

Salem Presbytery: Dismissal Policy

INTRODUCTION¹

The 218th General Assembly (2008) of the Presbyterian Church (U.S.A.) approved Commissioners' Resolution Item 04-28 that urged: "...that presbyteries and synods develop and make available to lower governing bodies and local congregations a process that exercises the responsibility and power 'to divide, dismiss, or dissolve congregations in consultation with their members' (Book of Order, G-3.0301a) with consistency, pastoral responsibility, accountability, gracious witness, openness, and transparency." Believing that trying to exercise this responsibility and power through litigation is damaging to the cause of Christ, impacting the local church, other parts of the Body of Christ and ecumenical relationships, and our witness to Christ in the world around us, the General Assembly urges congregations that consider leaving the denomination, presbyteries and synods to implement a process using the following principles:

- **Consistency:** The authority of the Presbytery is guided and shaped by our shared faith, service and witness to Jesus Christ.
- **Pastoral responsibility:** The requirement in G-3.0301a to consult with the members of a church seeking dismissal highlights the presbytery's pastoral responsibility that must not be submerged beneath other responsibilities.
- **Accountability:** For a governing body, accountability rightly dictates fiduciary and connectional concerns, raising general issues of property (G-4.02) and specific issues of schism within a congregation (G-4.0207). But full accountability also requires preeminent concern with "caring for the flock".
- **Gracious witness:** Scripture and the Holy Spirit require a gracious witness from us rather than a harsh legalism.
- **Openness and transparency:** Early, open communication and transparency about principles and process of dismissal necessarily serve truth, order and goodness, and work against seeking civil litigation as a solution.

The rationale supporting this resolution stated that it is tempting to "emphasize the property trust responsibilities of presbytery/synod oversight to the exclusion of the pastoral responsibility of caring for the congregations (members staying and leaving) and the responsibility of public witness to Christ with the larger body of Christ and the community and world." Secondly, it was suggested that presbyteries should strive for consistency in their response to congregations seeking dismissal and that all parties should engage in a grace-filled exchange.

PRINCIPLES AND PROCESS

As followers of Jesus, we are called to live lives that glorify God; that advance the work of the Kingdom of God, that show forth his love in how we honor and relate to one another as colleagues and friends in service to the Lord. While we desire to preserve the peace, unity and purity of the PC(USA), we realize that in days of controversy, friends and colleagues

¹ Salem Presbytery would like to thank Presbytery of the Peaks for their work in developing a faithful and balanced policy that is gracious both to potentially departing congregations and to the Presbytery at large. We have drawn heavily upon their work. Salem also thanks Grand Canyon Presbytery who wisely and explicitly put forth the legal justification for the policy, especially concerning matters of property.

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may differ. Yet Jesus calls us to exercise his love even in the midst of disagreement.

This love may be tested when some of us come to the place where we sense that faithfulness to our understanding of Jesus' call and to our denomination seems at odds. We may even hold to the conviction that continued shared ministry within the boundaries of the PC(USA) has become untenable.

We do not believe it is proper to divide congregations and denominations if it is avoidable. Separation should not be done lightly. But we believe that when it becomes clear that friends and colleagues can no longer walk together, it is not conducive to the larger mission of the presbytery or the PC(USA) to engage in protracted disputes with a church desiring to depart. Thus, we have sought to create a clear and respectful process by which these sad waters may be navigated; one that even in the midst of painful disagreement can still proclaim the love of Christ that binds us together.

STATEMENT OF VALUES

A. Unity

The congregations and members of Salem Presbytery ("the Presbytery") seek to uphold one another, respect each other's integrity and affirm freedom of conscience, even as we acknowledge significant differences in our views of what the Bible teaches about a number of issues. We desire to encourage peace and unity, while minimizing confrontation between our congregations and members, as we seek together to find and represent the will of Christ. In all that we do, it is our prayer to strive to be a church modeled on the body of Christ, a church made up of many different parts, all of which are necessary "for its mission in the world, for its sanctification, and for its service to God" (F-1.0202). Our spiritual unity is derived from the grace of the Lord Jesus Christ, the love of God and the fellowship of the Holy Spirit (2 Corinthians 13:14).

