

DIRECTORY of CHURCH DISCIPLINE

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THE DIRECTORY OF CHURCH DISCIPLINE

PREFACE TO THE CHURCH

On June 17, 1932, Dr. J. Gresham Machen made the following statement in London concerning the great cultural conflict which was engulfing the church of Christ in general and the cause of Presbyterianism in particular. He said:

It is no easy thing to defend the Christian faith against the mighty attack that is being brought against it at the present day. Knowledge of the truth is necessary, and also clear acquaintance with the forces hostile to the truth in modern thought.

At that point, a final objection may arise. Does it not involve a terrible peril to men's souls to ask them-for example, in their preparation for the ministry- to acquaint themselves with things that are being said against the gospel of the Lord Jesus Christ? Would it not be safer to learn only of the truth, without acquainting ourselves with error? We answer, "Of course it would be safer." It would be far safer, no doubt, to live in a fool's paradise and close one's eyes to what is going on in the world today, just as it is safer to remain in secure dugouts rather than to go over the top in some great attack. We save our souls, perhaps, by such tactics, but the Lord's enemies remain in possession of the field. It is a great battle indeed, this intellectual battle of today; deadly perils await every man who engages in that conflict; but it is the Lord's battle, and He is a great Captain in the fight.¹

A presbytery should be the place in which the Lord's officer-bearers are encouraged and strengthened for the kind of battles which the demands of His ministry place upon them. "Curse ye Meroz... Curse ye bitterly the inhabitants thereof because they would not come to the help of the Lord..."² is the testimony of Sacred Writ when God's people at Meroz refused to help the rest of Israel in the time of trial.

Regrettably, this call of the presbytery, to strengthen the hands of God's officer-bearers and churches, all too often has run afoul of its sacred trust and has been an hindrance to ministry, ensnaring good men who must expend time and effort in order to disentangle the coils wrapped about their reputations and callings. Wounds, bitterness, disenchantment, and division have been the unhappy results for the church of Christ...leaving some of the finest men to stand crippled in ministry for loss of credibility or discouraged out of ministry for their inability to sustain further damage to themselves or their families. God has raised up faithful bodies of churches in the past and holds and preserves some today in the palm of His almighty hand, so it is our conviction that this presbytery must self-consciously seek to "shepherd" its men and churches so that they will find a refuge among brethren who are not ashamed of them.³

Why are so many good men finding themselves enmeshed and ensnared among the brethren of the household of faith? Doubtless, some have placed themselves there by indiscretion and offense. But, all too often, it has been the courage of being steadfast for the truth, taking seriously that Great Commission which compels them to testify of their Lord's glory before the world...and the church. Luther once testified that the mark of the faithful man was not only that he stands in the fight for righteousness, but that he stands at the hottest place in the fight and refuses to concede the contest there to Christ's enemies...and his. But once such a stand is taken, that individual becomes a dividing line between those convicted to follow and those who know they will not. Like the people of Meroz, the latter will find excuse to abandon such duty and then to condemn it- and those who espouse it -as if it were truly iniquitous. Fear and guilt become key motivations for undermining the reputation and resolve of those who wish to "fight the good fight of the faith".

Our era, the end of the twentieth century, has witnessed profound⁴ changes in all aspects of culture globally. The complexity of medical ethics, the phenomenal development of technology, the expansive networking capabilities of information systems, the global reach of major events, all coupled with an epistemologically,

¹ J. Gresham Machen speaking to the Bible League Meetings in Westminster, London, June 17, 1932

² Judges 5:23.

³ Gal. 6:2, 10.

⁴ "Incredible" changed to "profound" 11-2008 Presbytery. See minutes XV, D, (4).

1 self-conscious enmity toward the church has left the church frightened and confused, seeking her consolation
2 in being huddled in near seclusion which, though comfortable, fails to take hold of the culture “at
3 large”...refusing to disciple it for lack of ability. Though it is often the case that good Christian people do not
4 lack truth in their personal knowledge of faith, yet they remain confused, unable to cope with the cultural
5 revolution around them. Often, it is not the truths that they hold which fail them. What fails them is “the
6 missing”. Dr. Cornelius Van Til once remarked:

7 The Bible is thought of as authoritative on everything of which it speaks. And it speaks of
8 everything. We do not mean that it speaks of football games, of atoms, etc., directly, but we do mean
9 that it speaks of everything either directly or indirectly. It tells us not only of the Christ and His work
10 but it also tells us who God is and whence the universe has come. It gives us a philosophy of history
11 as well as history. Moreover, the information on these subjects is woven into an inextricable whole. It
12 is only if you reject the Bible as the Word of God that you can separate its so-called religious and
13 moral instruction from what it says, e.g., about the physical universe ... It is therefore the system of
14 truth as contained in Scripture which we must present to the world. The various theological
15 disciplines contribute to the setting forth of this system.⁵

16 The truth of the Scriptures is a system, the neglect of any single portion of which leaves the Church
17 compromised and confused. James makes this point explicit when he says, “For whosoever shall keep the
18 whole law, and yet offend in one point, he is guilty of all.”⁶ To break the law in one point is to violate the
19 entire system. But the Church at large, for the most part, refuses to even acknowledge the validity, much less
20 the usefulness, of the law of the Lord, the only system of ethics given by God to mankind...and the Church.
21 Again, Dr. Machen’s comments are to the point, especially as he identifies “the missing”:

22 When we say “sin”, we have said “law”... At the present time, the existence of law is being
23 denied. Men no longer believe that there is such a thing as a law of God; and naturally they do not
24 believe that there is such a thing as sin. Thoughtful men, who are not Christians, are aware of the
25 problem that this stupendous change in human thinking presents to the modern world. Now that men
26 no longer believe in obligatory morality, now that the moral law has been abandoned, what is to be put
27 in its place, in order that an ordinarily decent human life may be preserved upon the earth? It cannot
28 be said that the answers proposed for that question are as satisfactory as the way in which the question
29 itself is put. It is impossible to keep back the raging seas of human passion with the flimsy mud
30 embankments of an appeal...to self interest. Those raging seas can only be checked by the solid
31 masonry of the law of God...Men are wondering today what is wrong with the world. They are
32 conscious of the fact that they are standing over some terrible abyss. Awful ebullitions rise from that
33 abyss. We have lost altogether the sense of the security of our Western civilization. Men are
34 wondering what is wrong...It is perfectly clear what is wrong. The law of God has been torn up, as
35 though it were a scrap of paper, and the inevitable result is appearing with ever greater clearness.
36 When will the law be rediscovered? When it is rediscovered, that will be a day of terror for mankind:
37 but it will also be a day of joy; for the law will be a schoolmaster unto Christ. Its terrors will drive
38 men back to the little wicket gate, and to the way that leads to that place somewhat ascending where
39 they will see the Cross.⁷

40 Dr. Machen was the man whom God called to oppose the liberalism which captured the Presbyterian Church
41 government in his generation. As he testified, the loss of the law of God in the church has begotten a terrible
42 crisis in society. Two generations have now passed since these fateful words were uttered by one of the most
43 brilliant scholars and theologians with which God has been pleased to gift His church. But the loss is one
44 which has left the church insensitive to her confused estate. She admits to a crisis in the science of
45 hermeneutics and senses the inability of her people (and pastors) to recognize “truth” in areas political,
46 economic, doctrinal and ethical. What’s more, even the “reformed” see their people moving into other, weaker
47 confessional expressions of faith and practice for failure to know how to defend and prove, to their own
48 comfort, such foundational doctrines as a six day creation, infant baptism, Lord’s Day worship (as opposed to
49 seventh day sabbath observance), a limited atonement, predestination and even the Trinity.

⁵ Cornelius Van Til, *The Defense of the Faith*, Presbyterian and Reformed Publ. Co. 1967, p. 8.

⁶ James 2:10.

⁷ J. Gresham Machen, speaking to the Bible League Meetings in Westminster, London, June 17, 1932.

1 Moreover, so many are easily moved by “novelties” in interpretation and are moved by winds of doctrine
2 without knowing which principles to believe. “Clever” has all too often replaced “principled”, under the guise
3 of being “insightful”. Is this due to the loss of the law of God as the foundational body to all hermeneutical
4 considerations? Is the current debate on church government and discipline sparked by failure of her pastors to
5 consider the law of the Lord as foundational to the *principles* of polity? Do the reformed of today really
6 appreciate the hermeneutical principles involved in establishing, for example, circumcision as the ground and
7 warrant for the doctrine of baptism? If so, why do we fragment our theological interpretative principles by
8 “proving” the doctrine of baptism by one method and, say, church government by another? But if not, why
9 then do we see those same principles and precepts at work in Scripture in the establishment of the very
10 government of the church which shall oversee, sanction, and govern by virtue of the “keys” of the Kingdom?

11 Is it not the case that our God, in His Wisdom, so forced His Church to carve out her ethics and
12 governments with the same principles by which She proves the purpose, design and use of the sacramental
13 Keys of the Kingdom? Put bluntly, do such New Testament chapters, which discourse upon church
14 government and discipline in passages contained in Matthew 18, Acts 15, 1 Timothy 3, Titus 1, 1 Peter 5,
15 *stand by themselves as if they were complete or do they rely heavily upon the foundational principles of the*
16 *law*, with its commentaries in the histories, poetry and prophets? Did our Lord Jesus, for example, invent the
17 approach of Matthew 18: 15-18 during His earthly ministry, or was He using the law and the prophets to
18 establish the principles He was expounding? More broadly, if our Lord was “fulfilling the law”, why is it
19 standard practice to expound the Gospel narratives without the expectation (with but few exceptions) that
20 things Christ said or did should be, in themselves, first found as a functional and wise application and
21 understanding of various portions of the law...just as it was the duty of the prophets to perform?⁸

22 No doubt, recourse to the law of the Lord is fast becoming “a terror” for mankind. But the maturities it
23 brings, the assurances it develops and the blessings it promises is well worth the struggle to be borne in
24 learning its intricacies, bearing its offenses, and propounding its judgments so that we must, like the blessed
25 man of Psalm 1, “meditate therein day and night”. Indeed, ought not the law be formative to any proposed
26 *Directory of Church Discipline*? St. Paul himself found the sins of his heart disciplined, chastened by the law
27 which was such a blessing to him as a Christian and as our apostle. So, ought not the church of Christ say
28 “amen” to the inspired words of the apostle Paul when he wrote:

29 And the commandment, *which was ordained to life*, I found to be unto death. For sin, taking
30 occasion by the commandment, deceived me, and by it, slew me...*Wherefore the law is holy, and just*
31 *and good...For I delight in the law of God after the inward man*. But I see another law in my
32 members, warring against the law of my mind, and bringing me into captivity to the law of sin which
33 is in my members. O wretched man that I am! Who shall deliver me from the body of this death? I
34 thank God through Jesus Christ our Lord. *So then, with the mind I myself serve the law of God; but*
35 *with the flesh, the law of sin.*⁹

36 Dr. Machen was right. Though the law brings terror to mankind, it will also bring rejoicing to the church of
37 our dear Lord ... for its design is life because its Designer is Life and Light.

⁸ Isa. 8:16-20.

⁹ Romans 7:22-25.

CHAPTER 1

THE NATURE AND PURPOSES OF DISCIPLINE

SECTION 1. Ecclesiastical discipline is the exercise of that authority which the Lord Jesus Christ has committed to His visible Church in order to uphold and maintain the purity, peace and well-being of His covenant people.¹⁰

SECTION 2. Judicial discipline is concerned with the prevention and correction of offenses.¹¹ Such offenses are defined as anything in the doctrine or practice of a member of the church which is contrary to the Word of God. The purpose of judicial discipline is:

- 1) to vindicate the honor of the Lord;¹²
- 2) to promote the integrity and purity of His church and to guard other Christians from being tempted, misled, divided, or otherwise harmed;¹³
- 3) to restore fallen Christians to usefulness to God and to fellowship with his church;¹⁴
- 4) to rightful obedience to Christ along with the resumption of any obligations to his covenant responsibilities;¹⁵ and
- 5) to secure, and make damaged parties whole, to the degree possible.¹⁶

SECTION 3. Administrative discipline is concerned with the maintenance of good order in the government of the church and references the governance, oversight, training, guardianship, and control which the church maintains over its members, officer-bearers and courts. The purpose of such discipline is that all covenant rights may be preserved and all obligations faithfully discharged.¹⁷

SECTION 4. When the presbytery delivers a non-judicial statement (i.e. a decision which is not the result of an ecclesiastical trial), which concerns all the churches especially, in light of their ability to request of presbytery a decision in a matter,¹⁸ all such actions shall be regarded as "advice and counsel" which the churches shall make available to their membership by notification in their respective churches¹⁹ unless such advice is specific to a person²⁰, persons²¹, or a particular church²². In such cases, presbytery must state its reason(s) for such public exposure, before it may publish publicly unless those implicated give their permission on the floor of presbytery or by written consent.²³ Before such publication, any person, persons, or ministry implicated have a right to contest any such public exposure and must be notified to that effect. A person's name remains his property and may not be used by others lightly.²⁴ The churches are in no wise obligated to implement such advice and counsel.

¹⁰ Deu. 1:15-17; Mat. 16:19; 18:17-18; John 20:21-23; 2 Cor.13:10-11; Eph.4:3-6; WCF 32.

¹¹ John 20:23; 1 Cor. 5; 2 Cor.2:1-11.

¹² Lev.19: 1; The frequent use of the expression "I am the Lord" and its variations attests to the honor of the Lord in the performance of holy duties. The church is called to maintain such oversight as would keep the brotherhood faithful.

¹³ Titus 2:14-15.

¹⁴ Prov. 27:6; Matt.18:15.

¹⁵ Prov. 27:6; Matt.18:15.

¹⁶ Exod.22:1,9; Job 20:18; 29:7-17; Lk.19:8-9; Gal.6:1-2.

¹⁷ 1 Cor. 11:27-34; 1 Pet. 5:1-6; WCF 32.

¹⁸ DCO 18:8-9

¹⁹ Acts 15.

²⁰ 1 Tim.1:3-8.

²¹ 2 Tim.2:17-19; 2 John 1-3.

²² 3 John 9-13.

²³ Written consent involves posted letter, e-mail, or notice sent by presbyterial messenger.

²⁴ Pro. 22:1; Ecc. 7:1; Mat. 18:15-20.

- 1 SECTION 5. All members of the church, both communicants and those who are members by virtue of
2 baptism alone²⁵, are under the care of the church and are subject to its authoritative disciplines and courts,
3 both judicial and administrative.²⁶
- 4 SECTION 6. Fundamental to any disciplinary action is the outline of Matthew 18:1-35. The approach of any
5 judicial procedure must incorporate such elements or show cause why such were not applied.²⁷
- 6 SECTION 7. All judgments should be rendered according to the CRPC's understanding of the word of God as
7 interpreted by the constitution.

²⁵ Gen. 7:1; 12:1-2; 17:12-13, 23, 27; 18:19; Acts 11:14; 16:31, 34; 1 Cor. 7:14.

²⁶ Heb. 13:17; 1 Pet. 5:5.

²⁷ Our Lord gave the 3 basic steps so that they would be followed. The first two steps are often neglected when mere convenience is not possible and expense is a problem. Yet, the first two steps are not just designed for the sake of the accuser, but are equally designed for the accused. It is an observation of both Scripture and experience that a man's pride can obstruct his repentance. God in His wisdom gave these first two steps so that repentance could be more easily offered by the accused at these points in the process since he would not face the humiliation of public embarrassment in order to admit his guilt. Also, it becomes increasingly difficult for anyone to later claim ignorance or inability when confronted with his guilt in a church court if he has been admonished already in the process of a scrupulous adherence to Matt. 18 demands. Perhaps the real issue involved is that man wants a way out of his accountability, so he allow a laxity to develop with respect to a system of reproof instituted by our Lord. The people of the churches should be taught from the pulpits concerning their responsibilities in such matters.

CHAPTER 2

DISCIPLINARY PROCEDURE AND THE ELEMENTS OF MATTHEW 18

SECTION 1. Our Lord and Savior Jesus Christ is the Head and Governor of His Church. As such, He has not left His Church without counsel as to the judicial governance of His Kingdom. The general outline for handling judicial offense is recited for the church in Matthew 18:1-35. However, the basic elements of this chapter, as in all of our Lord's teaching and ministry, is designed to fulfill the law of God. Hence, the basis for understanding and applying such discipline and oversight is found in that law and its commentary by the Prophets.²⁸

SECTION 2. Our Lord Jesus, in answering the question of His disciples "Who is the greatest in the kingdom of heaven?" (Matthew.18:1) drew upon two different emphases which must always be considered for potential motive in that they are tied by our Lord to judicial process in this chapter. It is perfectly proper for an court to concern itself with issues of humility (Matthew 18:2-5, 11-27) and offense (Matthew 18:7-11, 15-35) since such humility moves toward redemption and reconciliation while upholding the integrity of the church and the purity of its people in its opposition to offenses. Offense in issues pertaining to motive generally find their origin in a lack of that meekness, while humility seeks always to be just. For such meekness so characterized the great lawgiver Moses, making him a fit vessel to expound an upright system of justice.²⁹

SECTION 3. Issues of humility concern those who make the charges, those who receive the charges and those who handle the charges (witnesses and courts). The court needs to ascertain for itself, as it assesses intent, whether there is a spirit of humility which is demonstrated by the compassion of the one making the charge as he seeks to redeem his brother, and a spirit of humility in the one being charged, by the way in which he responds to a charge.³⁰

SECTION 4. Humility ought not to be interpreted in a manner which precludes a vigorous pursuit of a charge when there is cause, nor a steadfast defense of/by the party being charged.³¹

SECTION 5. The three basic steps of Matthew 18:15-17 are the following:

- 1) When a party trespasses against another, the offended party must go to his brother privately and confront him with the nature of the transgression. It is prudent to specify at the time of the offense, particular details concerning it and any evidence and testimony (if known). Privacy must be hedged by all parties concerned so that repentance on the part of either offender or offended is not further handicapped by the complications of unnecessary public exposure. Failure to protect privacy may be a chargeable offense on the grounds of talebearing, perjury, slander, or schism.³²
- 2) When step one (of this Section 5, herein described above) has been faithfully discharged and no resolution of the matter has been attained, the aggrieved party³³ may bring one or two more witnesses to the offender so that the matter may be objectified as to the nature of the accusation, the position of the accused, as well as all matters and evidence known to that point concerning the offense. Though the presence of one or two witnesses has escalated the matter beyond the privacy enjoined in step 1 above, the public nature of this step must be confined to accuser, accused, pertinent testimony and the

²⁸ David used the same method as our Lord would later outline despite the public nature of the persecution of his life by Saul and the extreme difficulty of using the method developed in the Law (which we now have as a concise three step method in Matt. 18:15-18). First he had Jonathan, as his representative (given the dangerous circumstances), present his innocence to the king (1 Sam.19: 1-7) which brought David back into Saul's presence. Saul did not stop here and David, now on the run, confronted him with the first of three "witnesses" referenced in Matt.18 (step 2)- the portion of Saul's robe which David cut off (1 Sam. 24:11-12) and then the other two witnesses presented to Saul-the cruse of water and the royal javelin (1 Sam. 26: 12-25)- thus fulfilling lawful discipline as demanded in Scripture. So David kept the Law's demands in his judicial condemnation of Saul, despite the terribly difficult nature of his circumstances. So what is our excuse in the churches if we neglect this same approach, the very one which our Lord Jesus simply summarized for us in Matt. 18?

