1996, 169, 12.058, Pby of Riverside v. Haddox, 1991, 183, 11.051, PC(USA) v. Murdock & Woodard): PJC may hear evidence as to mitigation before determining the degree of censure, but it may also choose not to do so.

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### **D-11.0403f. Filed Promptly**

The decision shall be filed promptly with the clerk or stated clerk of the **council**.

## **D-11.0403g. Notification of Parties**

The clerk of session or clerk of the permanent judicial commission shall deliver a copy of the decision to each party named in the decision either by personal service or by certified delivery.

## **D-11.0403h. Further Publicity**

The moderator or clerk of session or of the permanent judicial commission shall disseminate the decision as the session or permanent judicial commission may direct.

## **D-11.0500 5. Provisions for Appeal**

### **D-11.0501 Appeal Time**

The time for filing an appeal shall run from the date the decision is delivered to, or refused by, the person found guilty.

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Amend (1984, 597, 55.038, Item 14): See at D-7.0501.

PJC (2004, 371, 216-4A, Sohn v. Hanmi Psby): There is no process for granting a motion for reconsideration.

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### **D-11.0502 Appeals**

Either party may initiate the first level of appeal. Either party may initiate an appeal of the appellate decision. Rules of appeal are found in D-13.0000.

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Amend (2004, 83, 305, Item 04-08, Recommendation 5) Allows either party to begin first level of appeal.

PJC (2010, 219-09, 384, Davis v. Pby of San Francisco): 1) Governing body of membership determines whether a church officer or member has departed from biblical and constitutional standards to find a member guilty of a disciplinary offense.

2) PC(USA) does not have a legal code of behavior or a list of “essentials” of Reformed faith.

PJC (2008, 218-06, 311, Pby of Wyoming v. King): Disciplinary case appeals are only to review proceedings, not to retry issues of fact.

PJC (2006, 217-1, 455, Hope, et.al. v. Pby of San Francisco): PJC must meet in person for consideration and adoption of a final written decision.

PJC (2004, 216-16, 378, Pby of Cincinnati v. Van Kuiken): Receipt of renunciation removes the jurisdiction to conduct any further judicial proceedings.

PJC (2004, 216-4A, 371, Sohn v. Hanmi Psby): There is no process for granting a motion for reconsideration.

PJC (2003, 215-3, 265, Pby of San Joaquin v. Synod of the Pacific): ROD do not permit a challenge to PJC rulings by a party not involved in original case.

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## **D-11.0600 6. Record of Proceedings**

### **D-11.0601 Record of Proceedings**

The clerk of session or the clerk of the permanent judicial commission shall do the following:

#### **D-11.0601a. Verbatim Recording**

Arrange in advance for the accurate verbatim recording of all testimony and oral proceedings.

-----  
PJC (2001, 584, 12.1111, Pby of Elizabeth v. Finn): Apparent failure of pby PJC to adequately arrange for verbatim recording subjected some of its findings to reversal.

PJC (2): PJC clerk not obligated to order transcript of recordings made except on request per D-11.0601f.

PJC (1994, 154, 11.094, Saurbaugh v. Pby of Great Rivers): See at D-7.0601a.  
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#### **D-11.0601b. Exhibits**

Identify and maintain all exhibits offered in evidence (noting whether or not they were accepted as evidence) and keep a list of all exhibits.

#### **D-11.0601c. Minutes**

Record minutes of the proceedings, which shall include any actions or orders of the session or permanent judicial commission relating to the case with the vote thereon.

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GA (2008, 48, 51, 276, Item 04-22): “[T]he name of the accused and substance of the accusation must be spread across the records of the presbytery.”  
-----

#### **D-11.0601d. Record**

Prepare the record of the case, which shall consist of

- D-11.0601d.(1)** the charges;
- D-11.0601d.(2)** a record of the plea entered by the accused on each charge;
- D-11.0601d.(3)** a certified transcript, if requested;
- D-11.0601d.(4)** all properly marked exhibits, records, documents, and other papers;
- D-11.0601d.(5)** the written decision, including the verdict for each charge and the degree of censure, if any, to be imposed by the **council**; and

**D-11.0601d.(6)** any actions or orders of the session or permanent judicial commission relating to the case, with the vote thereon.

-----  
GA (2008, 48, 51, 276, Item 04-22): “[T]he name of the accused and substance of the accusation must be spread across the records of the presbytery.”  
-----

### **D-11.0601e. Preservation of the Record**

Preserve the original of all records in the following manner:

**D-11.0601e.(1)** The clerk of session shall, after the decision becomes final, retain the record of the case for at least two years.

**D-11.0601e.(2)** The clerk of the permanent judicial commission shall, within fourteen days after the decision becomes final, certify and transmit the record of the case to the stated clerk of the electing **council**, who shall preserve it for at least two years.

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GA (1991, 394, 21.109, Req. 91-19): See at D-10.0303a.

PJC (2006, 217-10, 488, Volkens v. Pby of Wabash Valley): Requests for relief that would alter the record of a case or expunge the record are contrary to Constitution & beyond authority of a PJC.  
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### **D-11.0601f. Transcript**

Upon the request, and at the expense of any requesting party, cause to be prepared, as promptly as circumstances permit, a true and complete transcript of all the testimony and oral proceedings during the course of the trial. A copy of this transcript, when certified by the person making the same to be true and complete, shall be delivered to each party requesting the same upon satisfactory arrangement for payment, and one additional copy shall be made for inclusion in the record to be sent forward upon any appeal pursuant to D-13.0000.

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PJC (2001, 584, 12.1111, Pby of Elizabeth v. Finn): Up to party to decide whether having transcript in record on appeal helpful to appeal. Upon satisfactory arrangements for payment, party is entitled to request preparation.  
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### **D-11.0602 Additions to the Record**

No person may supplement or add to the record in a case except for good cause as determined by the moderator and clerk of the session or of the permanent judicial commission responsible for conducting the trial. No request to supplement the record shall be considered until received in writing by the clerk of session or the stated clerk of the lower **council** who shall transmit it to the

moderator of the session or moderator and clerk of the permanent judicial commission. A copy of the request shall be delivered to all parties and every party shall have ten days to respond in writing.

## **D-11.0700 7. Duty of Stated Clerk**

### **D-11.0701 Reporting the Decision**

If the presbytery is meeting when the decision is received from the clerk of the permanent judicial commission, the stated clerk shall read the decision to the presbytery immediately and enter the full decision upon the minutes of the presbytery. If the presbytery is not meeting, the stated clerk shall read the decision to the presbytery at its first stated or adjourned meeting thereafter, or at a meeting called for that purpose, and enter the full decision upon the minutes of the presbytery.

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GA (2008, 48, 51, 276, Item 04-22): “[T]he name of the accused and substance of the accusation must be spread across the records of the presbytery.”

PJC (2006, 217-10, 488, *Volkers v. Pby of Wabash Valley*): Requests for relief that would alter the record of a case or expunge the record are contrary to Constitution & beyond authority of a PJC.

PJC (2002, 341, 214-6, *Pby Santa Fe v. Gearhart*): Clerk must read decision at next stated meeting, even if the person convicted appeals the finding.

