

Renunciation of Jurisdiction

In response to recent questions received by the Office of the Stated Clerk, the following advisory opinion is provided to address demands that ministers, and now governing bodies, be declared to have renounced the jurisdiction of the Presbyterian Church (U.S.A.) because of acts or statements deemed to be defiant of the church's Constitution.

I. Renunciation takes place under two distinct situations.

- A. An officer renounces the jurisdiction of the PC(USA) in writing to the clerk or stated clerk of the governing body of jurisdiction (G-6.0701).
 1. The renunciation is effective upon receipt by the clerk (G-6.0701).
 2. The renunciation is a unilateral act of the officer.
 3. The effect of the renunciation is that the officer is no longer a Presbyterian and the person's name will be deleted from the appropriate roll (G-6.0703).
 4. The officer cannot be restored to office except by way of the candidacy process (minister) or ordination/installation (elder) (GA, 1989, p.228).
- B. An officer persists in work that is disapproved of by the governing body of jurisdiction. The governing body of jurisdiction must follow a carefully laid out procedure. This process is an authoritative interpretation (and constitutionally binding) from the 2004 General Assembly¹. Here are the steps:
 1. In order to presume that an officer has renounced the jurisdiction of this church under G-6.0702, a governing body must follow the following procedure:
 - a. The governing body must disapprove the work of the officer (*Wilson v. Presbytery of Donegal*, Remedial Case 206-8, *Minutes*, 1994, Part I, p.149, 11.091).
 - b. The governing body must notify the officer that it has disapproved his/her work and that he/she is prohibited from engaging in such work as an officer of the church (*Stimage-Norwood v. Presbytery of Southern New England*, Remedial Case 214-7, *Minutes*, 2002, Part I, p. 344).

¹ Item 05-02 - ACC Request Regarding [former] G-6.0502, Authoritative Interpretation Concerning Persistence in Disapproved Work—From Minister Member, Presbytery of the Cascades. (*Minutes*, 2004, Part I, p. 387)

- c. If the officer engages in the prohibited work after the notice of disapproval and prohibition, the governing body must consult with the officer and notify him/her of the consequences of his/her action, i.e. that his/her persisting in the work may result in a presumption of renunciation jurisdiction.
- d. If the officer persists in the prohibited work after such consultation and notice, the governing body may presume that he/she has renounced the jurisdiction of the church. If the governing body so determines, it shall notify the officer of its decision.
- e. The officer has the right to challenge the governing body's determination and to speak on the floor of the governing body in so doing. He/she also has the right to file a remedial case challenging the governing body's determination of renunciation (D-6.0100). (*Veldhuizen v. Presbytery of San Francisco, Minutes, 1991, p. 189*).

The term "work disapproved by the governing body" relates to the exercise of the vocation of a minister of the Word and Sacrament or the official conduct of church business for which a deacon or elder was elected. It does not relate to particular acts of ministry, or to behavior, that might be considered an offense under the Constitution (D-2.0203). One can be presumed to have renounced jurisdiction because of persisting in disapproved work following consultation and notice, only if the work is engaged in after the disapproval of the work and if it is persisted in following a warning of the consequences.

II. The Constitution provides no provision for declaring a governing body or a congregation to have renounced jurisdiction. Only individuals can renounce.

III. The Constitution provides two remedies to governing bodies declining to abide by the terms of the Constitution.

- A. Remedial cases may be filed (D-6.0202).
- B. The next higher governing body may undertake an administrative review (G-9.0408).

IV. If officers take actions contrary to the Constitution, the Constitution provides two avenues for seeking redress.

- A. Disciplinary allegations may be filed with the clerk of the governing body having jurisdiction (D-10.0102).
- B. The governing body having jurisdiction may be urged to issue a directive to cease such behavior upon risk of presumption of renunciation (G-6.0702). See also # I above for process.

V. If a governing body has taken actions contrary to the Constitution, two options are available.

- A. A remedial case may be filed alleging a delinquency or irregularity (D-6.0202).
- B. The next higher governing body may be requested to undertake special administrative review (G-9.0408) and direct the lower governing body to take corrective action (G-9.0410).

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