

1 **OVERTURE 16** from the Southwest Florida Presbytery (to CCB, OC)
2 "Amend *BCO* 43 to Clarify Circularizing the Court"
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4 **Summary** - This change would move the following sentence from *BCO* 43-2 to 43-3 because
5 it more properly refers to the matter before the higher/appellate court than the original court -
6 "No attempt should be made to circularize the court to which complaint is being made by
7 either party."
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9 *BCO* 43-2 and 43-3 are below showing where the change would be made.
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11 **Be it resolved** that *BCO* 43-2 be amended as follows (underlining for additions; ~~strikethrough~~
12 for deletions):
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14 **43-2.** A complaint shall first be made to the court whose act or decision is alleged to
15 be in error. Written notice of complaint, with supporting reasons, shall be filed with
16 the clerk of the court within sixty (60) days following the meeting of the court. The
17 court shall consider the complaint at its next stated meeting, or at a called meeting
18 prior to its next stated meeting, provided that the complaint has been filed with the
19 clerk at least ten (10) days in advance. If the complaint is filed with less than ten (10)
20 days' notice, the court may consider the complaint at a later meeting not more than 60
21 days later. ~~No attempt should be made to circularize the court to which complaint is~~
22 ~~being made by either party.~~
23

24 **Be it further resolved** that *BCO* 43-3 be amended to read:
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26 **43-3.** If, after considering a complaint, the court alleged to be delinquent or in error is
27 of the opinion that it has not erred, and denies the complaint, the complainant may take
28 that complaint to the next higher court. If the lower court fails to consider the
29 complaint against it by or at its next stated meeting, provided that the complaint has
30 been filed with the clerk at least ten (10) days in advance, the complainant may take
31 that complaint to the next higher court. If the complaint is filed with less than ten (10)
32 days' notice, the court may consider the complaint at a later meeting not more than 60
33 days later. Written notice thereof shall be filed with both the clerk of the lower court
34 and the clerk of the higher court within thirty (30) days of notification of the last
35 court's decision.
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37 Notification of the last court's decision shall be deemed to have occurred on the day
38 of mailing (if certified, registered or express mail of a national postal service or any
39 private service where verifying receipt is utilized), the day of hand delivery, or the day
40 of confirmed receipt in the case of e-mail or facsimile. Furthermore, compliance with
41 such requirements shall be deemed to have been fulfilled if a party cannot be located
42 after diligent inquiry or if a party refuses to accept delivery.
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44 No attempt should be made by any party to circularize a higher court reviewing a
45 complaint.

1 **RATIONALE:**

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3 The prohibition against circularization has caused confusion since its 1984 adoption, and the
4 current proposal aims to clarify and resolve these issues. Initially, before 1984, complaints
5 against church decisions could only be filed with a higher court, not the court of original
6 jurisdiction, and there was no ban on “circularizing.” The system at that time featured clear
7 parties: a complainant and the court of original jurisdiction, with the higher court serving as a
8 neutral arbiter.

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10 The 1984 amendment introduced a major change by requiring complaints to be filed first with
11 the court of original jurisdiction, following a model inspired by Matthew 18, which
12 encourages resolving disputes directly. This amendment also introduced the prohibition
13 against “circularizing courts,” meaning neither party should attempt to influence courts before
14 their case is formally heard. However, retaining language from the older system, such as
15 defining complainant and respondent and requiring the appointment of a representative to
16 defend the original court’s action, led to ambiguity when applied to original courts. It was
17 unclear who the “parties” were prior to the court making a decision, and the practical effect
18 was to inhibit open discussion within lower courts.

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20 This structural confusion was identified in 1999 by Pittsburgh Presbytery, which proposed
21 clarifying that courts only need to appoint a respondent when a complaint ascends to a higher
22 court. The General Assembly adopted this amendment in 2000, confirming that lower courts
23 need not follow the formalities of higher appellate proceedings until a genuine dispute exists.

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25 The current proposal seeks to further mitigate the practical confusion caused by the
26 circularization prohibition for courts of original jurisdiction. Not only does the very act of
27 filing a complaint share the complainant’s reasons with the entire court, but open deliberation
28 is a healthy part of resolving disputes internally, consistent with the spirit of Matthew 18.
29 Prohibiting “circularization” before a formal adverse decision chills helpful dialogue and
30 leads to unnecessary procedural formality.

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32 Importantly, the proposal does not affect the circularization prohibition regarding appeals, as
33 appeals only go to higher courts and the clarity of rules there remains intact. If adopted, this
34 amendment would allow courts of original jurisdiction in the PCA to freely deliberate and
35 reconsider their actions regarding complaints, while prohibiting parties from attempting to
36 sway higher (appellate) courts before a hearing. This targeted change preserves fair hearing
37 procedures in appellate settings while restoring clarity and practical functionality to initial
38 complaint proceedings within church courts.

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41 *Adopted by the Southwest Florida Presbytery at its stated meeting, November 11, 2025*
42 *Attested by /s/ TE Freddy Fritz, Stated Clerk*