

CHAPTER II

JUDICIAL PROCESS DEFINED

D-2.0000

D-2.0100

1. Judicial Process

D-2.0101
Church
Discipline

Judicial process is the means by which church discipline is implemented within the context of pastoral care and oversight. It is the exercise of authority by the councils of the church for

- a. the prevention and correction of irregularities and delinquencies by councils or an entity of the General Assembly (Remedial Cases, D-6.0000);
- b. the prevention and correction of offenses by persons (Disciplinary Cases, D-10.0000).

D-2.0102
Councils of
the Church

The councils of the church for judicial process are the session, the presbytery, the synod, and the General Assembly. The session itself conducts trials. The presbytery, the synod, and the General Assembly conduct trials and hearings through permanent judicial commissions.

D-2.0103
Alternative
Forms of
Resolution

To meet the goals of D-1.0103, the investigating committee may initiate if it deems appropriate, and with the written consent of the accused, alternative forms of resolution conducted by professionally trained and certified mediators and arbitrators. The purpose of this process is to achieve justice and compassion for all persons involved through mediation and settlement.

No statements, written or oral, made at or in connection with this process, shall be themselves admissible in evidence at a subsequent investigation or trial.

D-2.0200

2. Types of Cases

D-2.0201
Remedial or
Disciplinary

Judicial process consists of two types of cases: remedial and disciplinary.

D-2.0202
Remedial

A remedial case is one in which an irregularity or a delinquency of a lower council or an entity of the General Assembly may be corrected by a higher council.

Irregularity

- a. An irregularity is an erroneous decision or action.

Delinquency

- b. A delinquency is an omission or failure to act.

D-2.0203
Disciplinary
Persons in
Ordered
Ministries
Offense

A disciplinary case is one in which a church member or a person in an ordered ministry may be censured for an offense.

a. Persons in ordered ministries are **ministers of the Word and Sacrament**, ruling elders, and deacons.

b. An offense is any act or omission by a member or a person in an ordered ministry of the church that is contrary to the Scriptures or the Constitution of the Presbyterian Church (U.S.A.).