²⁹ Num.12:3.

³⁰ Matt. 5:3; 7:1-5; 1 Pet. 3:8-9.

³¹ Matt. 11:2-6, 21-22; 1 Cor. 5; Gal. 2:11-21; 3: 1-4.

³² Lev.19: 12, 16, 17-18; Prov. 6:19; 1 Thes.4: 6-11.

³³ "Aggrieved party" may be singular or plural but for the sake of convenience it is listed in the singular unless otherwise noted.

1 one or two witnesses who are present in order to verify the testimony given by all parties. Such "one or
2 two witnesses" may be compelled for their testimony by a church court if such becomes necessary at a
3 later time. Such "one or two witnesses" ought to be members of the church which has jurisdiction over
4 the accused. Failure to use members, could result in the accuser being handicapped as to his ability to
5 produce such witnesses, since the church court (if process goes this far) cannot compel such witnesses.
6 This step still retains a large degree of privacy which must be protected as above. Privacy must be
7 hedged by all parties concerned so that repentance on the part of either offender or offended is not
8 further handicapped by the complications of unnecessary public exposure. Failure to protect privacy
9 may be a chargeable offense on the grounds of talebearing, perjury, slander, or schism.

10 3) When step one above has been faithfully discharged and no resolution of the matter has been attained,
11 and the aggrieved party has brought one or two more witnesses to the offender as stipulated above in
12 step 2, then and only then, unless otherwise provided in this *Directory of Church Discipline*, accusation
13 by the accuser against the accused may be made to the church court, except when the matter pertains to
14 a minister of the Word concerning doctrine.³⁴ Then, the matter shall go to presbytery as the court of
15 original jurisdiction, but not as an automatic course of action. Matthew 18 must still be used or cause
16 should be shown as to the contrary.

17 SECTION 6. When offended (concerning step 1 of Section 5 above), members of the churches must be
18 encouraged to go to the offending party and settle the offense themselves in preference to making the
19 minister of the Word or a ruling elder (or some other party who was not an involved participant) responsible
20 for settling offenses for them. The exception to this rule might involve issues that pertain to the policy or
21 instruction of the church where officer-bearers become involved because the allegation seeks a change of
22 policy or instruction or the abuse thereof.

23 SECTION 7. Concerning step 2 of Section 5 above, when concern is made about the minister of the Word and
24 involves doctrine, the individual shall go to the minister of the Word and inquire of him as to his
25 understanding in the matter being alleged. If he maintains his teaching or preaching without change (or the
26 statement(s) involved were not simply foolish/hasty misstatement(s)) then if he continues his accusation the
27 accuser must go to the congregational presbytery³⁵ in order to fulfill the necessity of having "one or two
28 witnesses" to establish every word between the litigants.³⁶ The members of the congregational presbytery
29 will do everything possible to call to repentance and reconciliation and, that failing, the accuser has the right
30 to pursue an appeal of the doctrinal charge at presbyterial court.

31 SECTION 8. The accuser in Section 7 may bring other witnesses to the congregational presbytery but may not
32 circumvent the congregational presbytery by doing so.

33 SECTION 9. A person is assumed to be innocent until proven guilty.³⁷

34 SECTION 10. If a person (including witnesses) is convicted of having perjured himself in a church or
35 presbyterial court, the person will bear the sanction which was being sought against the accused.³⁸ If the
36 perjurer is not a member of the CRPC, then the sanction shall be a letter of reproof to the perjurer's church
37 and any other sanctions as provided in this *Directory of Church Discipline*. If he is not a member of any
38 church, then he shall be reprovved as one who has acted as an heathen.

39 SECTION 11. In all judicial matters, it is proper and wise for the parties concerned in all steps (Section 5
40 above) and procedures as well as for the maintenance of good order, in order to protect and provide for the

³⁴ "Doctrine", as herein used, judicially involves charges exclusively concerning teaching or preaching which allegedly violates Scripture, authorized creeds, catechisms, covenants and constitutions of church or presbytery.

³⁵ The congregational presbytery here is not acting as a court but is acting as the witnesses of Matthew 18:16. The reason for this involvement on their part is that they do have an interest in the doctrinal matters of their church. They act to establish all the pertinent details of the confrontation between the litigants. Their involvement does not prejudice involvement of witnesses who may give testimony concerning the details of the allegation. In addition, the entire congregational presbytery may choose to only delegate one or more of its elders to fulfill the obligations of this step.

³⁶ Matt.18: 16; 1 Tim.5:19.

³⁷ Exod. 23: 7; Deut.19: 10-13; 21:1-9; 27:25; 1 Sam. 19:4-6; Job 9:28-29; Psa. 94:21; Prov. 1:11.

³⁸ Deu. 19:16-21; This means that whatever else may occur in the church court, the one who has perjured himself will be sanctioned whether or not guilt was established in the accused.

1 truth, that all matters and meetings both as to their nature and time as well as the parties concerned, be
2 objectified by provable means³⁹ such as witnesses, memos, letters, and copies of messages sent by e-mail.
3 Failure to objectify a matter or meeting may result in failure to prove allegations or successfully defend
4 oneself against allegations. If a matter is important enough for judicial process, it is important enough for a
5 prepared and objectified approach to the matter. However, failure to objectify a matter by any party, though
6 unwise, does not grant a license to another party to alter (much less perjure) his testimony, nor for the court
7 to dismiss the charge. If particular details are known to any parties involved in the matters and no
8 objectification has been presented, it is none the less the duty of all parties to testify as to the truth of the
9 matter. Failure to speak the truth in church court constitutes perjury.

10 SECTION 12. Humility⁴⁰ is obstructed by the following practices:

- 11 1) slighting any of the steps of Matthew 18:15-17 or their proper sequence whereby the offender may have
12 been given opportunity to demonstrate his innocence or repentance;⁴¹
- 13 2) despising a brother's weakness;⁴²
- 14 3) esteeming oneself above others;⁴³
- 15 4) talebearing and gossiping;⁴⁴
- 16 5) exhibiting a slothful and disorderly spirit which is given to meddling in other's affairs;⁴⁵
- 17 6) acting as a self-appointed judge in matters not your own;⁴⁶
- 18 7) seeking to elevate yourself by tearing brethren or authorities down;⁴⁷
- 19 8) refusing to forgive a matter when proper confession, or retraction and restitution have been offered
20 concerning the matter;⁴⁸
- 21 9) refusal to be circumspect in guarding the privacy of any matter or reputation involved in the dispute;⁴⁹
- 22 10) refusing to meet first with the accused or accusing party before pursuing the charge beyond Section 5,
23 step 1;⁵⁰
- 24 11) refusal to make an appropriate response to testimony levied against him;⁵¹
- 25 12) prompting others to make accusations which one ought to settle himself; (There are times when silence
26 or a single statement "I will not comment" is appropriate.)⁵²
- 27 13) developing a "party spirit" by gathering prior witnesses against a person without going to him first;⁵³
- 28 14) being a witness against your brother without cause;⁵⁴
- 29 15) causing your brother to stumble by your sin without seeking his restoration;⁵⁵

³⁹ 1 Sam. 24: 4-12; 26:11-21.

⁴⁰ This section on humility is designed to help identify motive and intent on the part of the individual in judicial matters. It is untrue that motive cannot be known. Our Lord said "Ye shall *know them* by their fruits." Matt.7:16.

⁴¹ Matt. 18:12-15.

⁴² Job 31:13; Rom. 14:3.

⁴³ Prov. 8:13; Phil. 2:3.

⁴⁴ Lev. 19:16; Prov. 20:19; 21:23; 26:20; 1 Tim. 5:13.

⁴⁵ Pro. 18:8-9; 20:19; 24:21; 27:17; 1 Tim. 5:13.

⁴⁶ Rom. 14:10, 13.

⁴⁷ 1 Kings 1-2 (Adonijah); Pro. 4:23-26; 16:30; Luke 11:53-54,

⁴⁸ Lev. 19:18; 2 Cor. 2: 7-11.

⁴⁹ Prov. 16:28; Mat. 18:15-16.

⁵⁰ Mat. 18:15-17.

⁵¹ Prov. 15:1-2, 4-7; 15:23; 15:28; 26:4-5; 27:11; 29:19.

⁵² Prov. 6:12-15, 16:28.

⁵³ Prov. 6:12-15, 16:28.

⁵⁴ Prov. 24:28.

- 1 16) being unfair and vengeful in dealings;⁵⁶
- 2 17) being fraudulent and deceitful with another;⁵⁷
- 3 18) breaching of a known covenantal obligation or one's pledged word;⁵⁸
- 4 19) leading a brother to act unknowingly and taking advantage of him;⁵⁹
- 5 20) oppressing people by taking advantage of their necessities;
- 6 21) being unfaithful to them by not fulfilling one's promises and engagements or being slack and slighting
- 7 in any business they are employed in by their neighbors;⁶⁰
- 8 22) aiming at nothing but just to meet the letter of their engagements, violating its spirit;⁶¹
- 9 23) receiving an accusation against an elder without two or three witnesses;⁶²
- 10 24) accusing an elder without two or three witnesses;⁶³
- 11 25) unjustly neglecting to pay one's debts;⁶⁴
- 12 26) unnecessarily putting people to trouble and difficulty to get what is due from them or give what is due
- 13 to them;
- 14 27) reproaching or speaking evil of them behind their back, by making or spreading false reports about
- 15 them or greatly misrepresenting things about them;⁶⁵
- 16 28) exaggerating their faults;⁶⁶
- 17 29) speaking of them in an unfair and unjust manner;⁶⁷
- 18 30) putting injurious and evil constructions on one another's words and actions;⁶⁸
- 19 31) habitually showing contempt for them;⁶⁹
- 20 32) being willing to receive the worst reports about them;⁷⁰
- 21 33) carrying themselves injuriously toward those over whom they have authority, by behaving very
- 22 assumingly, magisterially and/or tyrannically toward them;⁷¹
- 23 34) carrying themselves very injuriously toward those who are over them, by denying them that respect and
- 24 honor which are due to their place;⁷²
- 25 35) carrying themselves very injuriously toward others by the exercise of a very selfish spirit, and
- 26 apparently having no regard to the good or benefit of their brother, but seeking only to better their own
- 27 interests;⁷³

⁵⁵ Rom 14:13-23; 15:1-2.

⁵⁶ Lev.19:18; Prov. 11:1; 16:11.

⁵⁷ Lev. 19:11; Pro. 6:16-19.

⁵⁸ 1 Tim. 5:8; Tit. 1:16; In Num.30 a husband may undo the oath of his wife without further charge.

⁵⁹ Lev. 19:14.

⁶⁰ Pro. 3:27-28.

⁶¹ Pro. 3:27-28.

⁶² 1 Tim. 5:19.

⁶³ 1 Tim. 5:19.

⁶⁴ Lev. 19:13.

⁶⁵ Lev. 19:11; Pro. 6:16-19.

⁶⁶ Pro 17:20.

⁶⁷ Lev. 19:11; Pro. 6:16-19.

⁶⁸ Pro 17:20.

⁶⁹ Lev. 19:17.

⁷⁰ Pro 17:20.

⁷¹ Ps. 18:26-27; Eph. 6:4; Col. 3:21.

⁷² Num. 12:1-2; 1 Pet. 5:5.

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- 1 36) manifesting a very haughty and proud spirit with respect to their gifts as though they thought they were
2 more excellent than all;⁷⁴
- 3 37) carrying themselves very injuriously by the exercising of a very willful spirit, being so desperately set
4 on having their own way by bending everything to their own will, never yielding to the wishes of
5 others and never altering their course for the sake of another;⁷⁵
- 6 38) greatly provoking or exasperating another unjustly;⁷⁶
- 7 39) returning evil for evil, for real or imagined injuries;⁷⁷
- 8 40) acting injuriously in public affairs without regard to the public good from a spirit of opposition to some
9 party or particular person.⁷⁸

⁷³ Pro. 8:13.

⁷⁴ 1 Cor. 12.

⁷⁵ Jam. 4:17; 3 John 9.

⁷⁶ Luke 11:53-54.

⁷⁷ 1 Pet. 3: 8-11.

⁷⁸ 2 Tim. 2:23-26.

CHAPTER 3
JURISDICTION

SECTION 1. Original jurisdiction over a church member belongs to the court of the body of which the individual is a member. Original jurisdiction over a court rests with the next broader court.⁷⁹

SECTION 2. All transfers or certificates of standing need to specify the body to which the person is dismissed and will be sent directly to that body by the dismissing court. The receiving body will notify the dismissing court when the transfer or certificate of standing is received.⁸⁰

SECTION 3. If a person who has been charged with some offense requests that he be dismissed to another body within the CRPC, the court of jurisdiction shall grant the request only for such reasons which demonstrate:

- 1) necessity in establishing the truth and/or justice of a matter;
- 2) greater facility in handling the case;
- 3) conformity to the Book of Church Government and Directory of Church Discipline; and
- 4) if the receiving court agrees to assume such jurisdictional oversight, it may lawfully do so.

If the request is granted, the court of jurisdiction shall inform the receiving court of the charge that has been brought and of any action which may have been taken in reference to the charge, and the receiving court shall conclude the case.⁸¹

SECTION 4. A church must be represented by its pastor and/or elders before any court bringing accusation or charge against it, and has the right to be heard.⁸²

⁷⁹ 1 Cor. 16:1; In the infancy of the church, the apostles were the broadest court over the churches on earth until God replaced them with presbyteries which it was their duty to establish. Deut. 1:13-17; Acts 21 Paul temporarily subordinates his apostolic office—or, at the very least, waives the assertion of its authority—in his obedience to the elders, thus enhancing their authority in the churches. Such formation would have taken time and until then, they certainly acted as the broader court (Matt.16: 18; 1 Cor. 1, 5, 16:1-2; 2 Cor. 2; Gal. 1-2). In that light, Christ did indeed give them the keys of the kingdom to exercise as they became the “foundations” (1 Cor. 3:10; Eph.2:20) of the church of Christ through their decision-making and adjudications. Of course, Christ used them to write the inspired books of the New Testament, which power is not given to any other person, persons, nor entity including the church or presbytery (Heb.1: 1-2), revelation now being concluded.

⁸⁰ Rom.16:1; 2 Cor.3:1.

⁸¹ Acts 15: 1-6.

⁸² Acts15:6.

CHAPTER 4

THE CONGREGATIONAL PRESBYTERY'S JURISDICTION

SECTION 1. The congregational presbytery of a church shall have original jurisdiction over all of the individuals (including the minister of the Word) whose names are on the roll of the church in all of the matters⁸³ except with respect to a charge concerning doctrine in the case of the minister of the Word.

SECTION 2. Congregational presbytery shall receive from regional presbytery all matters pertaining to the character, ethic, and behavior in the credentials of a minister of the Word and shall become the court of original jurisdiction in all such matters from that point onward.⁸⁴ If any matter pertaining to credentials was found to have been willfully misrepresented to presbytery by such minister of the Word, the presbytery will choose one of its members to represent a charge to the congregational presbytery of that minister's church. If not satisfied with the decision of that local court, the presbytery may then, by its own appeal, bring the matter to the appellate level.⁸⁵ Either the congregational presbytery of the local court or the minister of the Word or both may represent the matter before presbytery.⁸⁶ The minister of the Word will choose who will undertake such representation.⁸⁷

SECTION 3. In the case of a member who is a minister of the Word and who has refused to appeal his own excommunication, then his credentials are null and void.

SECTION 4. In all cases of excommunication, the congregational presbytery involved with the adjudication must notify the regional presbytery which, in turn, shall notify all of the churches of the regional presbytery through the convening church. The convening church will notify the next broader presbytery which shall notify the convening churches of the various regional presbyteries. The broader presbytery will notify all other broader presbyteries through their convening churches. Such convening churches will notify all the churches with which they normally meet.

SECTION 5. The names of members shall be removed from the roll of the church only by order of the congregational presbytery.⁸⁸

SECTION 6. Congregational presbytery may remove a member from the roll by a letter of transfer to another congregation within the CRPC approved by the congregational presbytery.⁸⁹ When the member requests a transfer to another congregation and the congregational presbytery dismisses him, the secretary shall send a letter of transfer commending him to its care.⁹⁰ Such a letter may be either a simple transfer or a transfer with complaint.⁹¹ Such complaint will specify any outstanding problems or offenses which are not in process of being tried.⁹² The secretary of the receiving church shall notify the dismissing church of the date of his reception. When the notification is received the member's name shall be removed from the roll of the church and all of the pertinent issues should be recorded in the minutes.⁹³ He is subject to the jurisdiction of the congregational presbytery of the dismissing church until he is actually received by the new congregation.⁹⁴

SECTION 7. Congregational presbytery may remove a member from the roll when he desires to be dismissed to a church of which the congregational presbytery cannot approve as a church of like faith and practice. If the congregational presbytery deems that the spiritual interests of the member will be served by uniting with such a church, it will send a certificate of standing or a certificate of complaint when there are problems or

⁸³ Heb. 13:7.

⁸⁴ Matt.18: 17.

⁸⁵ 3 John 9-10.

⁸⁶ Acts 15:1-6.

⁸⁷ Acts 9:27-28.

⁸⁸ 1 Cor.14:40.

⁸⁹ 1 Cor.14:40.

⁹⁰ Rom.16:1.

⁹¹ Acts 15:36-41; Philemon 1-2, 10-12.

⁹² Ez. 3:17, 20-21.

⁹³ 1 Cor.14:40.

⁹⁴ Rom.16:1.