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## **D-11.0800 8. Enforcement**

### **D-11.0801 Enforcement by Council**

When a session has completed the trial and found the accused guilty and the decision has been pronounced, or when the stated clerk of a higher **council** has received the decision of its permanent judicial commission in which the accused was found guilty, the session or higher **council** shall proceed to enforce the decision. The person against whom the decision has been pronounced shall refrain from the exercise of **ordered ministry** or from participating and voting in meetings, according to the situation, until an appeal has been decided or the time for appeal has expired, unless the session or the presbytery specifically grants a request to allow the person to continue in **ordered ministry** pending an appeal.

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Amend (1989, 220, 21.121, Ovt. 89-36): Struck “, provided, however . . . expired” and inserted the words, “The person . . . an appeal.”

GA (2006, 38, 40, 443, Item 05-27): (1) Decisions of the PJsCs of synods and pbys are binding on the parties to the particular cases in which the decisions are rendered unless overturned on appeal. No synod or pby PJC is able to make its decisions binding beyond the parties to the particular case by simply declaring it to be so.

GA (2) Governing bodies and members in the same jurisdiction and a jurisdiction below the one rendering a decision should be aware that the PJC will render similar decisions in cases on the same issues and with like fact situations. *Wefer v. Synod of Pennsylvania (Minutes, UPC, 1957, Part I, pp. 188 - 93)*.

GA (3) Only the General Assembly Permanent Judicial Commission has the power to render decisions that are authoritative interpretations binding on the entire church, because the *Book of Order* so provides (G-13.0103r).

PJC (1999, 834, 12.114, Pby of E. Tenn. v. Cook): Appropriate discretion for a pby to refuse exercise of ordained office during appeal.

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## D-12.0000 CHAPTER XII. CENSURE AND RESTORATION IN A DISCIPLINARY CASE

### D-12.0100 1. Censures

#### D-12.0101 Degrees of Church Censure

The degrees of church censure are rebuke, rebuke with supervised rehabilitation, temporary exclusion from exercise of **ordered ministry** or membership, and removal from **ordered ministry** or membership.

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Amend (1997, 174, 21.0102, Ovt. 97-27): See at D-12.0103.

GA (2002, 68, 318, Item 04-19, CR 02-20): Advised PJC that appropriate censure for child abuse is removal from office.

PJC (2010, 219-07, 378, Pby of Wyoming v King): Appellate body must determine if legal standard of conduct has been properly applied; that is question of law, not a question of fact.

PJC (2010, 219-02, 359, PC(USA) through Pby of Greater Atlanta v Ransom): PJC determined censure based on facts at trial. Trier of fact's factual determinations have presumption of correctness and are not to be disturbed on appeal unless "plainly or palpably wrong, without supporting evidence, or manifestly unjust." The censure imposed was not unreasonable.

(2) Whether charges are based on facts that are significant enough to be chargeable offenses is decision properly made by trier of fact.

(3) PC(USA) Constitution is infused with principles and standards to which ordained officers voluntarily submit.

PJC (2003, 215-9, 281, Pby Charlotte v. Jacobs): Unless there is a stay of enforcement, censure takes effect immediately upon pronouncement of decision at trial.

PJC (1995, 132, 11.065, Pby of Central Florida v. Herrero): Exclusion from candidacy is not a permissible censure under the *Book of Order*.

#### D-12.0102 Rebuke

### Rebuke

Rebuke is the lowest degree of censure for an offense and is completed when pronounced. (D-11.0403e) It consists of setting forth publicly the character of the offense, together with reproof, which shall be pronounced in the following or like form:

Whereas, you, (Name)\_\_\_\_\_, have been found guilty of the offense(s) of \_\_\_\_\_ (here insert the offense), and by such offense(s) you have acted contrary to (the Scriptures and/or the *Constitution of the Presbyterian Church (U.S.A.)*); now, therefore, the Presbytery (or Session) of \_\_\_\_\_, in the name and authority of the Presbyterian Church (U.S.A.), expresses its condemnation of this offense, and rebukes you. You are enjoined to be more watchful and avoid such offense in the

future. We urge you to use diligently the means of grace to the end that you may be more obedient to our Lord Jesus Christ.

### **Prayer**

This formal rebuke shall be followed by intercessory prayer to Almighty God.

### **D-12.0103 Rebuke with Supervised Rehabilitation**

Rebuke with supervised rehabilitation is the next to lowest degree of censure. It consists of setting forth the character of the offense, together with reproof and mandating a period of supervised rehabilitation imposed by the session or permanent judicial commission (D-11.0403e). This censure shall be pronounced in the following or like form.

Whereas, you, (Name) \_\_\_\_\_, have been found guilty of the offense(s) of \_\_\_\_\_, and by such offense(s) you have acted contrary to the Scriptures and/or the *Constitution of the Presbyterian Church (U.S.A.)*; now, therefore, the Permanent Judicial Commission (or Session) of \_\_\_\_\_, in the name and authority of the Presbyterian Church (U.S.A.), expresses its condemnation of this offense, rebukes you, and orders you to complete a program of supervised rehabilitation supervised by \_\_\_\_\_ as described below: \_\_\_\_\_.

You are enjoined to be more watchful and avoid such offense in the future. We urge you to use diligently the means of grace to the end that you may be more obedient to our Lord Jesus Christ.

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Amend (1997, 174, 21.0102, Ovt. 97-27): Renumbered D-12.0103 and D-12.0104 as D-12.0104 and D-12.0105, and inserted a new form of censure "Rebuke with Supervised Rehabilitation" as D-12.0103.

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### **D-12.0103a. Prayer**

The rebuke shall be followed by intercessory prayer to Almighty God.

### **D-12.0103b. Communicate Goals**

The session or permanent judicial commission shall formally communicate to the supervising entity and the person censured the goals of the rehabilitation and the specific authority conferred on the supervisor(s).

### **D-12.0103c. Rehabilitation Program**

The description of the rehabilitation program shall include a clear statement of how progress will be evaluated and how it will be determined when and if the supervised rehabilitation has been satisfactorily completed.



## D-12.0103d. Voluntary Acts of Repentance

In a case in which the offense is sexual abuse of another person, the rehabilitation program may include the advice that the person found guilty complete a voluntary act or acts of repentance. Such acts may include: public acknowledgement of guilt, community service, symbolic restoration of what was lost by the person who was harmed, and/or contributions toward documented medical/psychological expenses incurred by the person who was harmed.

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Amend (2004, 84-5, 311, Item 04-08, Recommendation 8) Adds new section “d” stating that voluntary acts of repentance may be advised in rehabilitation program.

Amend Defeated (2000, 62, 429-31, Ovt. 00-53): A proposed section “d” allowing for a recommendation of restitution by the person censured to the direct victim(s) was not approved by a majority of pbys. But see 2004 Amend above.

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## D-12.0104 Temporary Exclusion

Temporary exclusion from the exercise of **ordered ministry** or membership is a higher degree of censure for a more aggravated offense and shall be for a definite period of time, or for a period defined by completion of supervised rehabilitation imposed by the session or the permanent judicial commission. (D-11.0403e) This censure shall be pronounced in the following or like form:

Whereas, you, (Name) \_\_\_\_\_, have been found guilty of the offense(s) of \_\_\_\_\_ (here insert the offense), and by such offense(s) you have acted contrary to (the Scriptures and/or the *Constitution of the Presbyterian Church (U.S.A.)*); now, therefore, the Presbytery (or Session) of \_\_\_\_\_, in the name and by the authority of the Presbyterian Church (U.S.A.), does now declare you temporarily excluded from \_\_\_\_\_ for a period of \_\_\_\_\_, or until completion of the following rehabilitation program supervised by \_\_\_\_\_, as described below:

\_\_\_\_\_

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Amend (1997, 174, 21.0102, Ovt. 97-27): See at D-12.0103.

