

Judicial Council Rulings 1378 and 1379

The United Methodist Judicial Council issued its ruling Friday, April 26, 2019, on legislation passed during the special session of General Conference in February. The chart below shows the petition number ruled upon, the Discipline paragraph to which that petition corresponds, a summary of what the legislation will do or would have done had it been ruled constitutional. Petitions ruled to be constitutional take effect Jan. 1, 2020.

Petition #	Discipline ¶	Summary	Ruling
90032	304.3	Adds to definition of a "self-avowed, practicing homosexual" to include a person "living in a same-sex marriage, domestic partnership or civil union, or is a person who publicly states he or she is a practicing homosexual."	Constitutional
90033	408.3	Would allow a bishop to be placed into retirement on a majority vote, if recommended by the Council of Bishops relations committee.	Unconstitutional
90034	410.5a-c	Would place bishops on involuntary leaves of absence by majority vote if recommended by the Council of Bishops relations committee.	Unconstitutional
90035	422.5-.6	Would establish a Council of Bishops relations committee to, among other duties, hear accusations of any bishop who is unwilling to certify that he or she is willing to uphold, enforce and maintain the Book of Discipline, relative to self-avowed, practicing homosexuals.	Unconstitutional
90036	415.6	Prohibits bishops from consecrating other bishops who are self-avowed homosexuals even if they have been elected. Bishops also are prohibited from commissioning or ordaining deacons or elders if the Board of Ordained Ministry has determined the individual is a self-avowed homosexual.	Constitutional
90037	635.1a	Would require all persons nominated by the bishop for membership on the Board of Ordained Ministry to certify he or she will uphold, enforce and maintain the Discipline. It also would require bishops to nominate only individuals who will uphold, enforce and maintain the Discipline.	Unconstitutional
90038	635.2h	Would require the Board of Ordained Ministry to ascertain whether a person is a practicing homosexual, including examination of their social media accounts. If the candidate is determined to fit that criteria, then he or she is not to be recommended to the clergy session for ordination or commissioning.	Unconstitutional
90039	806.9	Would require annual conferences to certify that the bishop has nominated to the Board of Ordained Ministry only people who will uphold, enforce and maintain the Discipline as it relates to ordination and marriage of practicing homosexuals.	Unconstitutional
90040	613.19	Would require every annual conference to certify that the bishop has nominated to the Board of Ordained Ministry only people who will uphold, enforce and maintain the Discipline as it relates to ordination and marriage of practicing homosexuals. Failure to do so would result in withholding all UMC funds and would prohibit the annual conference from using the denomination's cross-and-flame logo.	Unconstitutional
90042	2711.3	Adds minimum penalties for clergy who are convicted at a church trial of conducting ceremonies that celebrate homosexual unions or perform same-gender weddings. A first offense results in a minimum one-year suspension without pay. A second offense results in termination of conference membership and revocation of credentials of licensing, ordination or consecration.	Constitutional

Petition #	Discipline ¶	Summary	Ruling
90043	304.5	Prohibits the District Committee on Ministry and the Board of Ordained Ministry to approve or recommend persons who do not meet the qualifications after full examination.	Constitutional
90044	362.1e 413.3d	Allows bishops to dismiss a complaint only if it has no basis in law, and the reason for dismissal is shared with the complainant.	Constitutional
90045	362.1 413.3c 2701.5, 2706.5.c.3	Requires a just resolution to state all identified harms and how they shall be addressed by the church and other parts to the complaint.	Constitutional, except for sentence requiring a just resolution include a vow not to repeat the offense.
90046	362.1c 413.3c 2701.5, 2606.5.c.3	Adds a sentence to all four paragraphs that the complainant "shall be a party to the resolution process and every effort shall be made to have the complainant agree to the resolution before it may take effect."	Constitutional
90047	2715.1	Gives the church a right to appeal the findings of a church trial court based on egregious errors of church law or administration that could have reasonably affected the findings of the court.	Constitutional

Disaffiliation Legislation

On Friday, April 26, 2019, the Judicial Council also ruled that Petition 90066, related to disaffiliation of churches from The United Methodist Church, was constitutional. New ¶ 2553 became church law immediately. Key components of that petition include the following information.

Terms of Disaffiliation

- ◆ Terms — GCFA will develop a standard disaffiliation agreement.
- ◆ Apportionments — The local church must pay unpaid apportionments for the 12 months prior to disaffiliation as well as an additional 12 months.
- ◆ Property — A disaffiliated church has the right to retain its property, with all legal costs borne by the disaffiliating local church.
- ◆ Pension Liabilities — The local church must contribute an amount of money equal to its aggregate unfunded pension obligations to the annual conference. Wespath will calculate the liability for each annual conference, and the annual conference then will determine the local church's share.
- ◆ Other Liabilities — The disaffiliating church must satisfy all debts or assign and transfer them to its new entity prior to disaffiliation.
- ◆ Payment — Payment must occur prior to the effective date of departure.
- ◆ Pension and Health Benefits — Disaffiliated churches will remain eligible to sponsor voluntary employee benefits plans through Wespath.
- ◆ Trust Clause — Once the local church has disbursed to the annual conference all funds due under this agreement, the conference will release all claims commonly referred to as the "trust clause."

Process of Disaffiliation

In its ruling, the Judicial Council found that any legislation of the General Conference permitting the "gracious exit" of the local church must have the following minimum requirements:

1. Approval of the disaffiliation resolution by a two-thirds majority of professing members of the local church present and voting at a church conference.
2. Establishment of the terms and conditions, including effective date, of the disaffiliation agreement between the annual conference and the exiting local church by the conference board of trustees in accordance with applicable Church law and civil laws.
3. The disaffiliation agreement must be approved by a simple majority of the members of the annual conference present and voting.