- 1 offenses which are not in the process of being tried. When they are informed that he has joined the church,
2 his name shall be removed from the roll and the circumstances will be recorded in the minutes.⁹⁵
- 3 SECTION 8. Congregational presbytery may transfer or dismiss a member from the roll of the local church
4 when he is ordained as a teaching elder of another church.⁹⁶
- 5 SECTION 9. Congregational presbytery may remove a member from the roll by erasure but not as a means of
6 circumventing disciplinary procedure.⁹⁷ If the member has no cause to leave the church, he is in breach of
7 covenant and the congregational presbytery must move forward in disciplinary procedures concerning him.
8 Children who are minors shall not be disciplined for the sinful decisions and actions of parents. Such
9 children can be erased from the rolls of the church when their parents have been disciplined according to
10 this *Directory of Church Discipline*.
- 11 SECTION 10. When a member desires to be dismissed to a church of which the congregational presbytery
12 cannot approve as a church of like faith and practice the member may be disciplined. On being informed
13 that the member has joined such a church, the secretary will erase his name from the roll and record such
14 pertinent issues in the minutes.⁹⁸
- 15 SECTION 11. Congregational presbytery may remove a member from the roll by erasure when a member
16 cannot be found. The congregational presbytery may, after two years, erase his name from the roll and
17 record the circumstances in the minutes.⁹⁹
- 18 SECTION 12. Congregational presbytery may remove a member from the roll by erasure when they are
19 noncommunicant members whose parent(s) or guardian(s) have been removed from the roll.¹⁰⁰
- 20 SECTION 13. Congregational presbytery should remove a member from the roll by erasure after their death.
21 It should be recorded in the minutes.¹⁰¹
- 22 SECTION 14. Congregational presbytery may remove a member from the roll by excommunication according
23 to the *Directory of Church Discipline*.¹⁰²

⁹⁵ 1 John 2:19.

⁹⁶ Acts 18:24-27; 19:1; Note the removal of Apollos from Ephesus to Corinth in his teaching capacity.

⁹⁷ 1 John 2:19.

⁹⁸ 1 John 2:19.

⁹⁹ 1 Cor.14:40.

¹⁰⁰ They, without prejudice, leave under the authority of their parents/guardians whatever status their parents have with the church upon leaving it. This assumes that their leaving occurs only because of the departure of their parents/guardians.

¹⁰¹ 1 Cor.14:40.

¹⁰² Matt. 18:17; 1 Cor. 5:5.

CHAPTER 5

ORIGINAL JURISDICTION OF PRESBYTERY

SECTION 1. All the members of the regional church who are not enrolled as members of a local church shall be assigned to a local church for purposes of establishing original jurisdiction.¹⁰³

SECTION 2. The presbytery shall have original jurisdiction in matters of doctrine over the ministers of the Word who are on the rolls of the member churches.¹⁰⁴ If the minister of the Word has been dismissed from another body, he is subject to the jurisdiction of that body until his name is placed on the roll of the CRPC. The presbytery shall acquire jurisdiction after they have received his credentials and, at that time, all the rights and privileges of membership belong to him by covenant.¹⁰⁵ Such rights and privileges shall not be qualified by the filing of any complaint, until the complaint is sustained by the broadest court of the CRPC to which a complaint can be made.¹⁰⁶

SECTION 3. Any court broader than the regional presbytery shall only have original jurisdiction in disputes between/among judicatories within its boundaries.¹⁰⁷ However, the American presbytery will have original jurisdiction in all cases involving disputes among any two or more judicatories which do not have the same immediate regional authority.

¹⁰³ 1 Cor.14:40; Titus 1:1-5, 13; 2:15.

¹⁰⁴ Titus 1:4 cf. 2:4, 15.

¹⁰⁵ 1 Cor.14:40.

¹⁰⁶ 2 Cor. 8; Titus receives all the authority, honor and privilege upon his reception among the Corinthians being commissioned by the churches of Macedonia and the apostle's authority.

¹⁰⁷ The authorities in the CRPC are, in order, local church (with its congregational presbytery), regional presbytery, synodical presbytery, American presbytery. A court which is broader refers (in this listing) to the court immediately succeeding it and no more. Thus, American presbytery would have original jurisdiction in disputes concerning synods. Synods would have original jurisdiction in disputes concerning its churches. Regional presbytery would have original jurisdiction in disputes concerning its churches. The congregational presbytery has original jurisdiction in all matters pertaining to its members (except as noted in matters of doctrine and credentials as associated with the minister of the Word).

CHAPTER 6

SPECIAL CIRCUMSTANCES

- 1
2
3 SECTION 1. If a congregational presbytery shall cease to exist or become so small that it is not working
4 effectively, the regional presbytery shall direct the congregation to another CRPC church or provide for an
5 election of elders from within the congregation; or the presbytery, if the congregation agrees, may appoint
6 ruling elders or a minister of the Word, or both, from within the presbytery to be an acting congregational
7 presbytery or to assist the existing congregational presbytery temporarily.¹⁰⁸
- 8 SECTION 2. If a church ceases to exist, the presbytery of jurisdiction shall secure the church records, exercise
9 care over its members, issue letters of transfer, issue certificates of standing (or complaint) or effect
10 erasure.¹⁰⁹
- 11 SECTION 3. If a presbytery ceases to exist, the next broader presbytery shall assign each church and its
12 ministers to some other presbytery.¹¹⁰
- 13 SECTION 4. The broader court (in the special circumstances above) shall either conclude the uncompleted
14 cases of discipline begun in the lower court, or such cases can be referred to the court to whose care the
15 accused has been committed.¹¹¹

¹⁰⁸ Titus 1:1-9; This function is one of many “shepherding” functions which presbytery may occasionally undertake.

¹⁰⁹ 1 Cor. 14:40.

¹¹⁰ Exod. 18: 19-26; 1 Cor. 14:40.

¹¹¹ Exod. 18: 19-26; 1 Cor. 14:40.

CHAPTER 7

JUDICIAL PROCESS—ORDINARY¹¹²

In the CRPC, as in many other denominations, there are two approaches to official church discipline. The first is explained in this chapter and is spoken of as “ordinary”, because it is through this judicial process that most discipline cases are handled. This process is less formal and is especially useful in those common/ordinary situations where the church member who must undergo discipline has admitted his sin, and has expressed no desire to contest any charges nor any censures. This is in no way to be construed as “prejudging the case” since the member charged with sin may seek counsel at any time and may contest the very charge itself as well as any censure that affects his eligibility for the sacraments or his standing in the church. He has a right to demand a formal trial before a court (Judicial Process—Extraordinary; see Chapter 8) subsequent to any charge being made, or after any censure has been determined. If such is the case, or if the nature of the case or the court otherwise determine favor an extraordinary judicial process, then the procedures set forth in Chapters 8 and following are to be observed. The process set forth in Chapter 8 is more formal and more rigorous in procedure and must be granted upon the request of any defendant or may be pursued at the discretion of any court.

The procedure followed in this chapter may be called by other names at the local church level, but must insure, for the sake of justice, that all of the points herein are followed:

SECTION 1: Dealing with Sin in the Church – Personal responsibility.

- 1) If a member sins against another person, or if a member sins and this sin becomes known to another member of the church, the person sinned against or aware of the sin should go privately to the sinner confront him in person.
- 2) If the sinner repents, there must be forgiveness and reconciliation, and the matter shall be closed. You have won your brother.
- 3) If the sinner does not repent, the member aware of the sin should take one or two others (especially where possible, members of the CRPC) along as witnesses and seek the sinner’s repentance. If this is successful, the matter shall be closed. You have won your brother.
- 4) If the sinner still does not repent, the person aware of the sin shall bring the matter to the session/congregational presbytery, and to it alone, for action. The matter is not to be made known on a wider basis.
- 5) If the sin is known broadly in the church, and therefore cannot be solved privately, charges may be taken directly to the appropriate church court per Matt. 18:15-17, 1 Cor. 5:1-2; 1 Tim. 5:19-20.

SECTION 2: Dealing with sin in the church—Corporate Responsibility

- 1) If the congregational presbytery or broader court learns of a sinning member, it must not ignore the situation.
- 2) If there is evidence that a member is teaching heresy, disregarding or violating the moral law, or showing contempt for the courts of the church, the court shall contact that member in love and with care, and shall investigate the allegations.
- 3) If the sinner confesses and repents, there must be forgiveness and reconciliation, and the matter shall be closed. You have won your brother. Such closure may include counsel or censure appropriate to the circumstances.

¹¹² It with thankfulness to the Reformed Presbyterian Church of North America (RPCNA) that much of the information obtained herein is attributed. Much of that contained in this chapter is drawn from direct quotes from their RPCNA Confession and Testimony, The Book of Discipline, Section I, E-2 through E-8 available on the RPCNA website at www.reformedpresbyterian.org. It should be noted the RPCNA is one of the oldest Presbyterian denomination in the United States, maintains the use of the original Westminster Confession and Catechism as does the CRPC and maintains the same essential standards of discipline as the historic Scottish Presbyterian Churches. This section added at 6-2007 American Presbytery. See minutes for grounds and details.

- 1 4) If the sinner acknowledges the truthfulness of the accusation but refuses to repent, the court may
2 proceed to the imposition of any formal censure in hope of repentance. (See SECTION 3 for
3 appropriate censures.)
- 4 5) However, if the accused denies or desires to contest the charges, the court may not proceed to issue a
5 censure beyond admonition or rebuke without conducting a formal trial. (See Chapter 8 for Judicial
6 Process—Extraordinary.) Scripture: Matt. 18:17; Deut. 19:15; 2 Cor. 13:1.

7 SECTION 3 The Imposition of Church Censures

- 8 1) There are five formal degrees of censure. These are admonition, rebuke, suspension, deposition, and
9 excommunication. These formal censures shall be used if the sin is confirmed, and if censure is
10 appropriate, or the sinner is confronted but does not repent and if the sinner does not contest or appeal
11 them, thus requiring going to a formal judicial process. These formal censures shall be put in writing,
12 with a clear statement of the sin, and, if possible, conveyed to the sinner personally by one or more of
13 the members of the court. Included in all such censures is the right to retry the case by formal judicial
14 procedure as provided in Chapter 8, or by appeal to the next broader presbytery. The court is then
15 obliged to assist the appellant in the formal procedures for such process in a timely manner. Any of
16 these censures may otherwise be imposed by the court without first imposing lesser censures except
17 that of excommunication. In addition, the court may remove members from the roll without formal
18 process, as otherwise provided for in this DCD.
- 19 a. *Admonition*—This is the lightest degree of censure and is commonly used by the court in cases of
20 neglect of duty. Judicial admonition is administered when the offender is confronted with his sin,
21 warned of his peril, and exhorted to repent so that he may be faithful in the future in his walk with
22 Christ. This may be accompanied with restitution or other restorative measures, as the victim and
23 court agree in accordance with the Law of God. The court may also make the people under its
24 oversight aware publicly of the fact of and reason for the admonition, though this is not required and
25 is left to the discretion of the court, though it may be requested by the sinner.
- 26 b. *Rebuke*—This is a censure for a more aggravated sin and is commonly used by the court in cases of
27 active transgression or of continued neglect of duty in spite of counsel. It is a setting forth the
28 serious nature of the offense, reproving him of his offense, and exhorting him to repentance and
29 faithfulness in his walk with Christ. This may be accompanied with restitution or other restorative
30 measures, as the victim and court agree in accordance with the Law of God. The court may also
31 make the people under its oversight publicly aware of the fact of and reason for the rebuke at its
32 discretion or at the request of the sinner.
- 33 c. *Suspension*—This is the temporary exclusion from the privileges of church membership, including
34 participation in the sacraments or from the exercise of ordained office or from both. (The matter of
35 exclusion of an ordained officer who is a member of presbytery may only be in such cases as fall
36 under the jurisdiction of the local congregational presbytery and will require notice being served to
37 the next broader presbytery. An officer who is denied the privileges of membership in his church
38 must be suspended from office. However, he may be suspended from office without being denied
39 the privileges of membership.) This becomes necessary when members are guilty of gross sin or of
40 persistent neglect. This censure shall be pronounced by the moderator in constituted court, and in
41 the name of Jesus Christ. At the discretion of the court, this discipline shall either be “silent
42 censure” (i.e. not made public, but because of the nature of the offense kept silent) or otherwise
43 make the people under its oversight aware publicly of the fact of and reason for the suspension. The
44 lifting of suspension depends on evidence of repentance.
- 45 d. *Deposition*— Deposition is the declaration by the trial court to the congregation or ministry in
46 which the office-bearer lately presided, that the offender is no longer an office-bearer of the church.
47 In the case of a minister of the Word, the trial court shall declare the pulpit vacant, the pastoral ties
48 dissolved and the sentence shall be read before the congregation. Such shall be announced to all
49 presbyteries of the CRPC, and read in all the churches and the individual shall cease from preaching
50 or teaching duties or the exercise of other privileges of his office anywhere. Such deposition from
51 office shall cause the presbytery to erase his name from the roll of ministerial members. It may also
52 be accompanied by suspension from church privileges. This censure shall be imposed for serious

1 offenses in doctrine or in conduct that obviously disqualify the person for exercising office. The
2 sentence shall be pronounced by the moderator in constituted court, and in the name of Jesus Christ.
3 The court shall also make the people under its oversight aware publicly of the fact of and reason for
4 the suspension.

5 e. *Excommunication*—This is the disciplinary exclusion of a member from the visible church. It
6 should be imposed only for such malignant errors or persistent violations of God’s law as are
7 grossly inconsistent with the Christian profession of faith or subversive to the doctrine and order of
8 Christ’s Church. All possible efforts should first be made to bring the sinner to repentance.
9 Excommunication shall be pronounced by the moderator in constituted court and in the name of
10 Jesus Christ. Prayer shall be offered to God for mercy and repentance. In the case of a minister of
11 the Word, if an announcement has not previously been made, the trial court shall declare the pulpit
12 vacant, the pastoral ties dissolved and the sentence shall be read before the congregation. Such shall
13 be announced to all presbyteries of the CRPC, and read in all the churches and the individual shall
14 cease from preaching or teaching duties or the exercise of other privileges of his office anywhere.
15 The court shall make the people under its oversight aware publicly of the fact of and reason for the
16 excommunication. Members should then relate to the person as one who is outside the visible
17 church and in need of repentance and salvation.

18 2) Where appropriate, the court may elect to remove members from church membership without formal
19 censure, as otherwise provided for in Chapter 15 Cases without Full Process.

20 SECTION 4 Rights of Appeal

21 The Presbyterian form of government provides for a gradation of courts whereby the narrower/lower is
22 answerable to the broader/higher. A decision of the narrower court is subject to review and correction by
23 a broader court. Any member of the church may carry his case through the narrower courts even to the
24 broadest court for adjudication except in cases where the member has failed to appear as set forth in
25 DCD 5:8. For sufficient reasons the broader court may decline to act. The action of a narrower court
26 may be brought under the jurisdiction of a broader court by Complaint, Reference, or Appeal.

27

CHAPTER 8

STEPS IN THE INSTITUTION OF JUDICIAL PROCESS—EXTRAORDINARY

SECTION 1. Offenses are considered either public or private. A public offense is one which is destructive to, or tends toward the destruction of the peace of the church.¹¹³ A private offense causes, or tends to cause, injury or damage to the parties concerned.¹¹⁴

SECTION 2. “Cause” is defined as that which occasions loss, injury, or damage if it directly and in a natural and continuous sequence produces or contributes substantially to producing such loss, injury, or damage so that it can reasonably be said that, but for the conduct or neglect of the party(s) involved, the loss, injury, or damage would not have occurred. Conduct on the part of the accused need not be the only cause.

SECTION 3. In the case of a private offense, a charge may not be admitted until the court has ascertained that the steps of Matthew 18 have been faithfully followed and the offended party has done his utmost to privately redeem his brother and restore fellowship.¹¹⁵ If such a procedure has not been attempted, or the attempt was improperly made, or made in a slighted manner, prior to the placement of a charge before the court of original jurisdiction, then the plaintiff must outline the cause for such failure and the court will rule on the validity of the cause in determining whether or not to admit the charge(s). The plaintiff’s failure to adhere to Matthew 18 is conduct subject to sanction.¹¹⁶ At a minimum, the accuser shall be reproved for “bad faith” and may find the case prejudiced in that his own testimony may be deemed incredible or compromised for lack of integrity in violation of “humility.” At its discretion, the court may subject the plaintiff to charges and ultimately censure, fine or trial in accordance with Section 15 of this chapter.

SECTION 4. Justice is denied when an offense is known to the complainant and such complainant does not initiate the steps of Matthew 18 as soon as possible. It is sin to allow an offense to remain unaddressed, suspended as it were, over its intended victim and used for expediency as opposed to justice. An offense that goes unresolved often leads to a root of bitterness and spirit of vengeance. Examples would include cases such as the following: 1) the case of a person claiming to forgive another and subsequently bringing the complaint back without cause; 2) the case of an accusation made many years after the alleged offense where evidence has been lost, witnesses no longer are available to testify, recollection of occurrences vague, or a change in circumstances more favorable to the reception of an unjust complaint.¹¹⁷

SECTION 5. In the case of public offenses, the court should always seek the least grave effective remedy according to Matthew 18:15-17 or Matthew 5:21-27 or Galatians 6:1.¹¹⁸

SECTION 6. Due diligence must be taken by all parties concerned in the matter that no discussion of any of the issues occurs between individuals not involved in the judiciary process. Such discussion may be construed as a violation of Matthew 18 (refusal to “hedge” what privacy remains in the matter) and a violation of DCD 2:12 (obstruction of humility).

SECTION 7. The following parties may bring a charge of an offense before the court of original jurisdiction:

- 1) the injured party;¹¹⁹

¹¹³ 1 Cor. 1:10-17; 5:1-13.

¹¹⁴ Gen.27:41; Deut. 19:4; Matt. 5:28-30; 1 Cor. 7:1-17. A private offense would fail (the court would have no jurisdiction) if there were not an individual complainant. Whereas a public offense would not fail because the court would continue to have jurisdiction without a particular complainant.

¹¹⁵ Matt.5:9; 18:15-18; Gal.6:1.

¹¹⁶ “Subject to sanctions” references the fact that the court will officially seek a basis for censuring such party or parties who blithely forsook attempts to address the issue according to Matthew 18 because they wished to take advantage of the fact that the issue was of common knowledge. In other words, care was not taken to try to handle the offense prior to making charge in a court when it was possible to do so. *Very often, accusers and witnesses do not have the courage or incentive to face the accused, privately, as Matthew 18 commands. Lack of incentive on their part, may be due to the fact that, in forsaking humility like Jonah of old, they wish only the condemnation and ruin of the accused and not his redemption. Lack of courage often occurs as a function of one’s unwillingness and refusal to meet with the accused face to face in private unless the accuser gains boldness in having the support of a court to help him.*

¹¹⁷ Heb. 12:14-15.