Amend (1991, 575, 31.017, CR 90-29): Struck “not to exceed two years” and inserted “of time . . . (D-8.1200j)[now D-11.0403e]”.

PJC (2003, 281, 215-9, Pby Charlotte v. Jacobs): Unless there is a stay of enforcement, censure takes effect immediately upon pronouncement of decision at trial.

PJC (1996, 169, 12.058, PC(USA) v. Haddox): Decision of pby PJC to censure for sexual intimacy and sexual malfeasance affirmed.

PJC (1994, 153, 11.093, Phillipy v. Pby of Middle Tennessee): Requirements that impose obligations on third parties outside the church are not reasonably related to presbytery’s oversight.

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### **D-12.0104a. Prayer**

This formal declaration shall be followed by intercessory prayer to Almighty God.

### **D-12.0104b. Supervised Rehabilitation**

If the period of temporary exclusion is defined by completion of supervised rehabilitation, the session or permanent judicial commission shall formally communicate to the supervising entity and the person found guilty the specific authority conferred on the supervisor.

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GA (1999, 65, 706, 12.013-.019, CR 97-1): Use of psychological or psychiatric evaluation as a component of a supervised rehabilitation process is permitted by this section. Provisions in decisions of PJC's affirmed.

PJC (1999, 834, 12.114, Pby of E. Tenn. v. Cook): Pby PJC could require counseling as part of supervised rehab., but was responsible to pay for it.

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### **D-12.0104c. Rehabilitation in Cases of Sexual Abuse**

In a case in which the offense is sexual abuse of another person, the rehabilitation program may include the advice that the person found guilty complete a voluntary act or acts of repentance. Such acts may include: public acknowledgement of guilt, community service, symbolic restoration of what was lost by the person harmed, and/or contributions toward documented medical/psychological expenses incurred by the person who was harmed.

-----

Amend (2004, 84-5, 311, Item 04-08, Recommendation 8) Inserted new section "c" and re-lettered remaining sections, stating that voluntary acts of repentance may be advised in rehabilitation program.

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### **D-12.0104d. Refrain from Exercise of Ordered Ministry**

During the period of temporary exclusion from ordained **ordered ministry**, the person found guilty shall refrain from the exercise of any function of ordained **ordered ministry**.

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Amend Defeated (2000, 62, 429-31, Ovt. 00-53): A proposed new section "c" allowing for a recommendation of restitution by the person censured to the direct victim(s) was not approved by a majority of pbys.

PJC (1999, 834, 12.114, Pby of E. Tenn. v. Cook): (1) Temporary exclusion suspends the pastoral relationship and the terms of call are ineffective during an appeal. The person is not entitled to compensation.

PJC: (2) If a decision is overturned, the suspension is null and void and the PJC may order that the terms of call be enforced retroactively.

GA (1994, 197, 21.091, Req. 94-13): A minister under temporary exclusion from ordained office is placed in the category of an inactive member of presbytery.

GA (1994, 197, 21.092, Req. 94-13): The difference between temporary exclusion from office and from membership for a minister is that in the first case the minister may speak on matters relating to himself/herself; in the second the minister may not speak on the floor of presbytery at all.

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### **D-12.0104e. Cannot Vote or Hold Office**

During the period of temporary exclusion from membership, the person found guilty shall refrain from participating and voting in meetings and from holding or exercising any office.

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Amend Rejected (2000, 62, 366, Ovt. 00-7): Rejected request to add new “e” to specify that a minister under this censure should be assigned to category of inactive member. Similar language would have been added at G-11.0406c.

GA (1994, 197, 21.092, Req. 94-13): See at D-12.0103c. and D-12.0104d above.  
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### **D-12.0104f. Effect of Temporary Exclusion of a Pastor**

If a pastor is temporarily excluded from the exercise of **ordered ministry**, the presbytery may, if no appeal from the case is pending, declare the pastoral relationship dissolved.

### **D-12.0104g. Notice of Temporary Exclusion**

When the censure of temporary exclusion has been pronounced with respect to a **teaching elder**, the stated clerk of the presbytery shall immediately send the information of the action taken to the Stated Clerk of the General Assembly, who shall make a quarterly report of all such information to every presbytery of the church.

### **D-12.0104h. Termination of Censure of Temporary Exclusion**

A person under the censure of temporary exclusion shall apply in writing to the **council**, through the clerk of session or stated clerk, for restoration upon the expiration of the time of exclusion or completion of the supervised rehabilitation pronounced. The **council** that imposed the censure shall approve the restoration when the time of exclusion has expired or when the **council** is fully satisfied that the supervised rehabilitation pronounced has been completed.

### **D-12.0104i. Early Restoration**

A person under the censure of temporary exclusion from the exercise of **ordered ministry** or from membership may apply in writing to the **council** that imposed the censure (through its clerk) to be restored prior to the expiration of the time of exclusion or the completion of the supervised rehabilitation fixed in the censure. The **council** may approve such a restoration when it is fully satisfied that the action is justified.

## **D-12.0105 Removal from Ordered Ministry or Membership**

Removal from **ordered ministry** or membership is the highest degree of censure.

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Amend (1997, 174, 21.0102, Ovt. 97-27): See at D-12.0103.  
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### D-12.0105a. Removal from Ordered Ministry

Removal from **ordered ministry** is the censure by which the ordination and election of the person found guilty are set aside, and the person is removed from all **ordered ministries** without removal from membership.

### D-12.0105b. Removal from Membership

Removal from membership is the censure by which the membership of the person found guilty is terminated, the person is removed from all rolls, and the person's ordination and election to all **ordered ministries** are set aside.

This censure shall be pronounced in the following or like form:

Whereas, you, (Name)\_\_\_\_\_, have been found guilty of the offense(s) of \_\_\_\_\_(here insert the offense), and by such offense(s) you have acted contrary to (the Scriptures and/or the *Constitution of the Presbyterian Church (U.S.A.)*); now, therefore, the Presbytery (or Session) of \_\_\_\_\_, acting in the name and under the authority of the Presbyterian Church (U.S.A.), does hereby set aside and remove you from \_\_\_\_\_ (here state whether removal is from all **ordered ministries and elected offices** or from membership, which includes removal from all **ordered ministries**).

### D-12.0105c. Prayer

This formal declaration shall be followed by intercessory prayer to Almighty God.

### D-12.0105d. Consequences of Removal from Ordered Ministry

If a **teaching elder** is removed from **ordered ministry** without removal from membership, the presbytery shall give the **teaching elder** a certificate of membership to a Christian church of the **teaching elder's** choice. If the **teaching elder** is a pastor, the pastoral relationship is automatically dissolved by the censure.

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GA (1990, 239, 21.121, Req. 90-4): See at G-6.0501.

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### D-12.0105e. Notice of Removal

When the censure of removal has been pronounced with respect to a **teaching elder**, the stated clerk of that presbytery shall immediately send the information of the action taken to the Stated Clerk of the General Assembly, who shall make a quarterly report of all such information to every presbytery of the church.

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Amend Rejected (2004, 85, 314, Item 04-08, Recommendation 10): Would have inserted new section to delete "Honorably Retired" status from ministers removed from office.

Amend Rejected (1989, 215, 21.059, Ovt. 89-8): Rejected request to add a new paragraph concerning being divested of office without censure in relation to change of belief.

