

1 **OVERTURE 21** from Northwest Georgia Presbytery (to CCB, OC)  
2 “Amend *BCO* 43-2 and 43-3 Regarding Timing for Considering a Complaint”  
3 [Note: Title revised 4-12-22]  
4

5 **Whereas**, some may seek to apply the *BCO* without fair exception in the timing of finalizing  
6 a decision on a complaint, which possibility this overture believes could disadvantage  
7 Sessions; and  
8

9 **Whereas**, matters of judicial complaint are normally complex and require deliberation (James  
10 1:19); and  
11

12 **Whereas**, in fairness both to complainants and lower courts, requiring an immediate decision  
13 at the same meeting after a first hearing (Prov. 18:17), if little or no time for  
14 consideration or prayer is permitted, may create a burden on Sessions or an unhelpful  
15 precedent; and  
16

17 **Whereas**, the Clerk’s *Handbook* regularly permits presbytery commissions time to deliberate,  
18 without requiring an immediate answer to a complaint at the same time as the hearing,  
19 as long as it is found in order and heard in a timely manner (*Clerk’s Handbook*,  
20 Appendix H 11 allows a presbytery commission to “adjourn and reconvene within the  
21 next 10 days, as often as necessary . . . .”); and  
22

23 **Whereas**, this analogy continues with the Standing Judicial Commission (SJC), routinely  
24 allowing SJC panels to deliberate for up to 20 days (*OMSJC* 10.10) after oral arguments  
25 before finalizing a decision; and  
26

27 **Whereas**, the proposed amendment below only affects the timing of the final decision on a  
28 complaint, allowing the court not to be pressured to surrender its due deliberation if a  
29 complaint were tendered as little as hours before a stated meeting; and  
30

31 **Whereas**, this amendment would clarify that Sessions have the same, analogous opportunities  
32 for due deliberation as the higher courts for the good of the peace and purity of the  
33 church;  
34

35 **Therefore, be it resolved** that both *BCO* 43-2 and 43-3 be amended to include the common-  
36 sensical provision by adding the words “provided that the complaint has been filed  
37 with the clerk at least seven (7) days in advance,” such that the *BCO* reads (proposed  
38 addition in bold):  
39

40 **43-2.** A complaint shall first be made to the court whose act or decision is  
41 alleged to be in error. Written notice of complaint, with supporting reasons,  
42 shall be filed with the clerk of the court within sixty (60) days following the  
43 meeting of the court. The court shall consider the complaint at its next stated  
44 meeting, or at a called meeting prior to its next stated meeting, provided that  
45 the complaint has been filed with the clerk at least seven (7) days in

1           advance. No attempt should be made to circularize the court to which  
2           complaint is being made by either party.

3  
4           **43-3.** If, after considering a complaint, the court alleged to be delinquent or  
5           in error is of the opinion that it has not erred, and denies the complaint, the  
6           complainant may take that complaint to the next higher court. If the lower  
7           court fails to consider the complaint against it by or at its next stated  
8           meeting, provided that the complaint has been filed with the clerk at least  
9           seven (7) days in advance, the complainant may take that complaint to the  
10          next higher court. Written notice thereof shall be filed with both the clerk  
11          of the lower court and the clerk of the higher court within thirty (30) days  
12          of notification of the last court's decision.

13          Notification of the last court's decision shall be deemed to have  
14          occurred on the day of mailing (if certified, registered or express mail of a  
15          national postal service or any private service where verifying receipt is  
16          utilized), the day of hand delivery, or the day of confirmed receipt in the  
17          case of e-mail or facsimile. Furthermore, compliance with such  
18          requirements shall be deemed to have been fulfilled if a party cannot be  
19          located after diligent inquiry or if a party refuses to accept delivery.

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21          *Adopted by Northwest Georgia Presbytery at its stated meeting, April 5, 2022*

22          *Attested by /s/ TE David E. Gilbert, stated clerk*