¹¹⁸ See footnotes to Chapter 2, Section 1 concerning Matthew 18 and the conflict of David and Saul.

¹¹⁹ Matt. 18:15.

- 1 2) a person who is not the injured party (see Section 23 below);¹²⁰
2 3) a court.¹²¹
- 3 The offense alleged in the charge should be serious enough to require a trial. A charge against an elder or
4 minister of the Word shall not be admitted unless accompanied by two or more witnesses able and willing to
5 verify their first-hand knowledge of the subject offense.¹²²
- 6 SECTION 8. If the person who has brought the charge requests the court to assume responsibility for
7 prosecuting the case, the court may prosecute the charge if convinced that judicial process is warranted.
8 However, the court should reluctantly assume such responsibility and only in cases of extreme incapacity on
9 the part of the injured party.¹²³
- 10 SECTION 9. In the case of a private offense, if the accuser is a member of the court, he must pursue the issue
11 as Matthew 18 specifies and may not do so as a member of the court of judgment. The court must then
12 proceed with its preliminary investigation.¹²⁴
- 13 SECTION 10. All charges shall be submitted to the secretary (or clerk) of congregational presbytery and will
14 then be considered filed if the congregational presbytery is the court of original jurisdiction. In cases where
15 the congregational presbytery is not the court of original jurisdiction, the secretary shall forward the charges
16 to the secretary of the appropriate broader court and upon receipt by the broader court's secretary the charge
17 shall be considered filed.
- 18 SECTION 11. If the alleged offense was committed more than two (2) years before being filed, the court shall
19 not admit the charge unless unavoidable reasons exist which prevented the charge's earlier submission. If
20 no attempt has been made to follow the steps of Matthew 18 as specified in Chapter 2, then no unavoidable
21 impediment exists.¹²⁵
- 22 SECTION 12. Every charge of an alleged offense must conform to the following requirements, however the
23 church is encouraged to assist members in forming a proper complaint as necessary:
- 24 1) submitted in written form, signed and sworn to under the pains and penalties of perjury;¹²⁶
25 2) explain the alleged offense, providing specifications, which if proved true, support the charge;¹²⁷
26 3) explain each¹²⁸ alleged offense;¹²⁹
27 4) support the charge with references to the Word of God;¹³⁰ particularly the law of God.¹³¹
28 5) support the charge, when appropriate, with references to the creeds and confessions of the church;¹³²
29 6) explain, what damage the complainant suffered,¹³³ and;
30 7) explain how the one(s) offended has followed the steps of Matthew 18 in order to redeem the situation,
31 to include a list of witnesses who participated in the Matthew 18 procedures.¹³⁴

¹²⁰ 1 Cor. 1:11.

¹²¹ 1 Tim. 1:20.

¹²² 1 Tim. 5:19.

¹²³ 1 Cor. 1:11

¹²⁴ 1 Cor.4:19; 14:40; 2 Cor. 12:16-13:3.

¹²⁵ 1 Cor. 14:40. 2 Sam. 21:19 establishes the basis for no statute of limitations in some cases.

¹²⁶ 1 Cor.1:11; 1 Cor. 14:40.

¹²⁷ Matt. 5: 23-24; 18:16.

¹²⁸ "only one" replaced with "each" 11-2008 Presbytery. See Minutes XV, D, (14).

¹²⁹ Matt.5:22.

¹³⁰ Matt. 5:19-20; 2 Thes.3:14-15.

¹³¹ Rom. 7:7; 3:20

¹³² Matt.16:19; Heb.13:17.

¹³³ 2 Cor. 2:5-6.

¹³⁴ Matt.5:9; Matt. 18:15-18; Gal.6:1.

- 1 SECTION 13. If an alleged offense is deemed heresy, the charge must point to the violated Scripture.¹³⁵ The
2 creedal standards may be used for supporting evidence.
- 3 SECTION 14. The charge of heresy, when applied to a minister of the Word, involves doctrine only when it
4 took place as a function of public pronouncement and teaching, preaching, or publication. A charge of
5 doctrinal heresy cannot be made for a privately spoken matter. Such private statements, not made as a
6 function of public preaching, teaching, or publication, if charged, will be handled as violations of ethics.
- 7 SECTION 15. When there is a charge of doctrinal heresy against a minister of the Word, the secretary of the
8 congregational presbytery unto whom the minister is accountable, shall file the charge with the regional
9 presbytery, forwarding the charge and its specifications.
- 10 SECTION 16: Upon receipt of a charge, the secretary should immediately provide the complainant an official
11 acknowledgment certifying that he has received the complaint on behalf of the congregational presbytery.
12 However, in no case, should the secretary take longer than 10 days to provide the official acknowledgment.
13 Prior to issuing this official acknowledgment the secretary shall notify the complainant of his
14 responsibilities by reading to them DCD 2:5-12, 8:3, 4 &6 and providing a written and signed verification
15 thereof. No case will be received unless the complainants have signed this verification. The secretary will in
16 no way look into the merits of the case.¹³⁶
- 17 SECTION 17. The court should be convinced that the charges and specifications, if proven true, constitute an
18 offense serious enough to warrant sanctions in accordance with Section 14 of this chapter. The court shall
19 not dismiss a case on technical grounds. Rather, the court will require the complainant to re-submit the
20 charges in the proper form. If the injured party fails to re-submit the charges, then the court, in the case of
21 private offenses, will not pursue the case.¹³⁷
- 22 SECTION 18. The following offenses warrant sanctions:
- 23 1) an offense in the area of conduct and practice which seriously disturbs the peace, purity, and/or unity of
24 the church,¹³⁸ or;
- 25 2) an offense in the area of doctrine for a member who is not a church officer-bearer which would
26 constitute a denial of a credible confession of faith contrary to his membership vows,¹³⁹ or;
- 27 3) an offense in the area of doctrine for a church officer-bearer which would be the denial of the system of
28 doctrine contained in the Word of God and set forth in the Confession of Faith and creeds of the
29 church,¹⁴⁰ or;
- 30 4) a private complaint which necessitates remedy by the court.
- 31 SECTION 19. When a member submits a charge concerning a private offense to a court, he shall be warned
32 by the court that, if after conducting the preliminary investigation, they find that there is no need for judicial
33 process relating to the charge, he may be sanctioned. Only the court of original jurisdiction may make such
34 a determination, though any appellate court may overrule such a finding. A sanction must include a rebuke
35 accompanied, perhaps, with restitution¹⁴¹ unless a trial establishes otherwise. Such restitution may be levied
36 against any who frivolously or falsely accuse and will be given to the victim of such accusation.¹⁴² If there
37 has been willful failure to abide by Matthew 18, as per DCD 2, the accuser shall be sanctioned and may be
38 tried.¹⁴³

¹³⁵ James 3:1; See footnotes for Section 11, this Chapter.

¹³⁶ Ten day acknowledgement requirement added 11-2007. See minutes XIV. I for details and grounds.

¹³⁷ 2 Cor. 3:6; 1 Cor.14:40.

¹³⁸ Matt.18:17-18; 3 John 9-11.

¹³⁹ 1 Tim.1:18-20.

¹⁴⁰ Titus 1:7-13.

¹⁴¹ Restitution is to be determined within the standards of set boundaries of God's law and is to be administered with mutual reconciliation and restoration in view, and not just the letter of the law.

¹⁴² Lev.6:4-5; Deut. 19:17-19.

¹⁴³ Lev.6:1-4; Deut. 19:17-19; 1 Sam. 12:3; 1 Cor. 6.

1 SECTION 20. After a charge is submitted to the court of jurisdiction by the injured party, in the form required
2 by this *Directory of Church Discipline*, the court shall conduct a preliminary investigation to determine if
3 the judicial process shall be instituted. The court may form a committee or appoint an investigator to
4 conduct the investigation for submission to the court.¹⁴⁴ In all cases, the court must review the preliminary
5 investigation and rule on the merits of the case regarding warrant for judicial process.

6 SECTION 21. Due process¹⁴⁵ shall be enjoined in all matters.¹⁴⁶

7 SECTION 22. The accused and accuser shall be entitled to the assistance of counsel. No court may forbid the
8 accused or accuser the right to represent himself. No person shall be eligible to act as counsel unless he is a
9 member in good standing of the CRPC or approved, on a case by case basis, by the trial court. The litigant
10 may not sit in judgment of his own case at any stage thereof, including the preliminary investigation. No
11 person who is counsel in a judicial case may sit in judgment on the same case in any stage following the
12 preliminary investigation.

13 SECTION 23. Representation may be made by the following person who is not a party to the action:

- 14 1) the spouse of the injured party;¹⁴⁷
- 15 2) the parent or guardian of the injured party if the injured party is a minor and resides in the home, being
16 under the authority of the home or is mentally or physically incapable;¹⁴⁸
- 17 3) a relative of the injured party with approval of the court exercising jurisdiction;¹⁴⁹
- 18 4) any member recognized by the court of original jurisdiction.¹⁵⁰

19 In the event that a person does not have assistance or representation and is incapable of composing a proper
20 complaint, the court may assist him according to DCD 8:7-8.

21 SECTION 24. The court, or the appointed committee or investigator, shall consider the following in their
22 investigation:

- 23 1) the form of the charge;¹⁵¹
- 24 2) the form and relevance of the specifications of the charge;¹⁵²
- 25 3) the competency of the witnesses named in the case and a summary of their testimony;¹⁵³
- 26 4) the apparent authenticity, admissibility, and relevancy of any documents, records, and recordings
27 submitted to support the charge;¹⁵⁴
- 28 5) whether the specifications and evidence support the charge, and;¹⁵⁵
- 29 6) whether the charge, if found to be true, would be an offense serious enough to warrant church sanction.

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¹⁴⁴ Acts 9:26-27; 1 Thes 3:1-7.

¹⁴⁵ Matt. 23:23 (esp. clear in NKJV); John 7:51.

¹⁴⁶ Lev. 19:15; Deut. 1:17; 16:19; 19:17-20; 21:3-7; 2 Sam.14:14; 2 Chron. 19: 6-7; Prov. 24:23-26; Mal. 2:9-10; Matt.7:1-4; John 7:24; Col.3:25; 1 Tim. 5:21; James 2:1-6.

¹⁴⁷ Num. 30:1-8.

¹⁴⁸ Num.1:3, 18, 20, 22, 24 ... etc.; Num. 30:1-5. A boy is reckoned as a man when he is twenty years of age. However, civil law recognizes boys as being able to determine their affairs at an earlier age (18 yrs. is current practice in the U. S.). Such practice the court may be forced to take into consideration.

¹⁴⁹ 2 Sam. 14: 2-17; In addition, the “go’el” laws in the Pentateuch set precedent here since they include uncles, brothers, spouses, etc.

¹⁵⁰ Num. 30:9-15; Here, in Numbers, as a function of *headship* laws, a widow or a divorced woman cannot have their oaths annulled by any other male. Only if they had taken such oaths while under their husband’s authority (for a divorced woman before the divorce or, for the widow, while her husband was still alive); 2 Sam. 14: 2, 18-21; Her arguments were not annulled by the court because she was an unrelated party or female (she did not have male headship); 1 Cor. 1:11.

¹⁵¹ Isa. 59:12-16.

¹⁵² Psa. 25:10; 119:36, 79.

¹⁵³ Psa. 18:26; Prov. 2:12; 4:24; 6:12-20; 8:8,13; 10:31-32; 16:28-32; 17:20; 21:8.

¹⁵⁴ Jer.32:10-16, 44.

¹⁵⁵ Isa. 26:7; 1 Cor.4:19; 2 Cor. 12:16-13:3.

1 Also, the court, or the appointed committee or investigator, should prepare a statement presenting the
2 pertinent issues of the case in chronological order.¹⁵⁷

3 SECTION 25. The evidence or testimony of witnesses to support the charge shall conform to the following:
4 ¹⁵⁸

- 5 1) must be submitted in written form by the complainant;¹⁵⁹
- 6 2) must contain the time, place, and circumstances of the alleged offense;¹⁶⁰
- 7 3) must contain the names and address of the witnesses and description and location of any evidence to be
8 submitted at the trial;¹⁶¹
- 9 4) must be limited to those that are specific to and essential to the case; and
- 10 5) must certify that the steps of Matthew 18 have been followed.,¹⁶²

11 Any list of witnesses and any requests for summons must be submitted to the secretary of the trial court not
12 less than twenty (20) days prior to the beginning of the trial court.

13 SECTION 26. The secretary shall provide the following information, in writing, to the court:

- 14 1) the name of the member being charged and any office he may hold in the church;
- 15 2) the name of the accuser;
- 16 3) the charge and its nature, whether public or private;
- 17 4) the specifications of the charge;
- 18 5) the names of the witnesses involved;
- 19 6) a list of items which shall be presented as evidence;
- 20 7) the support material referenced in Section 25 above;
- 21 8) the nature of the evidence or testimony of witnesses as specified in Section 25 above;
- 22 9) certification of compliance with the steps of Matthew 18, where needed as noted in the procedures of
23 the DCD 2:5-12, 8:3, 4 & 6. Any exception to Matthew 18 must be noted and explained for the court's
24 examination and ruling.

25 The secretary will provide the accused with a copy of the complaint. The secretary shall provide the
26 litigants with a summons form in which they may insert the required information on the witnesses whom
27 they wish the trial court to summon.

28 SECTION 27: After reviewing the preliminary investigation and determining warrant exists for judicial
29 process, the court shall fix the time, date, and place for the trial and may enjoin (subpoena) any or all parties
30 and their witnesses to the alleged offense to appear at that time.¹⁶³ The court shall establish a date and give
31 notification to the parties by which they must submit any pre-trial discovery or written requirements. The
32 judges may allow for extra-ordinary circumstances which result in late submissions. The court shall issue
33 summons directing all persons whose presence it deems necessary to facilitate righteous judgment to appear
34 before the court. At the time of the subpoena, the issue concerning payment of expenses must have already
35 been resolved (if a private offense). The court will allow a maximum of ten (10) days from receiving
36 notification (subpoena) for the individual to resolve any conflicts of scheduling for the trial.

¹⁵⁶ 2 Cor. 12:16-13:3.

¹⁵⁷ 2 Cor.3:1-3.

¹⁵⁸ Num.35:30; Deut.17:6-7; 19:15; Ruth 4:9-11; Job 10:15-17; Isa. 43:9-10; Matt.18:15-16; 1 Cor. 13:1; 1 Thes.2:10; 1 Tim.5:19; Heb.10:28.

¹⁵⁹ Isa. 8:1-2; 1 Cor.14:40.

¹⁶⁰ Jer. 32: 8-16.

¹⁶¹ Isa. 8:1-2; Jer. 32: 8-16; 1 Cor. 1:11; 14:40.

¹⁶² Matt.18:16.

¹⁶³ 1 Cor.4:19; 2 Cor. 12:16-13:3.

1 SECTION 28. Discovery for private offenses is a different process than those pertaining to public offenses
2 and may include depositions and interrogatories.

3 SECTION 29. The following pertains to private offenses exclusively. If necessity compels the court to obtain
4 testimony from a witness who is subject to the jurisdiction of another church within the CRPC, such
5 testimony may be obtained by taking depositions or interrogatories where applicable. The trial court shall
6 issue summons (subpoena) directing the witness to appear and testify before it. The trial court will send a
7 copy to the congregational presbytery which has jurisdiction over the witness and will expect the
8 cooperation of this congregational presbytery to use its power and influence to produce such compliance.
9 The trial court may compel such testimony upon pain of disciplinary procedure against the witness on the
10 charge of contumacy. In such a case of discipline, the court with jurisdiction over the witness shall be the
11 court of original jurisdiction. In case of appeal, a court shall be constituted with participants from within the
12 CRPC which were not part of the court bringing the charge nor of the court of original jurisdiction. Such a
13 witness may be accused by the court making the request, or the accuser or accused, in the original case
14 which gave rise to the need for such testimony.

15 SECTION 30. Testimony by deposition includes the right of the accused, the representatives of the accused,
16 the accuser, and trial court to be present for direct examination and cross-examination of such witnesses,
17 and the raising of objections. Objections may be made concerning the following:

- 18 1) the admissibility of any oral testimony;
19 2) the competency of the witness;
20 3) the authenticity, admissibility, and relevancy of any document, records, and recordings identified by the
21 witness.

22 Depositions shall be made by either written, video and/or audio recordings and made available to the
23 accused and the accuser (or their representatives) upon request. Any private recording, the recording of
24 which was not previously agreed upon by both litigants prior to the trial is inadmissible.

25 SECTION 31. The following pertains to public offenses exclusively. The trial court shall issue summons
26 (subpoena) directing the witness to appear and testify before it. The trial court will send a copy to the
27 congregational presbytery which has jurisdiction over the witness and will expect the cooperation of this
28 congregational presbytery to use its power and influence to produce such compliance. The trial court may
29 compel such testimony upon pain of disciplinary procedure against the witness on the charge of contumacy.
30 In such a case of discipline, the court with jurisdiction over the witness shall be the court of original
31 jurisdiction. In case of appeal, a court shall be constituted with participants from within the CRPC which
32 were not part of the court bringing the charge nor of the court of original jurisdiction. Such a witness may
33 be accused by the court making the request, or the accuser or accused, in the original case which gave rise to
34 the need for such testimony.

35 SECTION 32. The spirit of each of the sections of this chapter is that nothing in the formality of these
36 procedures shall be allowed to deny justice to the diligent parties¹⁶⁴ and witnesses involved.¹⁶⁵

¹⁶⁴ 2 Thess. 3:10; Matthew 18:1-5; 25:14ff.

¹⁶⁵ Micah 6:8.

CHAPTER 9

GENERAL PROVISIONS OF THE TRIAL

SECTION 1. A session of the trial is defined as any new beginning of official hearings initiating a trial or following the adjournment of a previous session. Brief recesses are not adjournments of a particular session of a trial.¹⁶⁶ The moderator will announce all adjournments and recesses. A session shall terminate as soon as the moderator announces adjournment of the session.¹⁶⁷

SECTION 2. The secretary (or clerk) shall keep an accurate roll of the members attending each session of the trial court.