Note: (1991, 387, 21.022, Ovt. 91-20): See current G-6.0600 [former G-14.0211] for process for release from exercise of ordained office for elders and deacons. Same procedure for ministers moved from discipline section to G-11.0414 in 1983.

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## **D-12.0200 2. Restoration**

### **D-12.0201 Decision of Council**

A person under the censure of removal from **ordered ministry** or from membership may be restored by the **council** imposing the censure when the **council** is fully satisfied that the action is justified and the person makes a reaffirmation of faith for membership restoration or is reordained for restoration to **ordered ministry**. The forms of the restoration are described in D-12.0202 and D-12.0203.

### **D-12.0202 Form of Restoration to Ordered Ministry after Removal**

The restoration to **ordered ministry** shall be announced by the moderator in the following or like form:

#### **D-12.0202a. Form**

Whereas, you, (Name) \_\_\_\_\_, have manifested such repentance as satisfies the church, the Presbytery of \_\_\_\_\_ (or Session of this church) does now restore you to the **ordered ministry** of \_\_\_\_\_ and authorize you to perform the functions of that **ministry** in accordance with the *Constitution* of this church by this act of ordination.

#### **D-12.0202b. Restored to Roll**

Thereafter, a full service of ordination shall take place and the name shall be restored to the appropriate roll. (W-4.4000)

### **D-12.0203 Form of Restoration to Membership after Removal**

The restoration to membership shall be announced by the moderator in a meeting of the **council** in the following or like form:

#### **D-12.0203a. Form**

Whereas, you, (Name) \_\_\_\_\_, have manifested such repentance as satisfies the church, the Presbytery (or Session) of \_\_\_\_\_ does now restore you to full membership in the church by this act of reaffirmation.

### **D-12.0203b. Restored to Roll**

Thereafter, the act of reaffirmation shall take place and the name of the person shall be restored to the appropriate roll or a certificate of membership shall be issued to a Christian church of that person's choice.

### **D-12.0203c. Restored to Ordered Ministry**

If the member is also to be restored to an **ordered ministry**, the procedure prescribed in D-12.0202 shall be followed.

## **D-13.0000 CHAPTER XIII. APPEAL IN A DISCIPLINARY CASE**

### **D-13.0100 1. Initiation of Appeal**

#### **D-13.0101 Definition**

An appeal of a disciplinary case is the transfer to the next higher **council** of a case in which a decision has been rendered in a lower **council**, for the purpose of obtaining a review of the proceedings and decision to correct, modify, set aside, or reverse the decision.

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PJC (2008, 311, 218-06, Pby of Wyoming v. King): Disciplinary case appeals are only to review proceedings, not to retry issues of fact.

PJC (1997, 142, 12.0262, Cook): PJC of higher gov. body may not hear matter until resolved by PJC having jurisdiction.

#### **D-13.0102 Initiation of Appeal**

**Only the person found guilty may initiate the first level of appeal by the filing of a written notice of appeal.**

-----  
Amend (2010, 57, 309, Item 05-02): Allowed only the person found guilty to initiate the first level of appeal.

Amend (2004, 83, 305, Item 04-08, Recommendation 5) Allows either party to begin first level of appeal.

PJC (2010, 219-09, 384, Davis v. Pby of San Francisco): 2/3rds majority required for any finding of guilt. Standard is "beyond a reasonable doubt".

PJC (1994, 145, 11.088, PC(USA) v. Truscott): See at D-8.0102

PJC (1992, 178, 11.048, Pby of Blackhawk v. Garton): Pby does not have standing to appeal in a disciplinary case; only the accused may appeal. But see D-13.0103.

PJC (1985, 118, 11.069, Kennedy v. Pby of Shenango): See at D-8.0102.

#### **D-13.0103 Appeal of Appellate Decision**

Either party may initiate an appeal of the appellate decision by the filing of a written notice of appeal.

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Amend (1995, 201, 21.012, 1992 Ref.): While only accused may appeal finding in original trial, prosecuting committee may appeal appellate decision.

#### **D-13.0104 Effect of Appeal**

The notice of appeal, if properly and timely filed, shall suspend further proceedings by lower **councils**, except that, in the instance of temporary exclusion from exercise of **ordered ministry**

or membership or removal from **ordered ministry** or membership, the person against whom the judgment has been pronounced shall refrain from the exercise of **ordered ministry** or from participating and voting in meetings until the appeal is finally decided.

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PJC (2002, 341, 214-6, Pby Santa Fe v. Gearhart): Clerk must read decision at next stated meeting, even if the person convicted appeals the finding.

PJC (1999, 834, 12.114, Pby of E. Tenn. v. Cook): (1) While not required, escrowing compensation pending outcome of appeal is permissible.

PJC: (2): It would be an abuse of the judicial system to allow convicted parties to extend their compensation by incessant appeal and delay.

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### **D-13.0105 Withdrawal of Appeal**

On application, the permanent judicial commission of the higher **council** may grant a petition for withdrawal of an appeal. The permanent judicial commission shall deny a petition if its approval would defeat the ends of justice.

### **D-13.0106 Grounds for Appeal**

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Amend (2010, 57, 309, Item 05-02): Allowed only the person found guilty to initiate the first level of appeal.

Amend (2004, 83, 305, Item 04-08, Recommendation 5) Specifies grounds for appeal for both person found guilty and prosecuting committee.

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#### **The grounds for appeal are**

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Amend (2004, 83, 305, Item 04-08, Recommendation 5) Specifies grounds for appeal for both person found guilty and prosecuting committee.

PJC (1995, 130, 11.064, Baker v. Pby of Middle Tennessee): See at D-8.0105.

PJC (1995, 133, 11.066, Lewis v. Pby of New York City): See at D-8.0105.

PJC (1993, 174, 11.049, Gaddie v. Pby of Whitewater Valley): See at D-8.0105.

PJC (1993, 160, 11.042, Hoover v. Pby of Charlotte): See at D-8.0105.

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#### **D-13.0106a. irregularity in the proceedings;**

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PJC (2012, 220-01, White v. Session of St. Paul PC): To sustain allegations of irregularity in proceedings, must show facts to prove or support alleged procedural error.

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**D-13.0106b.** refusing a party reasonable opportunity to be heard or to obtain or present evidence;

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PJC (2002, 341, 214-6, Pby Santa Fe v. Gearhart): A party pleading guilty makes moot any challenges arising up to the guilty plea.

PJC (2001, 584, 12.1111, Pby of Elizabeth v. Finn; 2000, 580, 12.071, Cong. for Reconciliation v. Pby of Miami, 1998, 133, 12.0136, Bevensee v. Pby of New Brunswick): Judgments of a lower commission on factual issues have presumption of correctness and are disturbed only if plainly wrong, without supporting evidence, or manifestly unjust. Cases cite Hardwick case, 1983.

PJC (1993, 159, 11.041, PC(USA) v. Whitelock): Not error for PJC to refuse to order a mental health examination of the accuser.

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**D-13.0106c.** receiving improper, or declining to receive proper, evidence or testimony;

**D-13.0106d.** hastening to a decision before the evidence or testimony is fully received;

**D-13.0106e.** manifestation of prejudice in the conduct of the case;

**D-13.0106f.** injustice in the process or decision;

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PJC (1995, 132, 11.065, Pby of Central Florida v. Herrero): Findings between charges must be consistent.

