

1 **OVERTURE 86** from the Session of Grace Covenant Church (to CCB, OC)  
2 “Amend *BCO* 43 to Rename *Complaints* as *Inquiries*”  
3

4 **Whereas**, per *BCO* 43-1 “a complaint is a written representation made against some act or  
5 decision of a court of the Church”; and  
6

7 **Whereas**, the language of *BCO* 43-1 identifying a “written representation” as a “complaint”  
8 has never been amended; and  
9

10 **Whereas**, the Merriam Webster Dictionary’s definition of “representation” includes “a  
11 statement or account made to influence opinion or action”, “formal statement made  
12 against something or to effect a change”, and “a formal protest”; and  
13

14 **Whereas**, the Merriam Webster Dictionary’s definition of “complaint” includes “expression  
15 of grief, pain, or dissatisfaction”, “something that is the cause or subject of protest or  
16 outcry”, and “a formal allegation against a party”; and  
17

18 **Whereas**, the characterization of a “written representation” as a “complaint” over time has  
19 proven to be needlessly divisive as members of the courts complained against have at  
20 certain times misconstrued a “written representation” (complaint) as prescribed in  
21 *BCO* 43-1 as “a formal allegation against a party” (that is “a charge” or “process” per  
22 *BCO* 31 and 32); and  
23

24 **Whereas**, any “written representation” (complaint) brought before a higher court by a person  
25 with standing that is in temperate language (and with orderliness established) should  
26 be considered a dissenting declaration against an act or decision of the court (i.e., “our  
27 standards say X, and the court has seemingly done Y”) as opposed to an accusation of  
28 sin or moral failing associated with offenses as understood in *BCO* 29; and  
29

30 **Whereas**, the SJC ruled in Case 2019-11: *Crouse vs Northwest Georgia Presbytery* that “The  
31 right to seek redress of improper actions by complaint or appeal is foundational to our  
32 Constitutional system. Both due process and basic charity demand that no member or  
33 officer should be ostracized or penalized for the mere filing of a complaint or appeal.  
34 The filing of a complaint or appeal may never, standing alone, constitute proper  
35 grounds to deny any privilege of membership or office in our church”; and  
36

37 **Whereas**, what the SJC has affirmed as a foundational right within the PCA’s Constitutional  
38 system has from time to time been misunderstood by courts complained against and  
39 labeled as litigious action that disturbs the peace; and  
40

41 **Whereas**, verbiage that casts the act of filing a complaint in less divisive terms will promote  
42 collegial and Christ-honoring interactions among the people of God;  
43

44 **Therefore, be it resolved that** that in order to prevent the misunderstanding of a complaint  
45 as malicious in intent or the initiation of formal process (*BCO* 31) and to remove

1 verbiage perceived as pejorative, that *BCO* 43 be amended to replace the word  
2 “complaint” with “inquiry” and “complainant” with “inquirer” in accordance with the  
3 underlined text below so that *BCO* 43 as amended would read (underlining for  
4 additions; ~~strikethrough~~ for deletions):  
5

6 **CHAPTER 43**

7 *Complaints Inquiries*

8 **43-1.** ~~A complaint~~ An inquiry is a written representation made against some  
9 act or decision of a court of the Church. It is the right of any communing member  
10 of the Church in good standing to make ~~complaint~~ an inquiry against any action of  
11 a court to whose jurisdiction he is subject, except that no ~~complaint~~ inquiry is  
12 allowable in a judicial case after process has commenced. If, at any time after  
13 process has commenced, a *BCO* 43-1 ~~complaint~~ inquiry is timely filed, the court’s  
14 adjudication shall be delayed until after the judicial case has been completed, or,  
15 if an appeal is filed, after it has been fully adjudicated or withdrawn. During  
16 judicial process, the accused may raise *BCO* 32-14 objections on a variety of  
17 matters and the original court shall decide each. Those decisions could be  
18 reviewable on appeal.  
19