SECTION 3. Ordinarily, the judicatories of the church shall sit with open doors limited to the CRPC church or churches of each interested party and litigants and witnesses from any source. In addition, the court may invite any non-CRPC observers at its discretion. Only the court may speak as the official spokesman concerning the trial and its proceedings and it must fulfill its duty to enjoin the gallery to abstain from engaging in talebearing among the people.¹⁶⁸ The court may reference such parts of DCD 2:12 on humility as it deems fit. In every charge of heresy, the court shall be without power to sit with closed doors.¹⁶⁹ At any stage of its deliberations, the trial court may deem it necessary to sit with closed doors,¹⁷⁰ except in cases of heresy.¹⁷¹ A vote of two-thirds of the judges present shall be necessary to sit with closed doors.¹⁷²

SECTION 4. A person charged with an offense (the accused) has the absolute right to appear and be heard before the court of original jurisdiction¹⁷³ or any other broader court upon appeal trying a charge against him.¹⁷⁴ His name is his property and therefore no charge may violate his right to defend it against any attack or charge.¹⁷⁵

SECTION 5. The act of disobedience to the call of a body which shall compel a man to be at a meeting shall be considered contumacious. If he fails to attend and has no good reason then a second attempt may be made to hold such a meeting. If he is compelled to attend by order of the court, makes no timely objection, and fails to attend, he has forfeited any objection or recourse to the deliberations. In all cases, the court shall endeavor to make the meeting as convenient as is possible for any person having right to plead or vote in a matter pertaining to himself or his family. A willful failure to choose times and places convenient, or failure to notify in good order shall be ground for appeal. In all matters where pleading shall be rightfully enjoined, the congregational presbytery must notify by certified letter arriving at least 10 business days¹⁷⁶ before the trial, or by two or more witnesses testifying of times, places, and charges preferred, at least 10 days prior to the meeting.

SECTION 6. The court of original jurisdiction may require the appearance of the accused but any non-compliance on the part of the accused shall not limit in any way the trial court's right to proceed. If the accused fails to appear without satisfactory reason for his absence at the appointed time set for the trial of his case, the court may summon him again with a warning against or actual charge for contumacy.¹⁷⁷

SECTION 7. Broader courts may also require the appearance of the accused, but shall grant latitude in matters pertaining to expenses and time of travel, conflicts arising from scheduling court proceedings vis a vis "tentmaking"/employment considerations, sickness, and other extra-ordinary and emergency situations.¹⁷⁸

¹⁶⁶ 1 Cor.14:40.

¹⁶⁷ 1 Cor.14:40.

¹⁶⁸ Leviticus 19:16.

¹⁶⁹ Matt.18: 17; 3 John 9.

¹⁷⁰ Prov.11:13.

¹⁷¹ 1 Tim.5:17-20; Titus 3:10-11.

¹⁷² 1 Cor.14:40.

¹⁷³ Heb.13:17.

¹⁷⁴ Job 19:19-20; Prov. 31: 9; Isa. 1:17; Jer.12:1.

¹⁷⁵ Psa.35:11-12.

¹⁷⁶ Business days are defined as Monday through Friday, when the post office is working. No weekends.

¹⁷⁷ Heb.13:17.

¹⁷⁸ Psa. 94:20-21; Prov.1:11-12; John 7:24.

1 Should the accused exploit the latitude granted by the broader court, it may go forward and set a place, date,
2 and a time for proceedings to commence or continue and notify the parties accordingly.¹⁷⁹

3 SECTION 8. A court may suspend an accused person's privilege of partaking of the Lord's Supper until the
4 case is adjudicated.¹⁸⁰

5 SECTION 9. When circumstances necessitate, a court may deny an accused person the right of performing the
6 functions of his office in those areas where the court has original jurisdiction. (See section 16 below).¹⁸¹ If
7 the accused holds office in the church, he may be suspended from the functions of office until his appeal has
8 been heard and an appellate ruling rendered. Upon declaration of innocence of all charges, the accused
9 officer-bearer shall immediately be restored to his office. Upon exhaustion of appeal and a final declaration
10 of guilt, the accused officer-bearer may be divested from office

11 SECTION 10. Ordinarily, summons should be served in person, but when this is not possible, summons
12 should be sent by certified mail, return receipt requested. If the member refuses to accept such summons or
13 returns it unopened, then proper service shall be deemed made and such refusal shall be considered
14 contumacious and may be charged accordingly. Proper service is an essential element of due process.

15 SECTION 11. The secretary shall keep an accurate record of the trial.¹⁸² The minutes of the record shall
16 include:

17 1) the charge and any specifications accompanying the charge;¹⁸³

18 2) all objections made and any exceptions taken;¹⁸⁴

19 3) a list of witnesses and a summary of their testimony;¹⁸⁵

20 4) all rulings and decisions of the trial court;¹⁸⁶

21 5) the minutes of any closed door deliberations;¹⁸⁷

22 6) all original evidence submitted in the case.¹⁸⁸

23 SECTION 12. At the beginning of every trial session, the moderator shall state the following:

24 ***This court is convened for the express purpose of glorifying God, upholding truth and justice in the***
25 ***church, and maintaining the purity, peace, and good order of our covenanted people. I exhort each of***
26 ***you as judges to faithfully minister and declare the Word of God in all of your deliberations and***
27 ***judgments with fear and trembling so that you may subordinate all human insights to that inerrant and***
28 ***infallible Rule.***¹⁸⁹

29 SECTION 13. In any court of the church, no person shall be divested of the right to present, plead, or offer as
30 evidence the truths of the Word of God¹⁹⁰ or any of the subordinate standards, or hindered in any way from
31 doing so.¹⁹¹

¹⁷⁹ Psa. 19:13-14.

¹⁸⁰ Matt. 18:17-18.

¹⁸¹ Acts 15: 37-40.

¹⁸² Acts 15: 23-31. The church of Antioch read a letter which was based upon the debates (vs. 7) and the resolution of the debates (vs. 22), all of which would have required minutes.

¹⁸³ Acts 15: 5.

¹⁸⁴ Acts 15: 24. The apostles and elders noted their objection in their letter to the churches that they had given no such commandment.

¹⁸⁵ Acts 15: 7-12.

¹⁸⁶ Acts 15: 13-29.

¹⁸⁷ Acts 15:38-39.

¹⁸⁸ Acts 15: 12, 14-15.

¹⁸⁹ 2 Sam. 23:3-4.

¹⁹⁰ This includes the right to appeal from the Greek and Hebrew. Normally, the Textus Receptus and its Majority textual support may be cited for the Greek of the New Testament. Normally, the Massoretic Hebrew textual support will be cited for the Hebrew of the Old Testament. The Septuagint may be used but, being a corrupted translation, it has no more authority in the church of God than any other translation and may not be any otherwise approved, or made use of, than other human writings.

¹⁹¹ 2 Tim.3:16.

1 SECTION 14. Any person may be a witness in a judicial case. However, no witness shall be allowed to
2 testify as to hearsay. Hearsay is defined as information received indirectly especially with respect to
3 something the witness has heard others say. Hearsay evidence depends upon the veracity and competency
4 of some person other than the witness.

5 SECTION 15. The moderator shall require each witness to make the following solemn oath before he testifies:

6 ***I solemnly swear that, in the presence of God and this court, I will speak the truth, the whole truth,***
7 ***and nothing but the truth by the grace of God concerning the matters on which I am called to testify,***
8 ***upon the pains and penalties of perjury.***

9 For any witness unwilling to make the above affirmation, the court will require the following solemn oath
10 before he testifies:

11 ***I solemnly swear that I will speak the truth, the whole truth, and nothing but the truth concerning***
12 ***the matters of which I am called to testify, upon the pains and penalties of perjury.***

13 SECTION 16. The secretary shall provide the accused one copy of the minutes at the expense of the court and
14 additional copies may be obtained at cost to himself.¹⁹²

15 SECTION 17. Either the accused or the accuser may take exception to any and all rulings or decisions made
16 by the trial court, appealing to a broader court. The broader court shall determine if the merits of the case
17 warrant appellate review, thus reserving the right to hear or refuse to hear the appeal at their discretion.

¹⁹² 1 Cor. 14:40.

CHAPTER 10
TRIAL PROCEEDINGS

SECTION 1. Each court will determine the time and number of sessions it may need to try a case. A trial court must reconvene at a later date if a quorum is not present, or delay the opening of the session until such time as a quorum is present. At the first session of the trial, the court must include the following actions:

- 1) The secretary shall read and formally present the charges and specifications to the accused along with the name(s) of the accuser(s) and any witnesses and copies of any documents which may be presented against him.
- 2) The trial court shall set the time, date, and place for any subsequent session of the trial court.

SECTION 2. The accused may raise objections concerning:

- 1) Any aspect of the conduct of the proceedings up to this point;
 - (a) the nature and form of the charge;
 - (b) the nature, form, and relevancy of the specifications;
 - (c) the list of witnesses and the nature of their testimony;
 - (d) the authenticity and relevancy of any documents, records, and recordings submitted in support of the charge and specifications.

The trial court shall evaluate the validity of any objections and announce its rulings. The trial court may, at its pleasure, convene privately to discuss such objections and exceptions. Such a private discussion may require adjournment or only a temporary recess. The request of one judge will be sufficient to call for such adjournment or recess.

SECTION 3. A trial court member absent from any subsequent sessions shall be disqualified from voting and shall not be counted as part of the quorum. He shall not be deprived of any other rights as a member of the trial court.

SECTION 4. Following their review of the charges and specifications, and as an outcome of the second or subsequent session, the trial court will determine if just cause for a case before the court exists. If the court affirms the need for a case, the moderator shall proceed to ask the accused how he pleads. The accused will then enter a plea. Acceptable pleas include only the following:

- 1) guilty, or
- 2) not guilty, or
- 3) no contest by reason of intent.

The secretary shall enter the plea in the record.

SECTION 5. If the accused pleads “guilty”, the trial court will then determine what action to take, or sanction to impose, in conformity to the Law of God.

SECTION 6. If the accused pleads “not guilty” or refuses to plead, then the trial shall proceed. The trial shall continue for as many sessions as necessary to achieve a righteous judgment.

SECTION 7. If the accused pleads “no contest by reason of intent”¹⁹³, the court will understand him to be admitting to the guilt of the charge but claiming:

- 1) innocence of malice of forethought,¹⁹⁴ and/or
- 2) coercion of action,¹⁹⁵ and/or

¹⁹³ Although this plea may be entered in any judicial procedure, perhaps its most probable and more frequent use will be in cases where the offense is public and the private/semi-private procedures of Matt. 18: 15-16 have been compromised or made impossible by the public exposure of the issue.

¹⁹⁴ Lev. 4: 27-31.

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1 3) negligence of his responsibilities without an understanding of same, and

2 4) that he did not have intent to commit the wrongful act or acts.

3 In such cases, the trial court will proceed with the trial in order to evaluate and judge, if possible, the
4 truthfulness of the accused with respect to intent. If the court finds evidence which implies or proves the
5 accused was truthful in his pleading, it should be disposed to grant mercy with respect to the sanctions it
6 may impose, i.e., it (possibly) ought not to impose maximum sanctions unless there is good cause for such
7 action. However, if the court finds the accused was dishonest with respect to his intent, “there remaineth no
8 sacrifice for sins but a certain fearful looking for of judgment and fiery indignation which shall devour the
9 adversaries.”¹⁹⁶ In other words, the court may access the maximum penalty without mercy. If the trial
10 court cannot conclude as to the intent of the accused with reasonable certainty, it will inform him of this
11 situation and warn him that any future actions which he may take or fail to take may shed light upon his
12 current testimony of intent and could bring future action against him by the court on this charge(s).¹⁹⁷ The
13 court may take such action directly without recourse to Matthew 18 procedures again and may impose
14 maximum penalties as the case may demand.¹⁹⁸

15 SECTION 8. After presentation of all the plaintiff’s charges, witnesses, and evidence, the accused may
16 petition the court to dismiss the charges for plaintiff’s failure to prove the case. If this motion is sustained,
17 the court shall dismiss the charges. If this motion is denied, then the trial shall continue with the defendant’s
18 presentation of evidence and witnesses in his defense.

19 SECTION 9. When all evidence has been presented, the accused may make a final argument with respect to
20 the evidence and the Law of God. The trial court, after deliberation, shall vote on each charge and each
21 specification separately.

22 SECTION 10: If the trial judiciary decides that the accused is guilty of any charge, it shall proceed to
23 determine the censure.

24 SECTION 11. Upon completion of its deliberations, the moderator shall announce the court’s decision on
25 each charge and specification. If the accused has been found guilty, the trial court shall state its determined
26 sanction. The court will inform and thoroughly explain to the accused his right to appeal in accordance with
27 DCD 19 and 20. In no case shall the determination of guilt be made known outside the court, or its
28 determined sanction published or imposed, prior to the expiration of the period for notice of intent to file an
29 appeal as prescribed in DCD 20:4. If the accused appeals the decision of the trial court by filing an intent to

¹⁹⁵ Lev. 4: 28; cf. 1 Sam. 15:21.

¹⁹⁶ Heb. 10:26-27.

¹⁹⁷ Deut.19: 4-6, 10, 11-13; 1 Kings 1:52; 2:13-25.

¹⁹⁸ Lev. 4: 28; cf. 1 Sam. 15: Note that Saul admitted his guilt when confronted by Samuel (v.24) but at first tried to argue (v.15) his weakness and the coercive power of the people in not putting away the spoil of the Amalekites and the putting to death of Agag. Saul was fearful of being removed from office and was pleading for Samuel to “worship” (which would have entailed making sacrifice as Lev. 4 demands for such culpability, Lev.4:22-26, cf. ISam.15:25) which guilt Samuel did declare (v.14-19). Samuel disallowed Saul’s claim to such a plea because Saul was not ignorant nor lacking the power to perform the Word of the Lord. Three distinct testimonies of this chapter (v.1-5, v.6, v. 13-15) as well as the knowledge of his call to destroy the Amalekites as the king of Israel which Moses foretold (Deut.25:17-19) and which every king would have personally recorded in his own copy of Deuteronomy (Deut.17:18-20) *demonstrate unequivocally* that Saul knew what his duty was in this issue (against any later claim he would make of ignorance/inability). Samuel rejects him as king (the prophet’s mantle was torn as public, judicial testimony to that effect) on the basis of such testimony (three “witnesses”) and God’s consistent command (v.10-11) with respect to His Law. Consequently, Saul had no sacrifice for his sin (1 Sam.15:22-23, cf. Heb. 10:26-29) which the Lord would accept. Though Samuel did worship with Saul ultimately, the mantle of Samuel remained torn for a public testimony of Saul’s “witchcraft” before the elders of Israel, meaning that the Lord refused Saul and it was for the elders of Israel to quite judicially remove him from office. They refused to do their duty since he remained in office, so they got a tyrant in Saul (thus fulfilling the judgment upon the people, 1 Sam.8), a man from whom the Holy Spirit departed and an evil spirit entered...in the very next chapter. Saul now showed his real (“occultically” rebellious) character. He was now “handed over to Satan for the torment of his flesh” (1 Sam.16:14-16), using St. Paul’s terms (1 Cor.5), because God, through the prophet had judicially (including ecclesiastically) condemned him. cf. 1 Kings 1-2 where Adonijah is given mercy through a plea of ignorance and proves later his intent was culpable. Note also Shimei’s plea for mercy (1 Kings 2:8) based upon his allegation in which his argument would be that he sought to uphold the true king against the “rebel” king David. His plea is later undone by his willful disregard of the conditions of his confinement to the city. In addition, Paul argues that he received mercy from the throne of God concerning his persecution of the church “...because he did it ignorantly in unbelief.” His zeal for the religion of the Jews as God’s true religion (he thought) blinded him to the truth about the church of Christ... thus arguing his ignorance for judicial relief and mercy (1 Tim. 1:13).

1 appeal within the time prescribed in DCD 20:4, the court will withhold publication of the court’s judgment
2 (except as provided for in DCD 20:1 and 5) and it’s imposition of sanction until the appeal is heard and the
3 broader court rules. If the accused is found not guilty, the trial court shall immediately restore any
4 suspended privileges or functions of office, and take steps, as appropriate, to restore the defendant’s good
5 name and reputation, and attempt to heal any breach in fellowship as may exist between him and the
6 plaintiff.

7 SECTION 12. If the trial court proceeds with the trial in the absence of the accused, the court shall proceed as
8 if the accused had pleaded “not guilty”. The decisions of the court shall be presented to the accused in
9 writing either in person or by certified mail.¹⁹⁹

10 SECTION 13. “Relevancy” is defined as something which logically tends to prove or disprove a material fact.

11 SECTION 14. “Material” is defined as something which proves or disproves a fact or circumstance which is a
12 matter at issue.

¹⁹⁹ Requirement of counsel in case of defendant absence removed 11-2007 Presbytery. See Minutes XIV. K for details and grounds.
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CHAPTER 11

EVIDENCE WITH RESPECT TO “INTENT”²⁰⁰

SECTION 1. Intent (or motive throughout this *Directory of Church Discipline*) is often discoverable by a court.²⁰¹ Judges must trust in the Lord who has promised the keys to His church.²⁰² The keys stand as symbols of promise to the churches that God will “open” or “close” the kingdom when His office bearers faithfully administer discipline. Certainly, judges must be keen observers to watch and seek for intention in all that transpires by way of testimony and charges.²⁰³

SECTION 2. The general rule concerning the intent which underlies an act is that such intent must be inferred, unless confession of intent is made. Such inference²⁰⁴ depends upon the nature of the act as well as the circumstances involved in its commission. The term "intent" involves a variety of potentially blameworthy issues.

SECTION 3. Considerable latitude should be given as to the admission of evidence which tends to show intent since proof of intent generally necessitates a well reasoned “chain of details”.