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**D-13.0106g.** error in constitutional interpretation; and

**D-13.0106h.** undue severity of censure.

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PJC (2010, 219-02, 359, PC(USA) through Pby of Greater Atlanta v Ransom): PJC determined censure based on facts at trial. Trier of fact's factual determinations have presumption of correctness and are not to be disturbed on appeal unless "plainly or palpably wrong, without supporting evidence, or manifestly unjust." The censure imposed was not unreasonable.

PJC (PCUS 1983, 45, Hardwick v. The PJC, Synod of NC): See at D-8.0105g.

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## **D-13.0200 2. Filings in Appeal Process**

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Amend (2010, 57, 309, Item 05-02): Allowed only the person found guilty to initiate the first level of appeal.

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### **D-13.0201 Time for Filing Written Notice of Appeal**

A written notice of appeal shall be filed within forty-five days after a copy of the judgment has been delivered by certified delivery or personal service to the party appealing.

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Amend (2000, 128-136, 16.158, Req. 00-6): Changed “thirty days” to “forty-five days” and made extensive changes in order and some in procedures for preliminary process (D-13.0201-.0307 affected).

PJC (2010, 219-02, 359, PC(USA) through Pby of Greater Atlanta v. Ransom): Appeal is timely filed if sent by a “permissible means of service” (certified mail or personal delivery) on or before the due date.

PJC (2008, 218-08, 314, Prelim, Yun et al v. Session of Korean United PC of NJ): Filing is timely if received by stated clerk on or before the due date, or, if due date is on a weekend or holiday, on the next business day.

PJC (1997, 134, 12.0122, Haggin v. Pby of the Redwoods): See at D-8.0201.

PJC (1987, 120, 11.075b, Buonaiuto v. Pby of Long Island; 1985, 118, 11.070, PC(USA) v. Tempelman): See at D-8.0201.

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**D-13.0201a.** The written notice of appeal shall be filed with the clerk of session or stated clerk of the lower **council** that elected the permanent judicial commission from whose judgment the appeal is taken.

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PJC (1997, 142, 12.0257, Lee v. Pby of San Francisco): See at D-8.0201a.

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**D-13.0201b.** The party appealing shall provide a copy of the notice of appeal to each of the other parties and to the stated clerk of the **council** that will hear the appeal a copy of the notice of appeal.

### **D-13.0202 Content of Written Notice of Appeal**

The written notice of appeal shall state and include

**D-13.0202a.** the name of the party or parties filing the appeal, called the appellant or appellants, and their counsel if any;

**D-13.0202b.** the name of the other party or parties, called the appellee or appellees, and their counsel if any;

**D-13.0202c.** the **council** from whose judgment the appeal is taken;

**D-13.0202d.** the judgment or decision, and date and place thereof, from which the appeal is taken (enclose a copy of the judgment or decision with the notice of appeal);

**D-13.0202e.** a statement of the errors of session or permanent judicial commission which conducted the trial or hearing on appeal that are the grounds for appeal (D-13.0106); and

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PJC (2010, 219-02, 359, PC(USA) through Pby of Greater Atlanta v. Ransom): PJC is only required to address Specification of Errors set forth in Notice of Appeal but may choose to address other Spec. of Errors set forth in Briefs or at oral argument on appeal.

PJC (2000, 580, 12.071, Cong. for Reconciliation v. Pby of Miami): Only issues part of trial may be appealed. Precedent is from a remedial case.

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**D-13.0202f.** a certification that a copy of the notice of appeal was provided by certified delivery or by personal service to each of the other parties and to the stated clerk of the **council** that will hear the appeal.

### **D-13.0203 Transmittal of Notice of Appeal to Officers**

Upon receipt of the notice of appeal and the decision being appealed, the stated clerk of the higher **council** shall transmit them to the officers of the permanent judicial commission.

## **D-13.0300 3. Prehearing Proceedings**

### **D-13.0301 Examination of Papers**

Upon receiving the papers specified in D-13.0203, the moderator and the clerk of the permanent judicial commission of the **council** that will hear the case shall promptly examine the papers to determine whether

**D-13.0301a.** the **council** has jurisdiction;

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PJC (2004, 378, 216-16, Pby of Cincinnati v. Van Kuiken): Receipt of renunciation removes the jurisdiction to conduct any further judicial proceedings.

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**D-13.0301b.** the appellant has standing to file the appeal;

**D-13.0301c.** the appeal papers were properly and timely filed; and

**D-13.0301d.** the appeal states one or more of the grounds for appeal set forth in D-13.0106.

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PJC (2010, 219-02, 359, PC(USA) through Pby of Greater Atlanta v. Ransom): PJC is only required to address Specification of Errors set forth in Notice of Appeal but may choose to address other Spec. of Errors set forth in Briefs or at oral argument on appeal.

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### **D-13.0302 Preliminary Questions Determined**

The moderator and clerk shall report their findings to the parties and to the permanent judicial commission.

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Amend (2010, 59, 347, Item 05-25): Added section d saying that if no challenge is made to their findings, “the case shall be dismissed without further action or order of the PJC.”

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**D-13.0302a.** If a challenge is made to the findings of the moderator and clerk within thirty days after receipt of those findings, either by a party to the case or by a member of the permanent judicial commission, opportunity shall be provided to present evidence and argument on the finding in question.

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[Amend \(2004, 81, 295, Item 04-03\): Requires challenges to findings of moderator / clerk to be made within 30 days.](#)  
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**D-13.0302b.** If a hearing is necessary to decide the item in question, that hearing shall be scheduled at least thirty days prior to the hearing on the appeal, unless the circumstances, including monetary considerations, render advisable the disposition of the preliminary questions immediately before the hearing on the appeal.

**D-13.0302c.** If the permanent judicial commission determines that any point listed in D-13.0301 has been answered in the negative, the permanent judicial commission shall dismiss the appeal.

**D-13.0302d.** If no challenge is made to a finding of the moderator and clerk that one or more points listed in D-6.0305 (or D-8.0301, or D-13.0106, as applicable) has been answered in the negative, the case shall be dismissed without further action or order of the permanent judicial commission.

**D-13.0303 Record on Appeal The record on appeal shall be formed as follows:**

**D-13.0303a. List of Record**

Within forty-five days after the receipt of a written notice of appeal, the clerk of session or stated clerk of the lower **council** shall list in writing to the parties all of the papers and other materials that constitute the record of the case. (D-11.0601d)

**D-13.0303b. Additional Records**

Within fifteen days thereafter, any party may file with the stated clerk of the lower **council** a written statement challenging the accuracy or completeness of the record of the case as listed by the stated clerk. The written challenge shall state specifically the item or items listed in D-11.0601d which are claimed to be omitted from the record of the case.

**D-13.0303c. Filing of Record on Appeal**

Upon notification by the stated clerk of the higher **council** of jurisdiction that the case has been accepted, the stated clerk of the lower **council** shall certify and file the record of the case, which may include authenticated copies of parts of the record, and shall include any written challenges disputing the completeness or accuracy of the record, with the stated clerk of the higher **council**.

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[PJC \(1991, 179, 11.049, Matsuda, et al. v. Pby of San Francisco\): See at D-8.0303c.](#)  
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### **D-13.0303d. Correction of the Record**

If anything material to either party is omitted from the record by error or accident or is misstated therein, the omission or misstatement may be corrected. The parties may stipulate to the correction, or the session or permanent judicial commission of the lower **council** may certify and transmit a supplemental record, or the permanent judicial commission of the higher **council** may direct that the omission or misstatement be corrected. All other questions as to the form and content of the record shall be presented to the permanent judicial commission of the higher **council**.