20  
21 **43-2.** ~~A complaint~~ An inquiry shall first be made to the court whose act or  
22 decision is alleged to be in error. Written notice of ~~complaint~~ inquiry, with  
23 supporting reasons, shall be filed with the clerk of the court within sixty (60) days  
24 following the meeting of the court. The court shall consider the ~~complaint~~ inquiry  
25 at its next stated meeting, or at a called meeting prior to its next stated meeting,  
26 provided that the ~~complaint~~ inquiry has been filed with the clerk at least ten (10)  
27 days in advance. If the ~~complaint~~ inquiry is filed with less than ten (10) days’  
28 notice, the court may consider the ~~complaint~~ inquiry at a later meeting not more  
29 than 60 days later. No attempt should be made to circularize the court to which  
30 ~~complaint~~ inquiry is being made by either party.  
31

32 **43-3.** If, after considering ~~a complaint~~ an inquiry, the court alleged to be delinquent  
33 or in error is of the opinion that it has not erred, and denies the ~~complaint~~ inquiry,  
34 the ~~complainant~~ inquirer may take that ~~complaint~~ inquiry to the next higher court.  
35 If the lower court fails to consider the ~~complaint~~ inquiry against it by or at its next  
36 stated meeting, provided that the ~~complaint~~ inquiry has been filed with the clerk at  
37 least ten (10) days in advance, the ~~complainant~~ inquirer may take that ~~complaint~~  
38 inquiry to the next higher court. If the ~~complaint~~ inquiry is filed with less than ten  
39 (10) days’ notice, the court may consider the ~~complaint~~ inquiry at a later meeting  
40 not more than 60 days later. Written notice thereof shall be filed with both the clerk  
41 of the lower court and the clerk of the higher court within thirty (30) days of  
42 notification of the last court’s decision.

43 Notification of the last court’s decision shall be deemed to have occurred  
44 on the day of mailing (if certified, registered or express mail of a national postal  
45 service or any private service where verifying receipt is utilized), the day of hand  
46 delivery, or the day of confirmed receipt in the case of e-mail or facsimile.

1 Furthermore, compliance with such requirements shall be deemed to have been  
2 fulfilled if a party cannot be located after diligent inquiry or if a party refuses to  
3 accept delivery.  
4

5 **43-4.** Notice of ~~complaint~~ inquiry shall not have the effect of suspending the  
6 action against which the ~~complaint~~ inquiry is made, unless one-third (1/3) of the  
7 members present when the action was taken shall vote for its suspension, until the  
8 final decision in the higher court.  
9

10 **43-5.** The court against which ~~complaint~~ inquiry is made shall appoint one or  
11 more representatives to defend its action before the higher court, and the parties in  
12 the case shall be known as ~~complainant~~ inquirer and respondent. The ~~complainant~~  
13 inquirer himself may present his ~~complaint~~ inquiry, or he may obtain the assistance  
14 of a communing member of the Presbyterian Church in America, who is in good  
15 standing, in presenting his ~~complaint~~ inquiry.  
16

17 **43-6.** It shall be the duty of the clerk of the lower court to file with the clerk of  
18 the higher court, not more than thirty (30) days after receipt of notice of ~~complaint~~  
19 inquiry, a copy of all its proceedings in connection with the ~~complaint~~ inquiry  
20 including the notice of ~~complaint~~ inquiry and supporting reasons, the response of  
21 the lower court, if any, and any papers bearing on the ~~complaint~~ inquiry. If the  
22 clerk of the lower court shall neglect to send up the proceedings on the ~~complaint~~  
23 inquiry, he shall receive a proper rebuke from the higher court, and the act or  
24 decision ~~complained against~~ inquired about shall be suspended until the  
25 proceedings are produced so that the higher court can fairly consider the ~~complaint~~  
26 inquiry.  
27

28 **43-7.** The ~~complainant~~ inquirer shall be considered to have abandoned his  
29 ~~complaint~~ inquiry if he fails to appear before the higher court, in person or by  
30 counsel, for a hearing thereof, after he has been properly notified; but a  
31 ~~complainant~~ inquirer may waive, in writing, his right to appear with permission of  
32 the court and not be considered to have abandoned his case. In case of such failure  
33 to appear, the judgment of the lower court will stand unless the ~~complainant~~  
34 inquirer gives to the court a prompt and satisfactory explanation.  
35