B. Decision-making

Presbyterians have always recognized significant differences of opinion on issues that matter. This ethos is currently noted in the historic language found at F-3.0105: ... "We also believe that there are truths and forms with respect to which men of good characters and principles may differ. And in all these we think it the duty both of private Christians and societies to exercise mutual forbearance toward each other." Our covenant demands that we strive to work together in peace and unity, even in the midst of our diversity. Through our theology, we understand that "Presbyters are not simply to reflect the will of the people, but rather to seek together to find and represent the will of Christ." "Decisions shall be reached in councils by vote, following opportunity for discussion and discernment, and a majority shall govern" (F-3.0204 and F-3.0205). At the same time, the church is committed to being open to voices sharing minority opinions. At some points in our history, minority views eventually became those of the majority. Thus, the Constitution of the Presbyterian Church (U.S.A.) recognizes "The church reformed, always to be reformed according to the Word of God in the power of the Spirit" (F-2.02).

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There are times when members find they cannot in good conscience go along with the majority. The Presbytery encourages all presbyters and congregations to "...concur with or passively submit to" the vote and wisdom of the majority (G-2.0105, footnote 1). If their consciences will permit neither, the Presbytery will be gracious in considering requests by congregations and presbyters with strong issues of conscience to pursue peaceable withdrawal through dismissal to another Reformed body.

A congregation that is convinced that to be faithful to the Lord Jesus, it must disassociate from the PC(USA) and the Presbytery, should do so in strict accordance with the Book of Order and in a way that seeks to promote the unity of that congregation. Closely divided congregations should remain as they are and where they are as a consensus has not yet been achieved.

C. Dialogue and Reconciliation

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

1 John 4:18 states: *"There is no fear in love, but perfect love drives out fear. For fear has to do with punishment, and he who fears is not perfected in love."*

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

D. The Property Provisions

The Form of Government ("FOG") section of the Book of Order contains several provisions which establish that all real and personal property (regardless of legal or record title) held by a congregation or its trustees belongs to the PC(USA) and the denomination's respective presbyteries. For instance, according to the Book of Order (G-4.0203): *"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.)."*

As a Presbytery, we recognize that Chapter Four of the FOG states that except where otherwise provided, *"all property held by or for a congregation, a presbytery, a synod, the General Assembly, or the Presbyterian Church (U.S.A.) ... is held in trust nevertheless for the use and*

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benefit of the Presbyterian Church (U.S.A.)". Presbytery, at its discretion, may dismiss congregations from the PC (USA) in possession of their property (G-3.0303b). We affirm the responsibility of the Presbytery to provide for and insure the mission, church property and government of the PC(USA) throughout its geographical district (G-3.0301).

We also affirm to each congregation its right to seek dismissal under chapters three and four, of the Book of Order, and we ask all of our congregations to act with love, forbearance, dignity and discretion in pursuing this right (G-4.02; G-3.0303f).

It is our hope that as this policy is followed by all involved, litigation in secular courts can be avoided in light of our mutual recognition of these respective rights in this regard, as defined and set forth in the FOG. In the spirit of the Apostle Paul (1 Corinthians 6:1-8), we peacefully seek to resolve any disagreements as brothers and sisters in Christ to avoid the harm that is done to the Gospel and Christ's body when Christians resort to civil litigation and public disputes.

Section 2 (Property) of *The Legal Resource Manual for Presbyterian Church (USA) Councils and Churches*, 4th ed., 2020 shall serve as a guiding resource for Salem Presbytery in addressing property-related matters.

All conversations and actions regarding issues of dismissal/dissolution shall be undertaken in accordance with current *Book of Order*, *Book of Order Annotated Edition*, and relevant Permanent Judicial Commissions cases. The following summary of pertinent decisions shall be considered when pursuing such conversations and actions.

- Each case must be considered on a case-by-case basis. (PJC [2014, 221-03, Tom et al v. Pby of San Francisco]).
- When dismissing a particular congregation within its geographic region, the presbytery must fulfill its fiduciary duty under the Trust Clause (G-4.0203) to consider the interest of the PC(USA) as a beneficiary of the property.
- A full fiduciary review must be undertaken in all cases (PJC [2014, 221-03, Tom et al v. Pby of San Francisco]).
- There is no unilateral right of a Presbyterian Church (USA) congregation to depart from the denomination or its presbytery of membership. No authority is given to a congregation or to session to vote to leave the denomination. (GA [218th, Item 4-20]; see also PJC Sundquist v. Heartland, Remedial case 210-02, 2008. See G-1.0503 and G.-3.02).
- Presbyterian Churches may only be dismissed to another reformed denomination. The other option that a congregation has which desires to leave the PC(USA) is to seek to be dissolved. Those people may then reconstitute themselves as whatever type of community that they desire. It may be possible for the Presbytery to then sell them the building at a negotiated rate, or otherwise work to seek the viability of that congregation (G-4.0205). The procedure for dissolution in this type of case, shall be the same as the procedure for dismissal in this policy. (This policy shall not guide dissolutions of local

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congregations for other reasons.)