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PJC (2012, 220-02, **Jean Southard v. Presbytery of Boston**): Modification of charges is not appropriate on appeal.

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### **D-13.0303e. Notice of Date of Reception**

The stated clerk of the higher **council** shall notify the parties of the date the record on appeal was received.

### **D-13.0303f. Copy Furnished at Cost**

Upon written request, the stated clerk of the higher **council** shall furnish any party to the appeal, at cost to that party, a copy of the record on appeal.

### **D-13.0303g. Extension**

For good cause shown, the stated clerk of the higher **council** may extend the time limits in D-13.0303 for a reasonable period.

## **D-13.0304 Filing of Appellant's Brief**

Within thirty days after the date of the filing of the record on appeal, the appellant shall file with the stated clerk of the higher **council** a written brief containing specifications of the errors alleged in the notice of appeal and arguments, reasons, and citations of authorities in support of the appellant's contentions as to the alleged errors specified.

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PJC (2010, 219-02, 359, PC(USA) through Pby of Greater Atlanta v. Ransom): PJC is only required to address Specification of Errors set forth in Notice of Appeal but may choose to address other Spec. of Errors set forth in Briefs or at oral argument on appeal.

PJC (2000, 580, 12.071, Cong. for Reconciliation v. Pby of Miami): Specifications of error cited in brief must correspond to those in notice of appeal, but PJC made restate specifications for clarity. Citation is from remedial case.

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### **D-13.0304a. Copy to Other Party**

The brief shall be accompanied by a certification that a copy has been furnished to the other party or parties.

### **D-13.0304b. Extension**

For good cause shown, the stated clerk of the higher **council** may extend this time limit for a reasonable period.

### **D-13.0304c. Failure to File Brief**

Failure of appellant to file a brief within the time allowed, without good cause, shall be deemed by the permanent judicial commission an abandonment of the appeal.

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PJC (1985, 118, 11.068, Hedstrom v. Session of First PC, Nashville, TN): See at D-8.0304c.  
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### **D-13.0305 Filing of Appellee's Brief**

Within thirty days after the filing of appellant's brief, the appellee shall file with the stated clerk of the higher **council** a written brief responding thereto.

### **D-13.0305a. Copy to Other Party**

The brief shall be accompanied by a certification that a copy has been furnished to the other party or parties.

### **D-13.0305b. Extension**

For good cause shown, the stated clerk of the higher **council** may extend this time limit for a reasonable period.

### **D-13.0305c. Failure to File Brief**

Failure by appellee to file a brief within the time allowed, without good cause, shall constitute waiver of the rights to file a brief, to appear, and to be heard.

### **D-13.0306 Transmittal of Record and Briefs**

Upon receipt of the record and the briefs, or upon the expiration of the time for filing them, the stated clerk of the higher **council** shall transmit the record and briefs to the clerk of the permanent judicial commission.

### **D-13.0307 Prehearing Conference**

At any time after an appeal is received by a permanent judicial commission, the commission may provide by rule for the parties or their counsel, if any, in a prehearing conference, to seek agreement on any of the disputed issues in the appeal, and to take other action which might reasonably and impartially narrow the dispute and expedite its resolution.

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Amend (2000, 128-136, 16.158, Req. 00-6): As part of major revision, added provision in appeals process that is also in D-6.0310.  
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## **D-13.0400 4. Hearing of Appeal**

### **D-13.0401 Notice of Hearing**

The moderator or clerk of the permanent judicial commission shall notify the parties of the date when they may appear in person or by counsel before the permanent judicial commission to present the appeal.

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PJC (1997, 137, 12.0192, Hoover v. Pby of Charlotte): See at D-8.0401.

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### **D-13.0402 Failure to Appear**

Failure of a party to appear in person or by counsel shall constitute a waiver of participation in the hearing on appeal.

### **D-13.0403 Hearing:**

At the hearing, the permanent judicial commission shall

#### **D-13.0403a. New Evidence**

determine whether to receive newly discovered evidence, under the provisions of D-14.0502, providing for the verbatim recording of such new evidence; and

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PJC (1995, 117, 11.053, Bolton v. Alamance PC): See at D-14.0502.

PJC (1993, 160, 11.042, Hoover v. Pby of Charlotte): See at D-8.0403a.

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#### **D-13.0403b. Hearing**

give opportunity to be heard on the grounds of the appeal to those parties who have not waived that right, the appellant having the right of opening and closing the argument.

### **D-13.0404 Decision of Permanent Judicial Commission**

After the hearing and after deliberation, the permanent judicial commission shall vote separately on each specification of error alleged. The vote shall be on the question, "Shall the specification of error be sustained?" The minutes shall record the numerical vote on each specification of error. **If the appeal was initiated by a prosecuting committee appealing a verdict of not guilty and the permanent judicial commission sustains that portion of the appeal, the permanent judicial commission shall remand the case for a new trial.**

-----  
Amend (2010, 59, 347, Item 05-25): Added language about remanding for new trial if appealing a verdict of not guilty.

Amend (1989, 220, 21.121, Ovt 89-36): See at D-8.0404.

GA (2006, 38, 40, 443, Item 05-27): (1) Decisions of the PJC's of synods and pby's are binding on the parties to the particular cases in which the decisions are rendered unless overturned on appeal. No synod or pby PJC is able to make its decisions binding beyond the parties to the particular case by simply declaring it to be so.

GA (2) Governing bodies and members in the same jurisdiction and a jurisdiction below the one rendering a decision should be aware that the PJC will render similar decisions in cases on the same issues and with like fact situations. *Wefer v. Synod of Pennsylvania (Minutes, UPC, 1957, Part I, pp. 188 - 93)*.

GA (3) Only the General Assembly Permanent Judicial Commission has the power to render decisions that are authoritative interpretations binding on the entire church, because the *Book of Order* so provides (G-13.0103r).

PJC (2012, 220-09, Pby of New York City v. Edmonds): Factual determinations made by a trier of fact are accorded a presumption of correctness. These determinations are not to be disturbed on appeal unless they are "plainly wrong, without supporting evidence or manifestly unjust". Questions of constitutional interpretation are not subject to the same deference. (In addition see: 1988, 200-4, *Hardwick v. Session of Pearsall*; 2008, 218-10, *Bush v. Pby of Pittsburgh*; 2008, 218-07, *Pby of Redwoods v. Spahr*; 2010, 219-02, *PCUSA through Pby of Greater Atlanta v Ransom*; 2010, 219-07, *Pby Wyoming v. King*; 2010, 219-08, *Bierschwale et al v Twin Cities Area Pby*; 2010, 219-11, *Naegeli et al v Pby of San Francisco*.)

PJC (2012, 220-02, **Jean Southard v. Presbytery of Boston**): (1) When an appellate permanent judicial commission reverses a not guilty finding, it must remand the case for a new trial, rather than imposing its own guilty verdict. The finding of guilt can only be made by the trier of fact, which has an opportunity to hear and evaluate the evidence. If the appellate body finds that the trier of fact has made an error of law, the proper procedure is to identify that error and remand for a new trial.

PJC (2) Modification of charges is not appropriate on appeal.

PJC (2010, 219-09, 384, *Davis v. Pby of San Francisco*): 2/3rds majority required for any finding of guilt. Standard is "beyond a reasonable doubt".

