

1 **OVERTURE 25** from Tennessee Valley Presbytery

(to CCB, OC)

2 “Amend *BCO* 31-2 to Expand Who May Assist in an Investigations”

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4 **Be it resolved:** That *BCO* 31-2 be amended by the addition of a sentence as follows (new
5 language indicated by underlining):

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7 31-2. It is the duty of all church Sessions and Presbyteries to exercise care
8 over those subject to their authority. They shall with due diligence and great
9 discretion demand from such persons satisfactory explanations concerning
10 reports affecting their Christian character. This duty is more imperative when
11 those who deem themselves aggrieved by injurious reports shall ask an
12 investigation. As circumstances warrant, Sessions and Presbyteries are
13 encouraged to consider utilizing the assistance of experienced or specially
14 qualified outside parties or consultants in investigations in which such
15 assistance could inform the investigative conclusions.

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17 If such investigation, however originating, should result in raising a strong
18 presumption of the guilt of the party involved, the court shall institute process,
19 and shall appoint a prosecutor to prepare the indictment and to conduct the
20 case. This prosecutor shall be a member of the court, except that in a case
21 before the Session, he may be any communing member of the same
22 congregation with the accused.

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24 **Rationale**

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26 There are differing opinions as to whether the *BCO* requires Sessions and Presbyteries alone
27 to conduct 31-2 investigations. This amendment is intended to clarify that a Session or
28 Presbytery has the option of using resources outside the Session or Presbytery in an
29 investigation if it deems it expedient.

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31 Examples of when such an assistance would be helpful include: one Presbytery used a forensic
32 accountant to review evidence and prepare a report on allegations that a minister was culpable
33 in an Amazon return/church reimbursement scheme; when an abuse allegation involves a
34 minor and specialized training in interviewing a minor victim is needed; when a member of a
35 Session or Presbytery is the subject of an investigation and the Session or Presbytery wishes
36 to ensure impartiality in its investigation.

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38 *Adopted by Tennessee Valley Presbytery at its stated meeting, February 10, 2024*

39 *Attested by /s/ TE Chris Powell, stated clerk*