- It is important for the presbytery to prayerfully discern and consider the mission of the church in its district and of the whole church as it decides whether to dismiss or dissolve a congregation (G-3.0301; G-3.0303a).
- The full presbytery, meeting in plenary, has exclusive right to determine the final terms of dismissal/dissolution (G-3.0301a).

In acceptance of the above polity provisions, the presbytery is disallowed from creating a formula by which all dismissals/dissolutions will proceed. Therefore, each request for a dismissal/dissolution shall construct such terms as negotiated by the Administrative Commission and the congregation, through its Session or a Session authorized committee, according to the values articulated above.

INITIAL PROCESS

A. Initial Contact and Exploration

When a session notifies the Presbytery that a congregation may be in disagreement with Presbytery and/or the denomination to the extent of considering withdrawal from the Presbyterian Church (U.S.A.), this information should be brought immediately to the attention of the General Presbyter or Stated Clerk, who will notify the Commission on Ministry (COM). The COM will appoint a small team of 3-5 people to initiate communication and discussion with that session and church staff. At the initial meeting, the Session shall provide a written rationale for their desire to seek dismissal as well as a current membership roster with up-to-date contact information for all members (physical/mailling addresses, phone numbers, and email addresses).

If it appears that progress can be made toward reconciliation through continued and constructive dialogue, congregational leadership and the COM Team will establish a mutually agreeable timeline for talks to be held, and proceed to engage in such dialogue. If not, then the session will proceed with the steps outlined below.

B. The First Congregational Hearing

The session of a church shall request that the Presbytery call for a congregational hearing for the purpose of discussing the question, "Shall our congregation consider being dismissed from the PC(USA)?" Due notice of such hearing shall be given to all active members of the congregation by mail and orally at regular worship services on at least ten (10) days, including two (2) Sundays. At least 50% of the active members of the congregation shall be present.

At this hearing, the representatives from the COM Team will be present to hear reasons for the request, outline the process, answer questions, and clarify any misinformation. These representatives shall have the privilege of the floor. The purpose of this hearing is not to "request dismissal" as the congregation has no authority to do so (G-1.0503). Rather it allows for a "straw poll" for the purpose of giving the Presbytery a sense of the congregation's desire regarding dismissal. After discussion and prayer, further guidance on this question may be

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sought by a secret written ballot - the only choices being "Continue to consider being dismissed" or "Do not consider being dismissed." The Session can take the results of this straw poll under advisement as they continue in their discernment process.

C. Following the First Congregational Hearing

Following the first Congregational Hearing, if the Session is still determined to proceed, the Session should provide to the COM Team, in written form, a formal request to proceed with dismissal along with minutes from the Session meeting at which that decision was made. Once received, the COM shall request that the Stated Clerk, if s/he has not already done so, appoint an Administrative Commission (AC), which shall include some with financial expertise - the membership of the AC is at the discretion of the Stated Clerk. The AC shall work with the session to review the terms of possible dismissal, plan any additional hearings with the congregation and review the property and financial records of the congregation.

The Session will provide to the AC copies of all executed documents concerning the congregation's incorporation and by-laws, real property (including cemeteries and columbariums) and other assets including, but not limited to, current deeds of trust, loan agreements, liens, property and casualty insurance, and statements of tangible and intangible assets. Concerning cemeteries and/or columbariums, the Session shall provide documentation of compliance with current State law regarding such property. The AC shall obtain an appraisal of the property by a licensed appraiser (selected by Presbytery in consultation with the Session), the cost of which shall be borne solely by the Session seeking to be dismissed.

Representatives of the Session and the AC will review these documents to determine whether Presbytery, synod or any Presbyterian Church (U.S.A.) body is named therein and/or is exposed to any liability claims that exist or may arise under these documents. Due consideration should be given in cases where the church has received grants from an entity of the PC(USA) within the past 12 years.