SECTION 4. Intent may be demonstrated by:

- 1) an individual's own words, behavior, or actions coupled with supporting, interpretative texts of Scripture where possible;
- 2) facts and circumstances which characterize any transaction in dispute, with supporting passages of Scripture where possible;
- 3) a pattern of conduct or activity, coupled with supporting interpretative texts of Scripture;
- 4) evidence which bears on a person's state of mind and which logically and fairly explains intent, purpose, or motive is admissible;
- 5) the consequences of an act, rather than the act itself, and care must be taken to properly link the motive to the consequences and not simply to hold the person(s) accountable because "things turned out poorly";
- 6) the desire to bring about a result that will be invasive of the known interest of another;
- 7) the fact that a party intends the consequences of his voluntary actions in which he may or may not have intended to violate a statute of God's Word, Creed, or Catechism, or other covenanted agreement; such cases may or may not be sufficient to warrant a plea of "no contest by reason of intent"; the judges will decide;
- 8) the intention to establish a covenant, contract, oath, or arrangement;
- 9) some insidiously prejudiced opinions, beliefs, or expressions;

²⁰⁰ All footnotes which reference *Strategic Use of Circumstantial Evidence* by John F. Romano (Kluwer Law Book Publ., Inc. 1986) will be referenced in the footnotes as SUCE. All footnote references to the *Federal Civil Judicial Procedure and Rules* by West Publ. Company 1995 ed., will be referenced herein as FC and the *Wisconsin Court Rules and Procedure*, State 1993, by West Publ. Co., St. Paul, Minn. 1993 ed., will be referenced herein as WC. Such usage does not necessitate the position that biblical procedures must “learn” from the secular. Such few references as are cited herein are drawn from the multitudes of civil/criminal procedures and statutes which have not been chosen and those chosen are so due to: 1) their conformity to biblical precept and 2) their exceptional wording and usage. As a side note, our Lord *did* advise us that the “sons of this generation are wiser in their time than the sons of light”. As shameful as that observation toward us is, it remains true, nonetheless.

²⁰¹ Matt. 7:16-21; The secular philosophy which asserts that “intent” cannot ever be known “for certain” is thoroughly denied by Scripture. No doubt, “man looks on the outward appearance” is one testimony of Scripture and is designed as a condemnation of the futility of man/society to know “man” without Divine Revelation and God’s promise of His providential intervention in the affairs of man/society...and church.

²⁰² Matt. 16:19.

²⁰³ Acts 5:3.

²⁰⁴ “An inference is "a process of reasoning by which a fact or proposition sought to be established is deduced as logical consequence from other facts, or a state of facts already proved or admitted." An inference is the probable or natural explanation of facts. It is a logical and reasonable conclusion of the existence of a fact which flows, not from direct evidence as to the existence of the fact itself, but from being "inferred" through the establishment of other facts. Inferences must be based on facts in evidence.” –SUCE, p. 23-24.

1 10) a belief that certain consequences are substantially certain to result for the act;

2 11) known outward manifestations of conduct or expressions in word or explicit gesture;

3 12) the past manifestations of general discord or arguments between individuals;²⁰⁵

4 13) instances of friction between or among individuals.

5 SECTION 5. Intent may *not* be demonstrated by any unexpressed desires.²⁰⁶

6 SECTION 6. Intent is a resolution of the human soul that can be determined by the kinds of deductions which
7 a prudent and cautious man would draw from statements, actions or evidence presented during testimony
8 and is rarely capable of direct demonstration.

9 SECTION 7. Demonstration of intent is achieved through circumstantial evidence in which the maxim
10 "Actions speak louder than words" remains a guide for evaluation. ²⁰⁷

11 SECTION 8. A court may examine a person's activities in detail and thereby find valuable information which
12 substantiates that person's state of mind during the time(s) in question.²⁰⁸

13 SECTION 9. When establishing intent, it must be demonstrated that:

14 1) such intent is material to the case in point; and

15 2) such intent is demonstrated by inferences drawn from a chain of events, patterns of behavior or a system
16 of facts which do point to the motive; and/or

17 3) such intent fits into place with other desires and patterns in that person's life.

18 SECTION 10. The court may find it instructive to clarify matters of intent by requesting the following:

19 1) *Who* can testify concerning the evidence which points to intent?

20 2) *What* is the content of the testimony or the nature of the evidence presented?

21 3) *Where* did the witness learn about the information obtained?

22 4) *Why* did this information become available to the witness?

23 5) *Why* is it important to the issue at hand or the case as a whole?

24 6) *When* did the witness become aware of the event, statement, issue, fact, document, or other evidence
25 presented to the court?

26 SECTION 11. Judges should refer to Chapter 2:12 of this Directory of Church Discipline concerning
27 "humility" in order to help identify intent.

²⁰⁵ Deut. 19:5-6.

²⁰⁶ Example of improper presumption of intent based upon silence: A group of people are standing around and speaking good things about Person A. Person B says nothing about Person A, therefore the court assumes that the Person B has an evil intent about Person A.

²⁰⁷ Mat. 7:16-20.

²⁰⁸ Secular courts testify that juries "know" that innocent people generally do not flee the scene of a crime and physicians with nothing to hide do not ordinarily alter medical records on critical points.

CHAPTER 12

DIRECT AND CIRCUMSTANTIAL EVIDENCE

SECTION 1. The legality or illegality of evidence as determined by the civil magistrate is not binding upon the deliberations of the church court. Evidence gathered by unlawful means may, none the less, be considered by the church court. However, it may condemn and reserve the right to sanction appropriately any under its jurisdiction who do engage in biblically unlawful activities.

SECTION 2. *Direct* evidence consists of testimony concerning a knowledge as to facts in issue.

SECTION 3. *Circumstantial* evidence consists of a demonstration of facts, background, governing factors²⁰⁹ and qualifying factors²¹⁰ from which inference may be used to connect other facts which logically follow. Circumstantial evidence is often the best evidence the nature of the particular case permits and may be adequate. If direct evidence is alleged to exist, circumstantial evidence should not be used without a sufficient display as to the absence or inaccessibility of direct evidence or the more compelling nature of the circumstantial evidence.

SECTION 4. Circumstantial evidence can be accepted but only with caution. The mere fact that any evidence submitted to the court is circumstantial in nature is sometimes sufficient to prevent its admission.

SECTION 5. Circumstantial evidence must do more than raise a suspicion; it must move toward proof, invariably strengthened by Scriptural precept.²¹¹

SECTION 6. It is a presumption that certain basic facts are *prima facie*²¹² evidence of other facts.²¹³

SECTION 7. Judges must be aware not to allow any exaggeration or overstatement of the strength or absoluteness of inferences during the hearings.

SECTION 8. Judges must carefully scrutinize any “gaps” left in the chain of circumstantial evidence.

SECTION 9. Judges must be careful that litigants do not leave potential opposing inferences unanswered and/or unchallenged.

SECTION 10. Evidence demonstrating that an event did not occur is admissible. This is “negative evidence” and sometimes may involve the concept of “indirect proof”. Negative evidence is evidence that a fact did not exist or that a thing was not done, did not take place, or that a witness did not hear, see, feel, etc. Negative evidence must be relevant. If evidence is offered to prove or disprove a fact or circumstance which is not a matter in issue, it is said to be immaterial.

SECTION 11. Judges must note the absence of “real evidence” and evaluate why it may be missing.²¹⁴

SECTION 12. In handling reports, judges must note the absence of vital details and expected procedures.

SECTION 13. Negative evidence from a witness should include the following considerations:

²⁰⁹ That which forces or authoritatively compels an event.

²¹⁰ That which clarifies or characteristically identifies as part of some category.

²¹¹ A well connected chain of circumstantial evidence can be as conclusive of the existence of a fact as the greatest array of “positive evidence”. Circumstantial evidence is sufficient if it produces in the mind of the trier of facts a reason to believe a probability of the existence of the material fact at issue. The important consideration in this regard is not whether the finding is consistent or inconsistent with any other hypothesis which may be offered, but whether it could have been fairly and reasonably drawn from the circumstantial proof without conjecture. Judges must keep in mind the distinction between mere conjecture and reasonable inference. The rule as to circumstantial evidence is that a party will prevail when the evidence is sufficient in his favor. Strengthening the trustworthiness of a particular witness or undermining the testimony of a witness serves as one of the most devastating forms of demonstrating a fact (or demolishing it) by circumstantial evidence.

²¹² On its face, *i.e.* what is apparent is real.

²¹³ WLC 121. When this is asserted, it imposes upon the party relying upon the presumption the burden of proving the basic facts. But once the basic facts are found to exist, the presumption imposes on the party against whom it is directed the burden of proving that the nonexistence of the presumed fact is more probable than its existence.

²¹⁴ In civil/criminal courts such “real evidence” issues are continually raised, *i.e.*, no debris at automobile collision site; no evidence of violence at murder scene; lack of pediatrician's availability or presence in operating room at time of Cesarean section delivery; no fingerprints when it would be expected that they be present; no reported odor of alcohol in DWI case.

- 1) The witness must demonstrate having had a reasonable opportunity to observe or hear the thing or event.
- 2) The attention of the witness must be shown to have been directed toward the thing or event happening.
- 3) Consideration must be given to whether the facts or happening was common or unusual.
- 4) The witness must demonstrate adequate powers of sight, smell, hearing, and the like.
- 5) Determine whether the witness was indifferent to relevant details.
- 6) Consideration must be given to whether the witness was specifically looking for or was listening for the thing or event.

SECTION 14. Since causation means showing that an individual's action(s) played a role in bringing about a certain effect or result, the following questions may be helpful:

- 1) Did the defendant's conduct really make a difference insofar as it relates to the injury or damage alleged by the accuser?
- 2) How much difference did it make? In the case of heresy, is the damage alleged a public misrepresentation of the truth?
- 3) What else may have caused the result?
- 4) Is this the sole cause?
- 5) Can I rule out all other causes?
- 6) Could it be a coincidence?
- 7) Possibility versus probability versus absolute?
- 8) Are there any gaps in the testimony?

SECTION 15. "Character" embodies the attributes which belong to an individual. The word "character" may reference either real character or reputed character. In one sense, character is what a person really is. In another sense, character is measured and determined from reputation and is what a person is supposed to be.

SECTION 16. When evaluating character, it may be helpful to ask:

- 1) *Who?* Is the character of a character witness unimpeachable?
- 2) *What?* Is the description of character sufficient to establish reputation or to give testimony concerning particular character trait(s)?
- 3) *Where?* Where was such character demonstrated?
- 4) *When?* Was there such character testimony given prior to court, formally or informally, by a witness?
- 5) *Why?* If testimony has been given on other occasions (formally or informally), and is demonstrably different now, why has the testimony changed?

SECTION 17. "Authentication" is the process of establishing that an item of evidence is what it purports to be. As such, when evidence is introduced, it must be sufficient to support an inquiry that it is the writing/document or thing that the supporter of the evidence claims it is or that it can be established by such facts as are acceptable to the court.²¹⁵

SECTION 18. A "presumption" is a kind of evidence which is sufficient proof of the existence of another fact to which it relates. Presumptions are applied to reasoning/argumentation which assumes the truth of particular matters. Such may be warranted by Scripture, creedal expression, general experience, probability, or merely on established procedure, expedience, policy or habit. Such presumption functions in advance of argument/evidence and exists irrespective of such argument/evidence by "taking something for granted". Such presumption, excepting Scripture (and its creedal expression) alone, may dictate decision only where there is a lack of competent evidence to the contrary. When substantial countervailing evidence appears

²¹⁵ 1 Sam. 24. David cut Saul's robe in such a way that it was capable of being used as evidence.
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1 from any source, the presumption, excepting Scripture (and its creedal expression) alone, ceases to have any
2 function. In all cases whatsoever, Scripture prevails over all (apparent)²¹⁶ countervailing
3 argument/evidence.²¹⁷

4 SECTION 19. The doctrine of "judicial notice" is that which states that a court may take judicial notice of
5 facts that are common knowledge (capable of certainty in their verification) or such facts as are not
6 reasonably subjected to disputation. Scripture (and its creedal expression) is always presumed to be under
7 judicial notice without the need to state such at any time during the proceedings.

8 SECTION 20. The fact that a telephone conversation or any other form of communication (electronic or
9 otherwise) did or did not take place is often an important element of the evidence. The following may be
10 used to establish the truthfulness concerning telephone calls:

- 11 1) date;
- 12 2) time;
- 13 3) location from which a telephone call was placed;
- 14 4) the specific telephone number that was called;
- 15 5) testimony regarding how a witness became familiar with or knowledgeable of a particular telephone
16 number;
- 17 6) manner in which the call was placed (i.e. direct dialing, operator assisted, person to person, collect calls,
18 etc.);
- 19 7) Type of phone used (i.e. pay telephone, home telephone, speaker phone, etc.);
- 20 8) bill for phone call;
- 21 9) name of place or location called;
- 22 10) person called;
- 23 11) verification of telephone number from telephone book, address book, or similar source;
- 24 12) recognition of other voice at time of call;
- 25 13) recognition of voice presently before the court, even though the voice may not have been recognized at
26 time of the call;
- 27 14) testimony regarding records kept regarding the phone call;
- 28 15) records regarding other conversations between or among the parties involved;
- 29 16) identification of person as where party identifies himself during the conversation;
- 30 17) subsequent records regarding the conversation as kept by the party called;
- 31 18) proof of circumstances after a phone call that tends to corroborate the fact that other parties carried out
32 plans in accordance with what was said during phone conversation.

33 SECTION 21. The demonstration of a similar occurrence or condition may be an admissible piece of evidence
34 in that it may reveal intent, patterns of belief or behavior.²¹⁸

35 SECTION 22. Questions which point to the relevancy of similar conditions or occurrences include the
36 following:

²¹⁶ The word "apparent" is used to indicate that the Scripture cannot be contradicted nor found to be errant. However, judges must be sure that such evidence, as is alleged, is not being misinterpreted so as to point to other Scripture truths instead of the mistakenly alleged contradiction of a Scripture truth.

²¹⁷ Where there is evidence which demonstrates that a letter has been mailed, there is a presumption of the receipt of the letter by the party to whom it is addressed.

²¹⁸ The following are examples of similar acts, or occurrences used in civil courts: defendant physician's prior conduct of continuously failing to arrive for delivery of an infant on a timely basis, habit evidence, prior accidents or injuries (or lack thereof), subsequent accidents or injuries (or lack thereof), customs and practices.

- 1) To what extent was the conduct or condition really similar or comparable?
- 2) Is the conduct or condition connected in some special way indicating a relevancy beyond mere similarity as to some particulars?²¹⁹
- 3) Will proof of similar conduct tend to show or explain the purpose and character of that particular occurrence under scrutiny?
- 4) Was there similarity of the mechanisms by which the conduct took place or the condition was permitted to exist?
- 5) Are the similarities so related in character, time, and location as to support the conclusion that they were part of a plan or system or which tend to show the existence of a plan, system, custom, or practice?
- 6) What is the extent of dissimilarity?

SECTION 23. Testimony given by a witness may be strengthened or weakened by the following:

- 1) character evidence;
- 2) prior inconsistent statements (such as depositions, statements, confessions, conversations, written materials and much more);
- 3) a bias or partiality;
- 4) a conflict of interest;
- 5) a motive;
- 6) a prior conviction of a sin or crime;
- 7) a contradiction by other witnesses;
- 8) an impeachment of another witness;
- 9) an exaggeration or carelessness with respect to truth-telling on the part of a witness;
- 10) a demonstration that the testimony of a witness has been rehearsed;
- 11) a holding to an absolutely absurd position or testimony;
- 12) a showing that a witness has disreputable people among his associates;
- 13) an heretical doctrine or affiliation;
- 14) a prosecuting witness has a history of making unfounded charges; and/or
- 15) an unregenerate world-view or sinful presuppositions.

SECTION 24. The court may allow witnesses to testify as to their "personal opinion" depending upon the credibility of the witness and his familiarity/expertise with the doctrine, subject, entity, or person(s) involved.

SECTION 25. A court may weigh the following factors in order to determine the strength of the testimony concerning a witness who provides character evidence:

- 1) the nature of acquaintance with the person in question;
- 2) the duration of acquaintance with the person in question;
- 3) a relationship or proximity of residences;
- 4) a relationship or proximity of working places;
- 5) a relationship through recreational activities;
- 6) discussion with others about the individual(s) in question regarding character or doctrine;

²¹⁹ For example, in civil court, "modus operandi" in, say, a series of burglaries, is often established by such similarities.
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- 1 7) knowledge (direct or hearsay) regarding details which he used to form a basis for his opinion;
- 2 8) relationship through church and/or other ministries and activities;
- 3 9) frequency of contacts; and/or
- 4 10) personal incentive

CHAPTER 13

DEFAMATION OF CHARACTER

SECTION 1. Slander and libel are both forms of defamation. Slander is an accusation maliciously uttered to a third party, with the purpose or effect of damaging the reputation of another. As a rule it is a false charge; but it may be a truth circulated insidiously and with a hostile purpose. Libel consists of knowingly publishing written matters that are untrue which tend to prejudice others concerning another person's character, reputation, calling, office, business, or means of living.²²⁰

SECTION 2. A person who has been allegedly hurt by the lies that another has uttered or published must be allowed to testify, if the testimony is relevant to the charge or evidence, despite the strong inclination to judge the testimony as partial or vindictive.

SECTION 3. When the evidence in a slander charge is such that the actual name of the one allegedly slandered was not mentioned, then the judges must determine if:

- 1) it really was the plaintiff or another who was defamed,
- 2) whether the plaintiff was mistakenly identified or defamed by a witness, or
- 3) whether a defendant sought to implicate the plaintiff in an indirect way.

SECTION 4. The following may assist judges in the identification of the individual allegedly defamed:

- 1) discussion of names of individuals closely associated with the one defamed;
- 2) discussion in statement of activities closely associated with the individual;
- 3) testimony from individuals that a significant number of people understood that the statement referred to the individual;
- 4) reference to another individual who has a name identical to that of the individual in question;
- 5) reference to an individual who has a name very similar to that of the individual in question;
- 6) reference to a nickname or a fictitious name or substitute name that obviously refers to the individual in question and is understood by a significant number of persons to refer to him;
- 7) reference to the individual's business, family, activities, home, address, location, profession, calling or occupation, physical characteristics;
- 8) mimicking or imitating him;
- 9) use of his photograph or a cartoon or caricature of the individual;
- 10) holding him in effigy;
- 11) reference to another individual or organization identified with the individual;
- 12) the fact that a statement could possibly refer only to the individual in question, as opposed to someone else;
- 13) the fact that the individual understood words to refer to him;
- 14) previous ill will and friction between the individual and the alleged defamer; and/or
- 15) other publications or statements made by the alleged defamer which specifically made reference to the individual in question.

SECTION 5. There are items which tend to show that the statement at issue was false:

- 1) testimony from the alleged defamed that the statement was false;
- 2) testimony from the witnesses (with knowledge) that the statement was false;

²²⁰ Pro. 11:9; Psa 52:2; Pro. 10:18; 16:27-30; Matthew 5:11. Lev.19: 14, 16, 18, 33; 1 Tim. 5: 13-15; 1 Peter 3: 9. See WLC 143-145 for guidance.

