

Requesting an Investigation or Filing Charges against a Church Member, Church Officer, or Minister

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There is no form appended to the *Book of Church Order* for one to use in requesting a Session to investigate a church member, Deacon, or Ruling Elder or for one to use in requesting a Presbytery to investigate a Teaching Elder (Minister). Note that *BCO* Appendix G is for the use of a Session or Presbytery to use after the Session or Presbytery has conducted an investigation under *BCO* 31-2 and has found a strong presumption of guilt and instituted judicial process. This information given below may be helpful.

Cautions regarding Making Allegations or Filing Charges

- Requesting a judicial investigation is a serious matter and is not to be done quickly or lightly.
- A church court is to exercise great caution in receiving accusations from anyone known to have a malignant spirit towards the accused; from one who is not of good character, from one who is under censure or judicial process; from one who is deeply interested in any respect in the conviction of the accused; or from anyone who is known to be litigious, rash, or highly imprudent (*BCO* 31-8).
- A person who becomes a voluntary prosecutor, i.e. one who volunteers to serve as the prosecutor of charges he has made himself may face charges of slander, if he fails to show probable cause (*BCO* 31-9).
- Scandalous charges ought not be brought against ministers on slight grounds (*BCO* 34-2)

Personal and General Offenses (*BCO* 31-5; 31-6; 31-7)

- Personal offense is an individual Christian's sinning against another individual Christian. When a personal offense has been committed one may elect to forgive or overlook the offense, or else one should follow the instructions of our Lord and seek to work out the situation personally (Matthew 18:15-16).
- A general offense is a sin or serious violation of the PCA Constitution (the *Westminster Standards* together with the *Book of Church Order*) that is injurious to the honor of religion, i.e. the holiness of the Church.
- A church court may judicially investigate personal offenses as if they were general offenses when the interests of religion seem to demand it.
- When a church court institutes prosecution for a general offense, the Matthew 18 process is not required.

Chargeable Offenses (*BCO* 29-1 through 4; 39-3)

- In order for a member or officer of the PCA to be charged and tried there must either be an allegation of a chargeable offense or a charge is filed (*BCO* 31-2; 32-2). Errors of judgment and relational failures may or may not rise to the level of a chargeable offense. "Chargeable offenses" (*BCO* 29-1 through 4), are "violations of divine law," or doctrines or practices contrary to the Word of God, or the Constitution of the Church. The Constitution of the Church is *The Book of Church Order*, *The Westminster Confession of Faith*, and *The Westminster Larger and Shorter Catechisms*. See also *BCO* 39-3.
- In the case of a local church member, a chargeable offense could also be a violation of membership vows (*BCO* 57-5).

- In the case of a Ruling Elder or Deacon a chargeable offense could also be a violation of his ordination vows (*BCO* 24-6).
- In the case of a Minister a chargeable offense could also be a violation of his ordination vows (*BCO* 21-5).
- Note that the ordination vows a Deacon, Ruling Elder, or Teaching Elder (Minister) takes are greater than those an individual member takes. Officers are held to a higher standard.

Filing with the Court of Original Jurisdiction

- In the case of a local church member, Ruling Elder, or Deacon, allegations or charges should be filed with the Clerk of Session of the church of which the person, Deacon, or Ruling Elder is a member, not the Presbytery or General Assembly.
- Ministers are members of Presbytery, not members of a local church. Allegations or charges against a minister should be filed with the Stated Clerk of the Presbytery of which he is a member, not the Session or General Assembly.

Investigation of Allegations or Charges

- In either instance, the court of original jurisdiction (Session for local church members, Deacons, and Ruling Elders, and Presbytery for ministers) shall conduct a preliminary investigation (*BCO* 31-2) of allegations that are made and charges that are brought and determine if there is a “strong presumption of guilt of the party involved.”
- If there is a “strong presumption of guilt of the party involved” the “court shall institute process, and shall appoint a prosecutor to conduct the case.”
- If there is no “strong presumption of guilt of the party involved,” the matter is ended, unless there is a complaint.

Form of Allegations or Charges

- Allegations or charges should not be vague.
- Allegations or charges should be as specific as possible as to the nature of the sin or constitutional violation, citing instances, dates, circumstances, persons who witnessed alleged offenses, or who have pertinent information, along with evidence and documentation that substantiate the allegations or charges.
- References to specific applicable portions of the Scripture, *Westminster Standards* or *Book of Church Order* should be included.
- When dealing with alleged violations of the Ten Commandments, the *Westminster Larger Catechism*, Qq. 98-151, are helpful.

The Office of the Stated Clerk may give advice and counsel regarding constitutional and procedural matters. Interpretations of *The Book of Church Order*, *The Westminster Standards*, “The Rules of Assembly Operation,” “The Operating Manual of the Standing Judicial Commission,” and/or *Robert’s Rules of Order* by the Stated Clerk of the General Assembly of the PCA or staff members of the Office of the Stated Clerk are for information only, however, and are not authoritative rulings that may only be made by the courts of the Church. Responses to inquiries are based on information supplied by the inquirer, which may not necessarily be comprehensive. The Office of the Stated Clerk does not represent parties in ecclesiastical judicial cases and may not prepare judicial cases for parties. Parties to potential cases or cases in process are responsible for their own constitutional and procedural knowledge and understanding. The Office of the Stated Clerk does not give legal advice. When legal advice is needed, professional legal counsel should be secured from one familiar with applicable laws and regulations.