PJC (2004, 216-5, 358, *Pby of Northern Kansas v. Myers*): Reviewing PJC may not review an offense when no determination of the innocence or guilt on that particular offense has been made by the trial PJC.

PJC (1995, 119, 11.053, *Bolton v. Alamance PC*): Repetitious specifications of error may be consolidated to eliminate redundancy.

PJC (1985, 112, 11.065, *PC(USA) v. Hardwick*): Error for PJC to fail to record votes on each specification and file decision reflecting reasons.

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**D-13.0404a. If No Errors Found**

If none of the specifications of error is sustained, and no other error is found, the decision of the lower **council** shall be affirmed.

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PJC (2006, 217-1, 455, *Hope, et.al. v. Pby of San Francisco*): PJC may group or summarize specifications of error but may not omit one.

PJC (2004, 358, 216-5, *Pby of Northern Kansas v. Myers*): Reviewing PJC may not review an offense when no determination of the innocence or guilt on that particular offense has been made by the trial PJC.

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### **D-13.0404b. If Errors Are Found**

If one or more errors are found, the permanent judicial commission shall determine whether the decision of the lower **council** shall be affirmed, set aside, reversed, modified, or the case remanded for a new trial.

-----  
PJC (2010, 219-09, 384, Davis v. Pby of San Francisco): 2/3rds majority required for any finding of guilt. Standard is “beyond a reasonable doubt”.

PJC (2001, 584, 12.1111, Pby of Elizabeth v. Finn): Reversal of judgment of pby PJC on a charge, based on technical issue of verbatim recording, but without disturbing factual findings of pby PJC. Other charge not reversed because based on documentary evidence not affected by recording issue.

PJC (1999, 834, 12.114, Pby of E. Tenn. v. Cook): Example of synod PJC modifying decision of pby PJC.

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### **D-13.0404c. Written Decision**

A written decision shall be prepared while in session, and shall become the final decision when a copy of the written decision is signed by the clerk and moderator of the commission.

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PJC (2006, 217-1, 455, Hope, et.al. v. Pby of San Francisco): PJC must meet in person for consideration and adoption of a final written decision.

PJC (2001, 577, 12.1028, Londonderry, et al. v. Pby of N. New England, 575, Hennigan v. Pby of Charlotte): Examples of GA PJC recessing, reconvening to finish drafting decision in appeals.

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### **D-13.0404d. Determination of Each Error**

The decision shall include the determination of errors specified, and state the remedy as provided in D-13.0101. The permanent judicial commission may prepare its decision in a manner that will dispose of all substantive questions without redundancy. It may include an explanation of its determination.

-----  
PJC (2010, 219-09, 384, Davis v. Pby of San Francisco): 2/3rds majority required for any finding of guilt. Standard is “beyond a reasonable doubt”.

PJC (2010, 219-02, 359, PC(USA) through Pby of Greater Atlanta v. Ransom): (1) PJC is only required to address Specification of Errors set forth in Notice of Appeal but may choose to address other Spec. of Errors set forth in Briefs or at oral argument on appeal.

PJC (2) not required to provide rationale for each Specification of Error, but encouraged to provide explanation for clarification.

PJC (3) determined censure based on facts at trial. Trier of fact’s factual determinations have presumption of correctness and are not to be disturbed on appeal unless “plainly or palpably wrong, without supporting evidence, or manifestly unjust.” The censure imposed was not unreasonable.

PJC (2004, 216-5, 358, Pby of Northern Kansas v. Myers): Reviewing PJC may not review an offense when no determination of the innocence or guilt on that particular offense has been made by the trial PJC.

PJC (1999, 834, 12.114, Pby of E. Tenn. v. Cook): (1) If decision of pby PJC is overturned, a suspension is null and void. A PJC may order that terms of call be honored retroactively.

PJC (2) Error for PJC to fail to record in its minutes vote on each specification of error. May combine in decision, but not in voting.

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### **D-13.0404e. Filed Promptly**

The decision shall be filed promptly with the stated clerk of the **council** that appointed the permanent judicial commission and the parties to the case by personal service or by certified delivery.

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GA (2002, 67, 300, Item 04-14, Req 02-2): Makes clear that “personal and certified delivery” means any delivery that can provide proof of physical service.

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### **D-13.0404f. Further Publicity**

The moderator or clerk shall disseminate the decision as the commission may direct.

### **D-13.0405 Effect of Reversal on Appeal in Disciplinary Case**

When a permanent judicial commission in an appeal in a disciplinary case reverses all findings of guilt, it is in effect an acquittal, and the person is automatically restored to **ordered ministry** or membership in the church. Declaration to this effect shall be made in the lower **council**.

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PJC (1995, 122, 11.057, Shack PC v. Bryan): Example of effect of reversal on appeal.

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## **D-14.0000 CHAPTER XIV. EVIDENCE IN REMEDIAL OR DISCIPLINARY CASES**

### **D-14.0100 1. Evidence**

#### **D-14.0101 Evidence Defined**

Evidence, in addition to oral testimony of witnesses, may include records, writings, material objects, or other things presented to prove the existence or nonexistence of a fact. Evidence must be relevant to be received. No distinction should be made between direct and circumstantial evidence as to the degree of proof required.

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PJC (2012, 220-09, Pby of New York City v. Edmonds): Factual determinations made by a trier of fact are accorded a presumption of correctness. These determinations are not to be disturbed on appeal unless they are “plainly wrong, without supporting evidence or manifestly unjust”. Questions of constitutional interpretation are not subject to the same deference. (In addition see: 1988, 200-4, Hardwick v. Session of Pearsall; 2008, 218-10, Bush v. Pby of Pittsburgh; 2008, 218-07, Pby of Redwoods v. Spahr; 2010, 219-02, PCUSA through Pby of Greater Atlanta v Ransom; 2010, 219-07, Pby Wyoming v. King; 2010, 219-08, Bierschwale et al v Twin Cities Area Pby; 2010, 219-11, Naegeli et al v Pby of San Francisco.)

PJC (2001, 584, 12.1111, Pby of Elizabeth v. Finn): PJs admonished not to allow admission into evidence of material that has low probative value but high probability of inflammatory effect.

PJC (2): Material described as minutes of meetings of IC a collection of opinion, hearsay, speculation, accusation, and pre-judgment. Reception into record by pby PJC an egregious problem.

PJC (2000, 586, 12.169, Benton, et al. v. Pby of Hudson River): Appropriate for PJC to determine testimony and other evidence not relevant because it does not relate to actions of respondent.

PJC (1999, 834, 12.114, Pby of E. Tenn. v. Cook): Provision of charitable assistance to person suspended does not constitute an admission of contractual obligation, but an exercise of grace.

PJC (1997, 137, 12.0192, Hoover v. Pby of Charlotte): Meaning of a document as interpreted by IC or PJC is not subject to judicial review if reasonable on its face.

PJC (1996, 167, 12.044, Gallman v. Oak Grove PC): See note at D-7.0401g.

PJC (1985, 123, 11.072, Schneider v. Pby Chicago): Synod erred in eliciting and receiving testimony on issues not raised by complaint.

Earlier References:

PJC (1954, 170, Von Norman v. Synod of California): Ecclesiastical court can hear and act upon any facts which Christian fair play finds to be relevant.

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### **D-14.0200 2. Witnesses**

#### **D-14.0201 Challenge**

Any party may challenge the ability of a witness to testify, and the session or permanent judicial commission shall determine the competence of the witness so challenged.