In order for the dismissal process to proceed, steps must be taken to repay in full any indebtedness owed to or guaranteed by the Presbytery, the synod, or the Presbyterian Church (U.S.A.) or to refinance such indebtedness through an independent creditor without support from the Presbytery, synod, or the Presbyterian Church (U.S.A.).

Appropriate action must also be taken to amend any organizational documents, as necessary, and to ensure that adequate insurance coverage of all property is maintained until dismissal is completed. Similarly, if the congregation has established a foundation or received grants or endowment(s), related documentation must be examined to identify any terms or restrictions affected by the proposed dismissal involving the Presbytery, Synod or the Presbyterian Church (U.S.A.). Action must be taken as appropriate.

The church shall be responsible for paying all legal and other costs incurred by both sides in this negotiation. The church shall, unless granted a waiver by the Presbytery, remit all back payments of the per capita assessment.

At this time, the Session will work to procure a Letter of Transfer from the Stated Clerk of the

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Reformed body to which the Session seeks dismissal, providing that letter to the AC.

The AC will notify the Executive Council, who shall engage in a discernment process to identify the Presbytery's mission plan for the area served by the departing congregation.

D. The Second Congregational Hearing

With concurrence from the AC, the Session shall call for a second hearing of the congregation to discuss dismissal. The AC will represent the Presbytery. The AC will be responsible for working with the church's leadership in ensuring a decent and orderly process by which the wisdom of this request can be discerned as God's call for both this congregation and the larger mission of the Presbytery. As part of this process, the following procedures shall govern this request for separation:

- Due notice of such a hearing shall be given to all active members of the congregation by mail, and orally at regular worship services for ten (10) days, including two (2) Sundays.
- Though the Presbytery may not set the quorum, it is hoped that at least one-half of the active membership will be present.
- The AC, along with related Presbytery staff, shall be present throughout and shall have the right to speak and to present the separation proposal. The AC will represent the Presbytery.
- The question to be discussed is: "Shall our session request the Presbytery for dismissal to _____ according to the terms agreed upon by the Session and the AC?"
- Ample time shall be provided for speakers wanting dismissal and speakers wanting to stay with the PC(USA).
- After discussion and prayer, further guidance on this question shall be sought by a secret written ballot - the only choices being "Request dismissal" or "Do not request dismissal."
- Again, as the congregation has no authority to request dismissal, the Session will take the results of this second straw poll under advisement as they discern whether they will or will not formally request the Presbytery to dismiss the congregation to another Reformed body.
- After reviewing the proposed terms of dismissal negotiated between the AC and session as outlined below, it is expected that the Presbytery may approve or disapprove the terms of dismissal. Whether to dismiss the congregation is a purely discretionary decision on the part of the Presbytery.

TERMS OF DISMISSAL

A. Status of Minister Members of Presbytery

If a congregation is to be dismissed by Presbytery, one of the paramount concerns of this process is to ensure that the rights and status of minister members are considered and handled according to the constitution

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Ministers may request transfer to the Reformed body to which the congregation is requesting dismissal, or they may remain as members of the Presbytery. If transfer is not requested and their call at the church ends, the minister may request to be granted member-at-large status that will allow the minister to seek calls within the PC(USA) and to receive a severance package negotiated among the congregation, the AC, and the Committee on Ministry and approved by the Presbytery. Transfers may be requested concurrently with the congregation's request or they may occur separately. If the transfer is not requested or granted concurrently, the minister may request to labor outside the bounds of the Presbytery to serve the church which has been dismissed for a period of up to 12 months following the dismissal of the congregation (G-2.0503). This service will ordinarily be designated as a validated ministry of the Presbytery and is understood as a gracious means for facilitating continuity in ministry during a limited period of transition.

Transfers to another Reformed body will normally be approved unless the minister is the subject of a pending judicial or investigative action (per D-10.0105). The reasons for not granting transfer may be communicated by the Presbytery's Stated Clerk to appropriate persons.

B. Status of Members Under Care of Presbytery

Special attention should be given to members of the congregation who are preparing for ministry and are under the care of Presbytery. Each member under care, together with his/her liaison from the Committee on Preparation for Ministry ("CPM"), should be advised immediately of the congregation's desire to seek dismissal. The member under care will be given the option of being dismissed with the congregation or transferring their membership to another congregation within Presbytery and/or the PC(USA) (G-2.06). If a transfer to another congregation within Presbytery and/or the PC(USA) is requested, the AC and the CPM liaison will assist the member in seeking a waiver of the usual six-month requirement for church membership in order to maintain care status.

