

1 **OVERTURE 65** from the Canada West Presbytery (to CCB, OC)
2 “Amend *BCO* 38-1 re Confessions and Cases without Process”
3

4 **Be it resolved** that *BCO* 38-1 be amended as follows (~~striketrough~~ for deletions;
5 underlining for additions):
6

7 **38-1.** When any person shall come forward as the first witness in order to and
8 make his offense known to the court of his own volition, a full statement of the
9 facts shall be recorded and judgment rendered without process. In handling a
10 confession of guilt, it is essential that the person intends to confess and permit
11 the court to render judgment without process. Statements made by him in the
12 presence of the court must not be taken as a basis of a judgment without process
13 except by his consent. In the event a confession is intended, a written
14 Confession (i.e., a sufficient summary of the facts, the person’s specific
15 confession, and any expression or evidence of repentance) must be approved
16 by the accused, and by the court, before the court proceeds to a judgment, and
17 the co-signed document shall be appended to the minutes (regular or executive
18 session). No other information may be presented without written consent from
19 the accused and the court, and this prohibition includes individuals,
20 prosecutors, committees, and commissions. A censured person has the right to
21 appeal (*BCO* 42). The person has the right to be assisted by counsel at any
22 point, in accord with the stipulations of *BCO* 32-19.
23

24 In any instances involving a personal offense (*BCO* 29-3), the court shall
25 attempt to inform the offended person(s) of that part of the Confession the court
26 deems pertinent to the offense against him or her. The court shall invite the
27 offended person to provide the court comment on the Confession prior to final
28 approval of the Confession by the confessor and the court. The court shall
29 encourage the offended person to enlist the help of an advisor in preparing any
30 such comments. In all instances, the court shall report the way such offended
31 persons were informed of the parts of the Confession pertinent to them.
32

33 In such cases where anyone other than the offender reveals his offense to the
34 court, the court shall investigate into the veracity of the accusations and draw
35 up a document detailing the alleged offenses to serve as a written confession
36 which the accused may sign if he willfully confesses his guilt in regard to the
37 alleged offenses. If the accused refuses to sign the document, the court may
38 proceed with process.
39

40 So that the amended passage would read:
41

42 **38-1.** When any person shall come forward as the first witness in order to
43 make his offense known to the court of his own volition, a full statement of the
44 facts shall be recorded and judgment rendered without process. In handling a
45 confession of guilt, it is essential that the person intends to confess and permit

1 the court to render judgment without process. Statements made by him in the
2 presence of the court must not be taken as a basis of a judgment without process
3 except by his consent. In the event a confession is intended, a written
4 Confession (i.e., a sufficient summary of the facts, the person's specific
5 confession, and any expression or evidence of repentance) must be approved
6 by the accused, and by the court, before the court proceeds to a judgment, and
7 the co-signed document shall be appended to the minutes (regular or executive
8 session). No other information may be presented without written consent from
9 the accused and the court, and this prohibition includes individuals,
10 prosecutors, committees, and commissions. A censured person has the right to
11 appeal (*BCO* 42). The person has the right to be assisted by counsel at any
12 point, in accord with the stipulations of *BCO* 32-19.

13
14 In any instances involving a personal offense (*BCO* 29-3), the court shall
15 attempt to inform the offended person(s) of that part of the Confession the court
16 deems pertinent to the offense against him or her. The court shall invite the
17 offended person to provide the court comment on the Confession prior to final
18 approval of the Confession by the confessor and the court. The court shall
19 encourage the offended person to enlist the help of an advisor in preparing any
20 such comments. In all instances, the court shall report the way such offended
21 persons were informed of the parts of the Confession pertinent to them.

22
23 In such cases where anyone other than the offender reveals his offense to the
24 court, the court shall investigate into the veracity of the accusations and draw
25 up a document detailing the alleged offenses to serve as a written confession
26 which the accused may sign if he willfully confesses his guilt in regard to the
27 alleged offenses. If the accused refuses to sign the document, the court may
28 proceed with process.

29
30 **Rationale**

31
32 1. Whereas in the course of this fallen world, even in the Lord's Church, confessions
33 of sin may at times be given for unrighteous reasons such as the circumventing of the
34 judicial process, desire to protect one's false reputation, or to avoid the just
35 consequences of sin, therefore the courts of the Church must be discerning and wise
36 when dealing with confessions of sin so that the truth may be revealed and the glory
37 of Christ manifested in the proceedings of His Church courts.

38
39 2. The response of the court should be appropriate to the circumstances of how an
40 allegation is revealed. If the accused serves as the first witness to an offense in such a
41 way that he brings forward his offense from his own Spirit-wrought desire to seek
42 confession and repentance, he should be given the benefit of the doubt in keeping with
43 the judgement of charity such that an investigation into the truthfulness of his
44 confession is unwarranted without sufficient cause to doubt his sincerity.

1 3. If the court is made aware of the alleged offense(s) by means of any other source
2 than the alleged offender, the accused's repentance may be reasonably doubted thus
3 necessitating an investigation by the court into the nature of the alleged offense(s).

4
5 4. If the court finds the allegations credible through their investigation, the writing of
6 a confession document by the court may serve as a means of testing the repentance of
7 the accused, who although not coming uncoerced and freely from the beginning, may
8 now rightly see the error of his ways and desire to confess and repent for the offense(s).

9
10 5. If the accused protests his innocence through a refusal to sign the written confession,
11 the court may rightly proceed to a judicial process to formally determine the guilt or
12 innocence of the accused. This judicial process shall either uncover his guilt and
13 unrepentance or his innocence and thereby bless the Church and glorify God in
14 revealing the truth.

15

16

17 *Adopted by the Canada West Presbytery at its stated meeting, March 6, 2026*

18 *Attested by RE Eric Nederlof, Stated Clerk*