## **D-14.0202 Husband or Wife**

A husband or wife, otherwise competent to testify, may be a witness for or against the other, but neither shall be compelled to testify against the other.

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Amend Rejected (2010, 46, 907, Item 12-10): Rejected changing “husband or wife” to “married person” and “the other” to his or her spouse”

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## **D-14.0203 Counselor**

A person duly appointed by a **council** to provide counseling services for persons within the jurisdiction of the **council** shall not testify before a session or permanent judicial commission, except that the restriction may be waived by the person about whom the testimony is sought.

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PJC (2004, 216-3, 355, Pby of San Jose v. Moyer): (1) “Counselor” privilege may not be used as a shield to prevent the right to cross-examine a witness.

PJC (2) Right to cross-examine is part of the due process afforded to an accused.

PJC (1991, 183, 11.051, PC(USA) v. Murdock & Woodard): The persons barred from testifying under D-9.0300d (now D-14.0203) are those appointed to provide specific counseling services in a formal setting.

GA (1998, 165, 16.0199, Req. 98-4): This section is the only provision for confidentiality in regards to conversations between ministers and members of a division or committee.

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## **D-14.0204 Counsel for Parties**

The counsel for the parties involved in a case may not be compelled to testify about confidential matters, nor may they testify concerning any matters without the express permission of the party they represent.

## **D-14.0205 Credibility of Witnesses**

Credibility means the degree of belief that may be given to the testimony of a witness. The session or permanent judicial commission may consider, in determining the credibility of a witness, any matter that bears upon the accuracy or truthfulness of the testimony of the witness.

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PJC (2010, 219-05, 371, Lee et al v Midwest Hanmi Pby): “[W]itnesses may be both factual and expert if qualified and if a proper foundation is laid. Fact witnesses should have first-hand knowledge. Experts should have sufficient expertise to aid the trier of fact and the ability to express opinions that assist the trier of fact.”

PJC (1996, 170, 12.068, Rice v. Pby of Philadelphia): Reliance on anonymous assertions is repugnant to fair and orderly process.

PJC (1995, 130, 11.064, Baker v. Pby of Middle Tennessee): Trier of fact ultimately determines the credibility of witnesses.

PJC (1994, 145, 11.088, PC(USA) v. Truscott): Testimony by telephone is not permitted because a witness's demeanor cannot be observed. The only exception to testimony in person granted in the ROD is testimony by deposition.

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## **D-14.0300 3. Testimony**

### **D-14.0301 Separate Examination**

At the request of either party, no witness shall be present during the examination of another witness. This shall not limit the right of the accused or the committee of counsel of the respondent to be present and to have expert witnesses present.

### **D-14.0302 Examination of Witnesses**

Witnesses in either disciplinary or remedial cases shall be examined first by the party producing them, and then they may be cross-examined by the opposing party. Thereafter, any member of the session or permanent judicial commission may ask additional questions.

-----

PJC (2004, 355, 216-3, Pby of San Jose v. Moyer): (1) "Counselor" privilege may not be used as a shield to prevent the right to cross-examine a witness.

PJC (2) Right to cross-examine is part of the due process afforded to an accused.

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### **D-14.0302a. Oath**

Prior to giving testimony, a witness shall make an oath by answering the following question in the affirmative:

"Do you solemnly swear that the evidence you will give in this matter shall be the truth, the whole truth, and nothing but the truth, so help you God?"

### **D-14.0302b. Affirmation**

If a witness objects to making an oath, the witness shall answer the following question in the affirmative:

"Do you solemnly affirm that you will declare the truth, the whole truth, and nothing but the truth in the matter in which you are called to testify?"

### **D-14.0303 Record of Testimony**

The testimony of each witness shall be accurately and fully recorded by a qualified reporter or other means.

### **D-14.0304 Testimony Taken on Deposition**

Any session or permanent judicial commission before which a case may be pending shall have power to appoint, on the application of any party, one or more persons to take and record testimony in the form of a deposition.

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GA (2002, 67, 300, Item 04-13, Req 02-1): Authoritative Interpretation makes clear that depositions taken under the Rules of Discipline are for evidence only, not for “discovery.”  
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#### **D-14.0304a. Person from Another Council**

When necessary, the person or persons so appointed may be from within the geographical bounds of another **council**.

#### **D-14.0304b. Taking of Testimony**

Any person so appointed shall take the testimony offered by either party after notice has been given to all parties of the time and place where the witnesses are to be examined. All parties shall be entitled to be present and be permitted to cross-examine.

#### **D-14.0304c. Offered as Evidence**

This testimony, properly authenticated by the signature or signatures of the person or persons so appointed, shall be transmitted promptly to the clerk of the session or permanent judicial commission before which the case is pending and may be offered as evidence by any party.

#### **D-14.0304d. Questions of Admissibility**

All questions concerning the admissibility of statements made in deposition testimony shall be determined by the session or permanent judicial commission when the record of such testimony is offered as evidence.

#### **D-14.0305 Member as Witness**

A member of the session or permanent judicial commission before which the case is pending may testify, but thereafter shall not otherwise participate in the case.

### **D-14.0400 4. Records as Evidence**

#### **D-14.0401 Admissibility of Records**

The authenticated written records of a **council** or permanent judicial commission shall be admissible in evidence in any proceeding.

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PJC (2010, 219-11, 390, Naegeli et al v Pby of San Francisco): Minutes of CPM should have been included in the record. Items deemed confidential and not admissible should be listed and made a part of the record, which includes all authenticated written records of a governing body or PJC.  
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PJC (1995, 130, 11.064, Baker v. Pby of Middle Tennessee): Evidence properly excluded when no authentication is offered.  
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## **D-14.0402 Admissibility of Testimony**

A record or transcript of testimony taken by one **council** or permanent judicial commission and regularly authenticated shall be admissible in any proceeding in another **council**.

## **D-14.0500 5. New Evidence**

### **D-14.0501 Application for New Trial**

Prior to filing notice of appeal, but without extending the time for appeal, any person convicted of an offense, or any party against whom an order or decision has been entered in a remedial case, may apply for a new trial on the ground of newly discovered evidence. The session or permanent judicial commission -when satisfied that such evidence could reasonably have resulted in a different decision and which, in the exercise of reasonable diligence, could not have been produced at the time of trial-may grant such application.

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PJC (2102, 220-12, Cubbin-Will v. Pby of Tropical Florida): Evidence occurring after the date of complaint may be admissible to show remedy by council of potential irregularity.

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### **D-14.0502 Consideration in Appeal**

If, subsequent to the filing by any party of a notice of appeal, new evidence is discovered, which in the exercise of reasonable diligence could not have been discovered prior to the filing of the notice of appeal, the permanent judicial commission receiving the appeal may, in its discretion, receive the newly discovered evidence and proceed to hear and determine the case. However, no newly discovered evidence may be admitted unless the party seeking to introduce it shall have made application, with copies to the adverse party, at least thirty days prior to the hearing. That application shall be accompanied by a summary of the evidence.

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Amend Rejected (2006, 38-39, 423, Item 05-18): Rejected adding D-14.0600 about control of materials during pre-trial phase.

PJC (1995, 119, 11.053, Bolton v. Alamance PC): Failing to give proper notice to other party will prevent a party from utilizing "newly discovered evidence" under D-8.0403a or D-13.0403a.

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