- 1) present admission from the alleged defamer that he now knows the statement is false;
- 2) admission from the alleged defamer that he knew the statement was false at the time of the statement;
- 3) testimony that he made the statement as an opinion without verification that the facts were truthful or false;
- 4) impossibility that the statement is true;
- 5) statements by the alleged defamer showing ill will toward the individual who was allegedly slandered; and/or
- 6) improbability of the truthfulness of the statement due to its absurdity.

SECTION 6. A statement which is defamatory may be considered in process of being retracted when:

- 1) there is a demonstration of a lack of ill will or a “healing of the wound” between the parties, or a lack of vindictiveness on the part of the alleged defamer;
- 2) the alleged slanderer’s attempt to do more than just simply retract, but to go on and heal the harm that has been done to the defamed reputation by additional means, such as writing letters, making telephone calls, and following of the requests of the defamed;
- 3) showing that publication was made erroneously or inadvertently;
- 4) showing that publication was an honest mistake;
- 5) publishing information about plaintiff that would tend to make “readers” or “listeners” praise him, like him and sympathize with him;
- 6) defendant working with plaintiff and/or his representative regarding the retraction;
- 7) distributing the retraction to an equal or greater number of individuals than received the initial publication;
- 8) speedy circulation of the retraction;
- 9) placing the retraction in a presenting manner of prominence or authority or high repute;
- 10) a sincere delivery of the retraction in a straightforward manner without facetious and sarcastic comments or implications;
- 11) a genuine apology or the seeking of forgiveness;
- 12) a lack of self-justification or a lack of inflammatory manner, which would otherwise have made the original publication worse;
- 13) accepting full responsibility and blame for the initial publication or statement;
- 14) putting into effect a policy or procedure to guard against similar incidents in the future; and/or
- 15) follow-up contacts with plaintiff or plaintiff’s representative inquiring as to their satisfaction with the retraction.

SECTION 7. In all cases whatsoever, retraction is to be deemed complete when restorative measures are undertaken which rights the wrong by:

- 1) doing any of the above listings, Section 6, (1-15);
- 2) correcting all the known false facts, statements, or improper comments; and
- 3) doing what is biblically responsible to restore the loss to the one defamed in ways specified by the defamed individual; and
- 4) in any sanctionable issue the judges must be careful that the remedies remain within the limits prescribed by Scripture.

CHAPTER 14

CENSURE AND RESTORATION OF DISCIPLINED INDIVIDUALS²²¹

SECTION 1. In any event, the injured party retains the right to waive or request biblically prescribed sanctions and/or restitution irrespective of whether such injured party made the charge. However, in public offenses the church retains the power to reprove or excommunicate without consulting the injured party's desire in the matter.

SECTION 2. A court may withhold the privilege of partaking of the Lord's Supper of a person charged with a heinous sin²²² without censure until the case is adjudicated. Without an intent to insinuate or impune guilt, the court in such instances, merely seeks to guard the purity of the sacrament and protect the peace and unity of the church.

SECTION 3. The censures of the church are appointed by Christ for the preventing, removing, and healing of offenses in the church, for the reclaiming and gaining of offending brethren, for the deterring of others from the like offenses, for purging out the leaven which may infect the whole lump, for vindicating the honor of Christ, and of His church, and the holy profession of the Gospel, for preventing the wrath of God that may justly fall upon the church if it should allow His covenant and the seals thereof, to be profaned by habitual and obstinate offenders.

SECTION 4. If an offense be private, all effort should be taken to keep such matters private so as not to scandalize, discourage nor unduly involve other individuals. The censure is reproof and restoration in such cases, if repentance is secured at this point. If the sin remain unrepented, then the steps of Matthew 18 as already specified, gradually increase the public knowledge thereof and are a censure in addition to any which may later be inflicted. If the sin publicly assaults righteousness and is generally and publicly known throughout the community (either church or society), then the congregational presbytery may choose to address the issue first, waiving the first 2 steps of Matthew 18 as our Lord did publicly with the Pharisees.

SECTION 5. If the church discern the offender to be willing to hear yet not fully convinced of his offense, as in a case of heresy, they are to dispense to him a public admonition which declares him to be under the public offense of the church and thereby withholds or suspends him from the holy fellowship of the Lord's Supper until his offense be removed by repentance and public confession, restoration and restitution, as demanded by the victim and congregational presbytery in accordance with the law of God.

SECTION 6. If he still continue obstinate, then the congregational presbytery is to cast him out by excommunication. Such is declared to the congregation to be "excommunicated".

SECTION 7. Repentance must come verbally from the mouth of the actual offender and restitution must be made through him or another of his choosing.

SECTION 8. When a covenant head (including officer-bearers), in matters pertaining to charges, places or supports the placement of charges against any person over which he has covenantal authority, the offender, even if excommunicated, is still deemed to be "in subjection to the covenant head" who has placed or has so supported the placement of charges. Thus, if the covenant head be supportive of the charges, procedures and sanctions of the broadest court to which the case has been appealed, his home is still deemed to be "in subjection to him".

SECTION 9. In dealing with the victim, neither the congregational presbytery nor any presbyterian adjudicators may waive his right to restitution or penalty, according to the law of the Lord.

SECTION 10. In dealing with an obstinate brother, great care is to be taken that we be neither over strict nor rigorous nor too indulgent or remiss, having a spirit of meekness coupled with steadfastness, considering ourselves lest we also be tempted. On some have compassion, others save with fear.

SECTION 11. While the offender remains excommunicated, the church is to refrain from all member-like communion with him in spiritual things, and from all familiar communion with him in civil things, farther

²²¹ Sections 19-21, 25-26 updated at 6-2007 American Presbytery. See minutes for grounds and details.

²²² Mat. 18:17-18; Outrageous evil of a scandalous and publicly known nature.

1 than the necessity of natural or domestic or civil relations do require. The church is to forbear eating and
2 drinking with such a person.

3 SECTION 12. Once excommunicated, the offender may not be relieved of his condemnation unless he be
4 made right with the church which has condemned him or the broader court which has oversight of the
5 church in such cases.

6 SECTION 13. Excommunication, being an ecclesiastical punishment, does not prejudice the offender in, nor
7 deprive him of his civil rights, as defined by God's law. Since even publicans may come to hear the Word
8 preached, so also the offender may avail himself of hearing the Word. In addition, such a one is not to be
9 accounted an enemy but rather admonished as would a brother because he is not without hope of recovery.

10 SECTION 14. If the Lord sanctify the censure to the offender and he repent before the congregational
11 presbytery, judging himself, giving glory to God and he make such restitution and restore such as is
12 demanded of him by the victim and congregational presbytery in accordance with the Law of God, then the
13 church is to forgive him and comfort him and to restore him to the communion of the church and all rights
14 as he held previously as a member. However, he may not be restored to office in the church, unless the
15 congregational presbytery approves in matters which pertain to ethics. Doctrinal charges which secure
16 repentance before the broader presbytery, move to the individual congregational presbyterial authority for
17 restoration. If the congregational presbytery refuses to restore him to his office in light of his repentance,
18 then he may appeal to the broader presbytery for restoration.

19 SECTION 15. Allowing profane or scandalous individuals to continue in fellowship and partake in the
20 sacraments is doubtless a great sin in those who have power in their hands to redress it and do it not.
21 Nevertheless, inasmuch as the faithful in the church of Corinth, in which there were many such scandalous
22 persons and practices, are never commanded to separate themselves from the sacraments, so the godly, in
23 like cases, are not to separate themselves but to go privately to the offensive party(s) in order to reprove and
24 call for repentance.

25 SECTION 16. If a member is convinced of his local church's sin in apostasy or grievous heresy, before he
26 leaves the church, he must avail himself of the opportunity to go to the congregational presbytery for a
27 hearing. If he gains no satisfaction, then he may appeal to the broader presbytery for a hearing. If
28 presbytery hears his request, then it shall convene a meeting of the member and the congregational
29 presbytery to determine the issue. If the congregational presbytery be found guilty, the member may leave
30 the church in good standing (if no other charges or sanctions are pending against him) receiving, either a
31 letter of transfer to another CRPC church, or a certificate of good standing to another church, the broader
32 presbytery having care of his departure in place of the congregational presbytery. If he refuses to depart,
33 then he may at any subsequent time, transfer from the church. If he transfers at a subsequent time and he is
34 under discipline, he may request the broader presbytery to hear the case, if he alleges that the discipline is
35 vindictive in nature.

36 SECTION 17. There are several degrees of censure in ecclesiastical/judicial discipline: admonition, rebuke,
37 suspension, deposition, and excommunication. These may be accompanied with restitution or other
38 restorative measures, as the victim and court agree. Censures shall be announced in the name of the Lord
39 Jesus Christ. They are declared as an act of the church with the moderator speaking on behalf of the trial
40 court.

41 SECTION 18. If a person, who has been judged guilty by the church, refuses to present himself for censure,
42 then another time shall be set and he again shall be summoned. If he does not appear after this summons,
43 the censure will be pronounced without him.

44 SECTION 19. This is the lightest degree of censure and is commonly used by the court in cases of neglect of
45 duty. Judicial admonition is administered when the offender is confronted with his sin, warned of his peril,
46 and exhorted to repent so that he may be faithful in the future in his walk with Christ. This may be
47 accompanied with restitution or other restorative measures, as the victim and court agree in accordance with
48 the Law of God. The court may also make the people under its oversight aware publicly of the fact of and
49 reason for the admonition, though this is not required and is left to the discretion of the court, though it may
50 be requested by the sinner.

51 SECTION 20. This is a censure for a more aggravated sin and is commonly used by the court in cases of

1 active transgression or of continued neglect of duty in spite of counsel. It is a setting forth the serious nature
2 of the offense, reproving him of his offense, and exhorting him to repentance and faithfulness in his walk
3 with Christ. This may be accompanied with restitution or other restorative measures, as the victim and court
4 agree in accordance with the Law of God. The court may also make the people under its oversight publicly
5 aware of the fact of and reason for the rebuke at its discretion or at the request of the sinner.

6 SECTION 21. This is the temporary exclusion from the privileges of church membership, including
7 participation in the sacraments or from the exercise of ordained office or from both. (The matter of
8 exclusion of an ordained officer-bearer who is a member of presbytery may only be in such cases as fall
9 under the jurisdiction of the local congregational presbytery and will require notice being served to the next
10 broader presbytery. An officer-bearer who is denied the privileges of membership in his church must be
11 suspended from office. However, he may be suspended from office without being denied the privileges of
12 membership.) This becomes necessary when members are guilty of gross sin or of persistent neglect. This
13 censure shall be pronounced by the moderator in constituted court, and in the name of Jesus Christ. At the
14 discretion of the court, this discipline shall either be “silent censure” (i.e. not made public, but because of
15 the nature of the offense kept silent) or otherwise make the people under its oversight aware publicly of the
16 fact of and reason for the suspension. The lifting of suspension depends on evidence of repentance.

17 SECTION 22. An officer-bearer or member, while under suspension, shall be treated with peaceable and
18 earnest entreaty with the intent that he might repent and be restored. When the trial court has pronounced
19 the censure satisfied, the censure shall be removed and the offender restored. A solemn admonition shall
20 follow such announcement of the removal and restoration of the suspended party. Such a party may be
21 restored to the privileges of membership of the church without being restored to office in it.

22 SECTION 23. When a minister of the Word is suspended, the court shall immediately notify all presbyteries
23 of the church through the communication clerk of each presbytery, and he shall cease from preaching or
24 teaching duties or the exercise of other privileges of his office anywhere.

25 SECTION 24. In the case of a suspension of a pastor for an indefinite period of time, the presbytery, after
26 having heard the case on appeal in ethical matters, shall decide if the pastoral relationship is dissolved.

27 SECTION 25. Deposition is the declaration by the trial court to the congregation or ministry in which the
28 office-bearer lately presided, that the offender is no longer an office-bearer of the church. In the case of a
29 minister of the Word, the trial court shall declare the pulpit vacant, the pastoral ties dissolved and the
30 sentence shall be read before the congregation. Such shall be announced to all presbyteries of the CRPC,
31 and read in all the churches and the individual shall cease from preaching or teaching duties or the exercise
32 of other privileges of his office anywhere. Such deposition from office shall cause the presbytery to erase
33 his name from the roll of ministerial members. It may also be accompanied by suspension from church
34 privileges. This censure shall be imposed for serious offenses in doctrine or in conduct that obviously
35 disqualify the person for exercising office. The sentence shall be pronounced by the moderator in
36 constituted court, and in the name of Jesus Christ. The court shall also make the people under its oversight
37 aware publicly of the fact of and reason for the suspension.

38 SECTION 26. Excommunication is the disciplinary exclusion of a member from the visible church. It should
39 be imposed only for such malignant errors or persistent violations of God’s law as are grossly inconsistent
40 with the Christian profession of faith or subversive to the doctrine and order of Christ’s Church. All
41 possible efforts should first be made to bring the sinner to repentance. Excommunication shall be
42 pronounced by the moderator in constituted court and in the name of Jesus Christ. Prayer shall be offered to
43 God for mercy and repentance. In the case of a minister of the Word, if an announcement has not
44 previously been made, the trial court shall declare the pulpit vacant, the pastoral ties dissolved and the
45 sentence shall be read before the congregation. Such shall be announced to all presbyteries of the CRPC,
46 and read in all the churches and the individual shall cease from preaching or teaching duties or the exercise
47 of other privileges of his office anywhere. The court shall make the people under its oversight aware
48 publicly of the fact of and reason for the excommunication. Members should then relate to the person as
49 one who is outside the visible church and in need of repentance and salvation.

50 SECTION 27. All suspensions, depositions, and excommunications shall always be accompanied by prayer to
51 God in the church and courts which shall hear the case, to the effect that the Lord would use the discipline to
52 restore the offender, edify the church, cause others to fear, and glorify Himself. All trial courts are exhorted

- 1 to exercise continual pastoral care and concern for the convicted parties encouraging reconciliation and
2 restoration. Where an appeal is concluded by a broader court, a committee shall be appointed to minister to
3 all parties (including original courts), providing counsel and seeking restoration and reconciliation.
- 4 SECTION 28. If, after a year, a person indefinitely suspended has not repented, the court shall review the case
5 and determine whether to continue the suspension or inflict a more severe censure. It may proceed to
6 deposition or excommunication without further trial.
- 7 SECTION 29. A deposed or excommunicated officer-bearer cannot resume office without being ordained
8 again.
- 9 SECTION 30. All restorations shall be accompanied by a prayer of thanksgiving and praise in the church and
10 judicatories which have handled the charges and sanctions.
- 11 SECTION 31. In all cases of offense which involve a specific person who has sustained real financial loss due
12 to the offense itself and its consequences²²³, when sentence is declared the victim shall declare only up to
13 the maximum allowable amount of the sanction according to the law of God. In matters requiring
14 restitution, twofold restitution shall be deemed sufficient in all common matters. Fourfold restitution shall
15 be required in all matters where the damage inflicted a financial loss involving great hardship upon the
16 victim. In matters of jeopardy (including financial jeopardy) inflicted upon the victim, fivefold restitution
17 shall be the maximum allowed by the court.
- 18 SECTION 32. Once the court shall announce the sentence and the maximum allowable amount, the victim
19 shall determine how much, if any, of the maximum allowable amount shall be paid.
- 20 SECTION 33. If the offender refuses to pay the specified amount at all, and gives no sign of cooperation to
21 the victim and court concerning payment, he may be excommunicated for failure to repent.
- 22 SECTION 34. If the offender cannot pay the specified amount, he shall make arrangements to pay the amount
23 over time as the parties shall mutually agree.
- 24 SECTION 35. If the offender cannot pay the specified amount, he shall so swear before the church of this
25 issue and, if he later shows ability to pay and he refuses, he shall be excommunicated for impenitence and
26 fraud.
- 27 SECTION 36. Any transfer or sending to another church authority shall be accompanied with a full
28 explanation of what is owed to the victim, and the charges which brought the sentence. If then the victim is
29 defrauded of the amount owed, by a refusal to pay, and he is a member of a non-CRPC church, the sending
30 church will understand him to be an heathen²²⁴ as any other who breaks his oath (Psa. 15: 4, Lev. 5:4²²⁵)
31 and stands in contempt of governments (2Pe 2). If so, then the victim shall count him as an heathen and
32 may sue him at law. But if the church is a CRPC church, he shall be charged to the presbytery of the victim
33 before any such action and presbytery shall investigate and handle the payment, intercede with the
34 presbytery of the accused if needed and inflict a judgment even unto excommunication upon him, working
35 in conjunction with the other presbytery.
- 36 SECTION 37. When a noncommunicant member neglects the ongoing exhortation of the congregational
37 presbytery and rejects his covenantal responsibilities, the congregational presbytery will proceed with
38 disciplinary action.

²²³ “The fruit of the poisoned tree vitiates all that it touches”, is the phrase which states the consequences are the responsibility of the offender as reasonably as possible.

²²⁴ Obviously, the court cannot “excommunicate” a person who is not its member. However, since the member was not excommunicated for having sworn agreement to the sentence when under the authority of the church, now that he is gone from its jurisdiction, the court can understand his real state of soul and so advise the victim.

²²⁵ Lev. Reference added 11-2008 Presbytery. See Minutes XV, D, (10).

CHAPTER 15

CASES WITHOUT FULL PROCESS

SECTION 1. If any member should come before the court of original jurisdiction over him and confesses an offense, such a court shall first determine the nature of both sin and sanction and then go on to judgment without full process. Any member who voluntarily refuses the Lord's Table once shall be noticed by the congregational presbytery and, if the same should occur a second time, he shall be approached in order that congregational presbytery may inquire as to the nature of the refusal, and offer its help to the individual as may be needed.

SECTION 2. Erasure is an act of discipline without full process. A member of a church may be removed from the roll of the church by erasure under the following circumstances:

- 1) When a member desires to be dismissed to a church of which the congregational presbytery cannot approve as a church of like faith and practice and the spiritual interests of the member will not be served by uniting with such a church, and the congregational presbytery cannot dissuade the member, it shall grant him a certificate of standing, unless the congregational presbytery institutes disciplinary action against him. On being informed that the member has joined such a church, the secretary will erase his name from the roll and record the circumstances in the minutes.
- 2) When a member of a church, whether or not he be charged with an offense, informs the congregational presbytery that he does not desire to remain in the fellowship of the CRPC, and the congregational presbytery cannot dissuade the member, it shall erase his name from the roll and record the circumstances in the minutes, unless the congregational presbytery institutes or continues disciplinary action against him.
- 3) When a member unites himself to a church of another denomination without a certificate of dismissal, the congregational presbytery may erase his name from the roll and record the circumstances in the minutes or proceed with disciplinary action against him.
- 4) When a member cannot be found, the congregational presbytery may, after two years, erase his name from the roll and record the circumstances in the minutes, unless it has cause to believe he has willfully abandoned family and/or church, in which case, it may proceed with disciplinary action against him.
- 5) When a member, without an adequate reason, continues to attend a church of another denomination, or persistently over an extended period of time is absent from the stated services of the church, the court will determine what penalty is appropriate. His name may be erased according to the following procedure: He shall be earnestly dealt with by the congregational presbytery of the church. That failing, he shall be notified that the congregational presbytery will be meeting at a time not less than three months later to review his standing in the church. The congregational presbytery will inform him of the time, date and location of the meeting and will invite him to attend in order to demonstrate a reason as to why a penalty should not be imposed.