36 **43-8.** Subject to the provisions below, after the higher court has decided that the  
37 notice filed with its clerk was timely and that the ~~complaint~~ inquiry is otherwise in  
38 order for it to be heard by the higher court, it shall hear the ~~complaint~~ inquiry, or  
39 in accordance with the provision of *BCO* 15-2 and 15-3, appoint a commission to  
40 do so. Ordinarily the court or its commission shall schedule a hearing in a manner that  
41 reasonably accommodates the schedules of the respective parties and affords each  
42 party a prior opportunity to file a written brief upon such terms and in accord with  
43 a briefing schedule established by the court or its commission in the reasonable  
44 exercise of its discretion.  
45

46 **43-9.** At the hearing, after all the papers bearing on the ~~complaint~~ inquiry have  
47 been read, the ~~complainant~~ inquirer and respondent will be given the opportunity  
48 to present argument, the ~~complainant~~ inquirer having the right of opening and

1 closing the argument. After the hearing has been concluded, the court or the  
2 commission should go into closed session, and discuss and consider the merits of  
3 the ~~complaint~~ inquiry. The vote should then or later be taken as to what disposition  
4 should be made of the ~~complaint~~ inquiry, and the ~~complainant~~ inquirer and  
5 respondent notified of the court's decision.  
6

7 **43-10.** The higher court has power, in its discretion, to annul the whole or any  
8 part of the action of a lower court against which ~~complaint~~ inquiry has been made,  
9 or to send the matter back to the lower court with instructions for a new hearing.  
10 If the higher court rules a lower court erred by not indicting someone, and the  
11 lower court refers the matter back to the higher court, it shall accept the reference  
12 if it is a doctrinal case or case of public scandal (see *BCO* 41-3).  
13

14 **Be it further resolved** that the following amendments of the use of the word "complaint" also  
15 **be made:**  
16

17 **32-18.** ...  
18 When a case is removed by appeal or ~~complaint~~ inquiry, the lower court shall  
19 transmit "the Record" thus prepared to the higher court with the addition of the  
20 notice of appeal or ~~complaint~~ inquiry, and the reasons therefor, if any shall have  
21 been filed.  
22

23 **39-1.** The acts and decisions of a lower court are brought under the supervision of  
24 a higher court in one or another of the following modes:  
25 1. Review and Control;  
26 2. Reference;  
27 3. Appeal; and  
28 4. ~~Complaint~~ Inquiry.  
29

30 **39-2.** When the proceedings of a lower court are before a higher court, the  
31 members of the lower court shall not lose the right to sit, deliberate and vote in the  
32 higher court, except in cases of appeal or ~~complaint~~ inquiry.  
33

34 **40-3.** It is ordinarily sufficient for the higher court merely to record in its own  
35 minutes and in the records reviewed whether it approves, disapproves or corrects  
36 the records in any particular; but should any serious irregularity be discovered the  
37 higher court may require its review and correction by the lower. Proceedings in  
38 judicial cases, however, shall not be dealt with under review and control when  
39 notice of appeal or complaint has been given the lower court; and no judgment of  
40 a lower court in a judicial case shall be reversed except by appeal or ~~complaint~~  
41 inquiry.  
42

43 **45-1.** ...  
44 Any member who did not have the right to vote on an appeal or ~~complaint~~ inquiry  
45 (see *BCO* 39-2), and is not satisfied with the action taken by the court, is entitled  
46 to have an objection recorded.

1           **45-4.** An objection is a declaration by one or more members of a court who did not  
2           have the right to vote on an appeal or ~~complaint~~ inquiry, expressing a different  
3           opinion from the decision of the court and may be accompanied with the reasons  
4           on which it is founded.

5  
6

7           *Rejected by the Northwest Georgia Presbytery at its 60<sup>th</sup> stated meeting, April 14, 2026*  
8           *Attested by TE Robby Baxter, Stated Clerk*  
9           *Sent to General Assembly by the Session of Grace Covenant Church under RAO 11-10*