C. Status of Members of the Congregation

It is important that, throughout the dismissal process, both the session and the COM Team/AC communicate carefully so that divisiveness is minimized between those in the congregation who wish to withdraw and those members who want to remain in the PC(USA). Upon Presbytery's approving a congregation's dismissal, the Stated Clerk in consultation with the Clerk of Session shall contact all members as to their desired membership status. The AC, on behalf of the Presbytery, will follow up with those wishing to remain with the PC(USA).

D. Issues of Property

The issue of property should not be a means by which order and discipline are to be maintained, but the interests of the various constituencies must be guarded in a fair and equitable way. In making its recommendations on property, the AC will assess the needs of the congregation, those wishing to continue in the PC(USA), and the overall needs and mission of the Presbytery.

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If the AC in its process of consulting with members of the congregation decides that they are united in their conviction to disassociate from the PC(USA), the AC may recommend to the presbytery that the congregation be allowed to depart with the real and personal property the congregation or its trustees then hold under such conditions as have been negotiated (as per Section C in the process above).

The Session and the AC must negotiate any terms of dismissal based on: God's call to mission to the faction within the congregation desiring to be dismissed, God's call to the faction within the congregation desiring to remain in the PC(USA), and God's call to the Presbytery regarding ministry in the geographic location in which the congregation is located.

The AC may recommend that the congregation be dismissed with all of its property with the following provisions:

- In consideration of the ongoing work, ministry, and life of the presbytery the departing congregation will agree to pay any past due per capita apportionments² as well as at least three (3) years of the most recent requested per capita apportionments. This will give the Presbytery time to make necessary adjustments going forward. Full payment may be made prior to the third year or other specified payment completion date. For any congregation that makes such financial contributions to the Presbytery subsequent to the adoption of these policies, such action shall be memorialized in a written binding agreement between that congregation and the Presbytery.
- Originals of all extant minutes of the Session, Board of Deacons, and congregation, as well as records of baptisms, marriages, burial and membership rolls to the date of dissolution or dismissal, and other historical church memorabilia shall be conveyed to the Presbytery's Stated Clerk for appropriate historical repositories prior to the date of dissolution or dismissal.
- The name of the PC(USA) congregation is an action of the Presbytery that must be negotiated and/or preserved appropriately. Therefore the future name of the dismissed or dissolved congregation shall be a part of the settlement between the congregation and the AC.
- All PC(USA) signage, logos, iconography, and other PC(USA) memorabilia shall be removed from the property within 3 months.
- Dismissal may not occur unless and until the terms of an agreement that includes both the matters set forth above and the retaining by Presbytery of a right of reverter* for ten (10) years have been reduced to writing and approved by the Presbytery. Upon such signing and approval, the congregation may be dismissed even if the financial terms are not completely fulfilled for a number of years.

² Salem Presbytery began stating Per Capita apportionments in 2022. Thus, departing congregations are required to be current on their Per Capita apportionments from 2022 to the present – even if the congregation has a longer history of financial disconnection from the Presbytery.

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Congregations that are divided on the question of dismissal from the PC(USA) must work out a property settlement with the AC that provides a proportional settlement for the ministry and worship needs of the minority. This may be done through establishment of a designated fund under the auspices of the Presbytery for the minority or by agreement with another congregation of the PC(USA) with which the minority may associate and worship and serve the Lord or any other means acceptable to the Presbytery.

- Once this settlement has been reduced to writing, the AC may then recommend to the Presbytery approval of the settlement and dismissal of this congregation with real and personal property held by the congregation or its trustees as part of its report at the Presbytery meeting described below.
- Originals of all extant minutes of the Session, Board of Deacons, and congregation, as well as records of baptisms, marriages, burial and membership rolls to the date of dissolution or dismissal, shall be conveyed to the Presbytery's Stated Clerk for appropriate historical repositories prior to the date of dissolution or dismissal.
- The name of the PC(USA) congregation is an action of the Presbytery that must be negotiated and/or preserved appropriately. Therefore the future name of the dismissed or dissolved congregation shall be a part of the settlement between the congregation and the AC.
- All PC(USA) signage, logos, iconography, and other PC(USA) memorabilia shall be removed from the property within 3 months.
- Dismissal may not occur unless and until the terms of an agreement that includes both the matters set forth above and the retaining by Presbytery of a right of reverter* for ten (10) years have been reduced to writing and approved by the Presbytery. Upon such signing and approval, the congregation may be dismissed even if the financial terms are not completely fulfilled for a number of years.