SECTION 3. The names of ministers of the Word can be removed from the roll of the presbytery by erasure under the following circumstances:

- 1) When a minister, whether or not he is charged with an offense, tells the presbytery that he desires to be released from the jurisdiction of the CRPC by abandoning his ministry and/or membership, or when he declares himself to be independent, or joins another body without a regular dismissal, the presbytery should seek to dissuade him from his course, and, if such efforts fail, it shall erase his name from the roll and record the circumstances in the minutes unless the presbytery decides to institute disciplinary action against him.
- 2) When a minister has been absent from all presbytery meetings for two years and cannot be found by presbytery, his name shall be erased from the roll, unless it has cause to believe he has willfully abandoned family and/or church, in which case, it may proceed with disciplinary action against him, first weighing the discipline of the congregational presbytery which has original jurisdiction over the man. In such a case, the congregational presbytery shall first proceed with any disciplinary action against him. The regional presbytery alone, however, shall have power to erase his name from the roll of ministerial members and may call the case before it, after the congregational presbytery has judged.

1

The congregational presbytery shall have two years to make its charge(s).

CHAPTER 16

PROCEDURES CONCERNING EVENTS PRIOR TO INCLUSION IN PRESBYTERY

SECTION 1. Any charges made against a church or its officer-bearer(s) concerning events occurring prior to inclusion of the church as a member in the presbytery (either upon formation of presbytery or simple desire of a congregation to become a member of an already existing presbytery), such charges will be immediately referred to the original congregational presbytery for a hearing. If the congregational presbytery has determined the case already or has already made a binding decision in the matter, then it shall state its decision without further hearing, shall write its report to presbytery, and if appealable, then presbytery may hear the case if it can establish jurisdiction in the matter. However, if the party(s) making the charge(s) have previously refused²²⁶ to meet with the individual or congregational presbytery on previous occasions for adjudication then the case, *prima facie*²²⁷, shows bad faith and shall be adjudged on the basis of one who, having not raised a objection, then has no objection.

SECTION 2. Presbytery has no jurisdiction in such cases where one or more of the following apply:

- 1) the individual is determined to be guiltless or the matter was held to be without foundation by a previous court broader than the congregational court of an individual church (*Res Judicata*);²²⁸
- 2) statute of limitations²²⁹ for such a charge has expired, as determined by CRPC *Directory of Church Discipline*;
- 3) matters pertaining to the sequence and procedures of Matthew 18:15-17 (DCD, Chapter 2) were grossly neglected or miscarried by the accuser;
- 4) there exist no known unsecured injured parties who made accusation as per Matthew 18 and were left with their case untried by virtue of being powerless to compel the accused though they sought such an hearing;
- 5) where the accuser has had opportunity previously to charge the individual in his own church or to his own congregational presbytery and has not availed himself of the opportunity.

SECTION 3. The same procedure shall apply to any charge against an officer-bearer. If an issue shall be referred to the congregational presbytery of the officer-bearer's church, and if the congregational presbytery finds that a complaint was never raised before it as a chargeable offense then they shall adjudge the case on the basis of one who does not raise an objection, then having no objection. If there had been a request made in times previous to the congregational presbytery and charges preferred and the accusing parties did seek a hearing, then the congregational presbytery shall try the case and make its decision. If the case be appealable, then the broader presbytery shall hear it.

SECTION 4. Non-members of the CRPC may not charge any officer-bearer without the concurrence of his congregational presbytery, and, if concurrence, then such charges must go to trial, except in cases referenced in Sections 1 and 2 above. If concurrence is refused, then the issue may be appealed to the broader presbytery, and received by such a body if and only if a definite and sanctionable issue documented in the law of the Lord is proved by the parties making the charge (except in the cases referenced in Sections 1-2 above). Concurrence of the congregational presbytery means that:

- 1) the congregational presbytery shall consider the charge and its evidence to see if a breach of the law of the Lord is involved, otherwise the issue stops immediately, and
- 2) the parties will contract to be sanctionable for perjury (publicly sanctioned by the broader presbytery, chargeable by the broader presbytery unto their own church courts for the maximum sanction they seek from the CRPC).

²²⁶ Refusal to meet with a congregational presbytery of a man includes the decision not to at least send notice to that congregational presbytery after attempting Matt. 18, of a desire to meet with it and make accusation. Obviously, if he cannot try to approach the accused or the congregational presbytery, he has consciously refused to make accusation. If one does not raise an objection, one does not have an objection.

²²⁷ On its face, *i.e.*, what is apparent is real.

²²⁸ "It has already been judged."

²²⁹ Two years, unless there are extenuating circumstances.

1 SECTION 5. Concerning Section 4, perjury may be applied by the congregational presbytery to the non-
2 member accuser if it deems it appropriate, on the following terms:

- 3 1) if the charges or testimony are found to have been falsified;
- 4 2) if the charges or testimony are found to have been misrepresented by the accuser through the omission
5 by the accuser of pertinent information which could have justly ended the issue before process or shed
6 further light upon it; and/or
- 7 3) if the charges or testimony are found to have been sufficiently mismanaged by the accuser to deny the
8 cause of justice being served.

9 SECTION 6. If a minister or church refuses to submit to an inquiry concerning a charge or issue occurring
10 prior to his/its inclusion and reception into the CRPC, the broader presbytery may reject the application.

11 SECTION 7. Those individuals and churches which constitute the original founding churches of the CRPC,
12 may enter the CRPC only with a mandate to form presbytery from their churches. They may withdraw with
13 honor within a year of the signing of the *Book of Church Government*.

CHAPTER 17

DIVESTING FROM OFFICE

SECTION 1. An officer-bearer may be divested from office or deposed by judicial discipline in doctrine or life, according to the *Directory of Church Discipline*.

SECTION 2. An officer-bearer may be divested from office without censure for the following reasons other than sin in doctrine or life:

- 1) mental or physical incapacitation, as determined by his congregational presbytery, though automatically appealable to the broader presbytery by the minister, at his discretion and within two years of the divestiture;
- 2) personal crisis/trauma causing him such grief as to be unable to fulfill his calling, as determined by his congregational presbytery, though automatically appealable to the broader presbytery by the minister, at his discretion and within two years of the divestiture;
- 3) an honest matter of conscience with respect to doctrine in which he may be unable to further subscribe to the standards of the CRPC. In such a case, he may be divested from office by his congregational presbytery or the broader presbytery without doctrinal trial only if the doctrine be such as still enables him to be a Christian, unless he contests such a decision.
- 4.) if he fails to perform his duties through lack of the requisite gifts and his congregational presbytery so appeals to the broader presbytery for his removal.

SECTION 3. If there is an attempt of divesting an officer-bearer from office without censure, he shall have opportunity to appeal to the broader presbytery.

SECTION 4. A motion to divest without censure requires 3/4 votes of the court assembled.

SECTION 5. A broader presbytery may divest a minister from office if he fails to seek a pastoral charge actively for three years, unless he shows good cause.

SECTION 6. If a ruling elder or deacon shall be divested of office without his agreement and trial, then the congregational presbytery shall call a congregational meeting and if there is a 3/4 vote of the congregation to divest, the issue shall then go to the broader presbytery which shall divest him upon the vote of a majority of votes of those assembled. In all cases, the officer-bearer shall have a right to plead his case before the congregational presbytery so votes, before the congregation so votes, and before the broader presbytery so votes.

SECTION 7. An officer-bearer other than the pastor who desires to resign or refuses to serve in office shall be counseled by the congregational presbytery and, if he still maintains his position, he shall demit his office and the congregational presbytery shall record the issue in its minutes and notify the broader presbytery.

SECTION 8. Nothing in this chapter shall be construed to imply that when an office-bearer retires or is retired because of advanced age or a health condition that he is considered divested of office or prevented from seeking to attend to office again and leave his retirement.

SECTION 9. Removal Of Ministerial Credentials For the Unauthorized Departure of a minister from the CRPC.²³⁰

- 1.) Should a minister, holding credentials in the CRPC, leave his local church or the CRPC, or seeks to remove or transfer his credentials in any way not set forth in DCO 23:20, this shall be considered to be a lawless, vow-breaking of their covenant with the CRPC. Such action(s) are to be construed by the regional presbytery as a demitting of the Gospel ministry as far as the CRPC is concerned. His ministerial credentials shall thereby be considered demitted and he shall be given a dishonorable dismissal from the presbytery as far as his ministerial credentials are concerned. Until such action is confessed and repented of, this action is not reversible irrespective of reception into any other ecclesiastical body. Any charges pending against a minister leaving under these circumstances

²³⁰ Section 9 added at 11-2007 Presbytery. See minutes XIV. P. for details and grounds.
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1 continue to stand and shall be handled according to the DCD as would be anyone remaining a minister
2 in the CRPC.

3 2.) Should the CRPC become aware that in such cases as set forth in DCD 17:9 1) above, that a minister
4 has joined with another ecclesiastical body without such reconciliation, that body should be notified of
5 the action of the CRPC. Furthermore, even should reconciliation be effected with the CRPC, then he
6 would need to be examined and ordained by such group as one having no ministerial credentials. A
7 minister removing or transferring his ministerial credentials without the approval of the regional
8 presbytery shall be likewise considered the same as renouncing jurisdiction of the CRPC as covered
9 above. No minister may leave the CRPC in this fashion without his credentials being thus
10 demitted/surrendered. In such cases, the minister shall be notified of the above action by the regional
11 presbytery at which the action is taken. This letter shall be made public in all the churches and set forth
12 as part of the public record in the short report for publication on the CRPC website. Should
13 reconciliation be later concluded, public notice of that will likewise be made, and notice of such action
14 shall be noted in the past short report record so as to thereby update the records lest the more recent
15 developments not be known.

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CHAPTER 18
COMPLAINTS

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3 SECTION 1. A complaint is a written representation which charges a court with delinquency or error. It is
4 not an appeal or a protest. It may be brought by an officer-bearer or member of a CRPC church or any
5 CRPC presbytery. A complaint may be brought against any presbytery.
- 6 SECTION 2. The complaint should first be brought to the presbytery which is alleged to have been delinquent
7 or in error asking for correction and/or remedy. The claim should be made in a timely manner and in no
8 case later than 24 months after the alleged event, unless there are extenuating circumstances.
- 9 SECTION 3. Once a complaint has been filed, and an official acknowledgement given (or mailed) to the
10 complainant, the presbytery must respond to the complaint within 60 days from the meeting at which the
11 complaint was received or when filed with the clerk of the presbytery whichever occurs first. Notice of
12 intent to appeal must be filed within 30 days from the date of any denial. An appeal to the next broader court
13 must be filed within 90 days of such denial.²³¹
- 14 SECTION 4. After the complaint has been brought to the broader court, the secretary of the presbytery against
15 which the complaint was made shall submit to the secretary of the broader court all the papers, facts of the
16 cases, certified copies of minutes or other documents related to the case.
- 17 SECTION 5. Any appellate court answer to a complaint shall be sent to all prior courts and the complainant.

²³¹ “and an official acknowledgement given (or mailed) to the complainant, the” added 11-2007 Presbytery. See minutes XIV. L. for details and grounds.

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CHAPTER 19
DISSENTS AND PROTESTS

- SECTION 1. Any member of a court who is allowed to vote and who votes against the action being taken may request that his dissenting vote and his reasons for such dissent be recorded in the minutes of the court.
- SECTION 2. Any member of a court may file a written protest which states the reasons for objecting to an action or judgment of the court. It must be filed with the secretary of the court within 10 days of the action. The protest shall be read to the court and shall be recorded in the minutes of the court to which the protest pertains.
- SECTION 3. If desired, the court may place a response to the protest in the minutes.

CHAPTER 20

APPEALS

SECTION 1. The secretary shall transmit all records from the trial to a broader court in cases of appeal including the chronology.²³² The minutes are owned by the court of original jurisdiction. Copies may be provided to each of the interested parties and witnesses (limited to a court validated copy of their testimony and cross-examination).

SECTION 2. An appeal is the removal of the case from the jurisdiction of a court which heard and judged in the matter by the filing of a petition requesting that the judgment of the court be overturned or modified. An appeal may be made by the accused or a court whose judgment was reversed or modified by the appellate court.

SECTION 3. The grounds for appeal, in most cases, will include one or more of the following:

- 1) gross injustice;
- 2) potential sanctions disproportionate to the alleged sin (and the court proceeds to inflict such penalties) or contrary to the Word of God;
- 3) violation of the standards of the church and/or CRPC;
- 4) violation of Matthew 18:15-17 allowed to go uncontested;
- 5) violation concerning evidence, witnesses, and/or procedures, any of which affected the outcome of the trial;
- 6) litigants unduly muzzled by the court;
- 7) doctrinal violations resulting in miscarriage of justice;
- 8) if the accused plead “no contest by reason of intent” and the trial court impose the maximum sanction;
- 9) if, in slander cases, the party retract according to this Directory and the trial court impose further sanctions beyond that agreed upon by the litigants;
- 10) there is flagrant failure to use the procedures of this Directory.

SECTION 4. Notice of intent to file an appeal must be made within 10 days of the time of the receipt of the decision. Delivery of notice shall be either direct or by certified mail postmarked no later than 10 days from the date that the individual receives notice of the decision of the announcement of the decision. The notice shall be filed with the secretary or clerk of the court from which the appeal is being made.

SECTION 5. The secretary (or clerk) of the court shall submit the record of all of the proceedings to the secretary (or clerk) of the appellate court.

SECTION 6. Decisions and rulings of the trial court shall not be appealable but may become grounds for appeal from the judgment of the trial court.

SECTION 7. The appellant has 120 days after the date of the filing of the notice of appeal to perfect the appeal. To do so, he must file the appeal with the specifications of error with the secretary (or clerk) of the appellate court. The secretary (or clerk) of the appellate court shall give the appellant and the court (from which appeal has been made) notice of the date, time and location for the hearing of the appellate court, if it hear the case. The appellate court shall give both parties reasonable time so as to make preparations for their attendance at such a hearing.

SECTION 8. When the appellate court does not sustain any of the specifications of error (recognizing no grounds for appeal hearing), the judgment of the trial court is thereby affirmed and such shall be announced to the church or other court involved. However, appeal to the next appellate court can be made alleging that the appellate court erred in not hearing the appeal and asking to have the appeal reinstated. A decision in the last appellate court will either affirm the decision of the prior courts or compel the prior appellate court to hear the appeal.

²³² Acts 15: 2.

- 1 SECTION 9. If the appellate court sustains at least one specification of error and finds the specification of
- 2 error to be of sufficient importance as noted in Section 7 of this chapter (or elsewhere in this Directory),
- 3 thus establishing its jurisdiction, it shall set the time of the hearing. Each litigant shall have opportunity to
- 4 present its case in full.
- 5 SECTION 10. In heresy trials, all judgments against the accused shall be grounds for appeal.

CHAPTER 21

DISPUTES BETWEEN AND DISFELLOWSHIPING OF CHURCHES

SECTION 1. No church shall ever be excommunicated as a whole entity. In every excommunication, each person must be dealt with and has all the rights and immunities given by Scripture and the standards of the CRPC.

SECTION 2. When a charge is preferred by a church of the CRPC against another church in the CRPC, then the presbytery of each church shall choose and shall issue credentials to those selected to represent the position of that church in court. Only members of the CRPC may represent CRPC churches in a court of the CRPC.

SECTION 3. Churches must attempt to settle their disputes with the accused church. If the case is of such public notoriety that the issue must be handled with some urgency, then the accusing church must ask the final appellate court to handle the trial.

SECTION 4. Churches may be admonished, reprovved, and/or exhorted as to what changes are desired, suspended from broader presbyterial representation and voting (though never from mere attendance at presbytery), or disfellowshipped from the CRPC.

SECTION 5. The judgments have all been defined earlier, except as they now apply to churches, with the exception of a church disfellowshipped from the CRPC.

SECTION 6. A church may be disfellowshipped from the CRPC when its doctrine and practice are clearly violating the Scriptures or creedal standards of the CRPC and are inconsistent with the reformed/covenant faith. However, such action may not occur until the following take place, in order:

- 1) The accusing church files a formal charge against the accused church and specifies the nature of the charge. The accusing church must meet with the accused church to reconcile differences.
- 2) If the accused church refuses to meet or differences are not reconciled then the accusing church may bring the charges to the accused church's broader presbytery.
- 3) A normal appellate process would apply thereafter.

SECTION 7. The broadest court alone may determine, as a result of trial that the accused church is irreconcilably lost as a body of Christ within the CRPC and thus, may be disfellowshipped from the CRPC on one or both of two counts:

- 1) such a church is no longer a church of Christ, but is cast out for it has become a "synagogue of Satan"; and/or
- 2) the differences between the accused church and the CRPC are of such a serious nature as to constitute a standing breach of covenant, thus demanding a "parting of the ways" and fellowship.

SECTION 8. The CRPC will recognize any individuals or entities previously subordinate to the disfellowshipped church which leave the church and seek to remain in good standing with the CRPC (as long as they repudiate the charged offense and accept the judgment of the CRPC). All ministers of the disfellowshipped church who do not accept the decision of the CRPC, will be dropped from the rolls of the CRPC and will no longer retain office or membership in the CRPC.

SECTION 9. Any individuals from the disfellowshipped church who cannot affirm their agreement with the decision of the CRPC may appeal to remain in the CRPC by notifying (in writing within 60 days of the decision of the appellate court) the broader presbytery from which the church was disfellowshipped. These appeals will be evaluated on a case by case basis. All appeals must be received within 60 days of the announcement of the decision of the final court in the CRPC. Thereafter, all remaining members of the disfellowshipped church who have not appealed for remaining in the CRPC, will no longer be considered members of the CRPC.