THE MEETING OF PRESBYTERY

At the meeting of Presbytery to consider a request for dismissal, the Presbytery shall hear from the AC:

- On the recommendations it brings regarding the request for dismissal, based on the guidelines noted above;
- On provisions that will be made for those members who wish to remain in the PC(USA);
- On provisions that will be made for any Teaching Elders, Christian Educators or Commissioned Ruling Elders for Particular Ministry associated with the congregation;
- On how the congregation's dismissal will affect the larger mission and ministry of the Presbytery;
- On any financial contributions to the congregation by the Presbytery, synod or General

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Assembly.

It should be noted that renegotiation of the terms for dismissal through use of amendments from the floor of Presbytery would invalidate months of work between the AC and the congregation. The AC will bring recommendations to the Presbytery concerning the negotiated agreement. The proposal will be presented as a whole with the request that it be accepted and voted on without amendment.

The effective date of dismissal will occur no earlier than ninety (90) days after the Presbytery vote, provided the Presbytery is satisfied the congregation has met all agreed upon terms and conditions by that date.

THE VOTE

After hearing from the AC and allowing for discussion and prayer, and if no substantive amendments have been approved, the Presbytery shall then vote by written ballot on this question: "Shall the congregation of _____ be dismissed to _____ according to the terms agreed upon by the AC, the session, and the congregation?"

The only choices shall be "Yes" or "No".

If a two-thirds majority of those present and voting, votes in favor, the congregation shall be dismissed according to the terms agreed upon.

ACTUAL DEPARTURE

A final worship service will be conducted in which representatives of the Presbytery, the congregation and the new Reformed denomination will be invited to meet, worship and transfer the congregation to its new denominational home. As part of this worship gathering, both representatives of the Presbytery and the departing congregation will offer prayers on each other's behalf, give thanks for the years of ministry shared together, and share words of blessing even as we go separate ways.

MINISTERIAL CONDUCT

Following the provisions of our constitution, we affirm that it is our policy not to take action to remove a pastor or session solely as a result of a decision to discuss withdrawal or seek dismissal to another denomination. Elders and pastors engaged in these difficult decisions are to conduct themselves in a Christ-like manner. How we treat one another reflects and impacts directly our witness to Christ in this geographic area. Faithfulness to our witness compels us to conduct ourselves in a way that honors God and one another if we are to expect God's blessing to reside upon our ministries going forward. We should conduct ourselves in such a way as to bring honor upon the gospel in the eyes of neighbors and potential members from our communities.

WAIVER OR DEVIATION BY PRESBYTERY

Presbytery retains the absolute authority and discretion to waive and deviate from any

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of the terms, conditions and procedures set forth above in the Gracious Dismissal Policy.

AUTHORITATIVE INTERPRETATION

In response to the ruling of the General Assembly Permanent Judicial Commission in Remedial Case 2012-221-03 (Tom et al. v San Francisco Presbytery), Salem Presbytery shall understand and interpret its Gracious Dismissal Policy (adopted 5-10-12) as follows:

To honor the Trust Clause (G-4.0203) of the Constitution of the Presbyterian Church (U.S.A.), exercising its mandated fiduciary duty, Salem Presbytery shall take into consideration the financial position and the value of property used by any congregation that seeks dismissal with that property, prior to authorizing any transfer of that property or any portion thereof. In determining how such financial position and property value impact the mission of Jesus Christ in its district, the Presbytery shall proceed on an ad hoc basis, not relying on any particular formula to provide the basis for settlement of a request for dismissal. Further, to assure that a congregation dismissed to an approved Reformed denomination is encouraged to settle down in its new denominational home, the Presbytery shall retain a right of reverter* for ten years upon the real property of such congregation, such right to be exercised should the congregation seek to leave its new home for another denomination or independency or should the congregation fail to fulfill all the agreed-to obligations in the separation agreement. This right of reverter* may subsequently be waived by vote of the Presbytery in particular circumstances.

Definition of Right of Reverter: A right of reverter gives an organization the opportunity to resume ownership of property when that property is not being used in accordance with the requirements laid out upon the transfer of the title of that property.

Approved by Salem Presbytery, 11/15/2025