

1 05/03/19 NTP designated the Complaint as NTP 2019-01 and declared the Complaint to be
2 "timely filed and in administrative order." The NTP directed its Administrative
3 Committee to make the necessary arrangements to hear the Case.

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5 08/03/19 NTP met to conduct the hearing. Attendees received copies of briefs written by the
6 parties and a copy of FWPC's policy for the Integration of Special Case Felons (SCFs).
7 The hearing was recorded and transcribed. The NTP denied the Complaint.

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9 08/23/19 Mr. Chandler Fozard brought his Complaint to the General Assembly.

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11 12/13/19 SJC Panel conducted the hearing.

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13 **II. STATEMENT OF THE ISSUE**

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15 Did North Texas Presbytery error when they denied the complaint against the Session of
16 Fort Worth Presbyterian Church?

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18 **III. JUDGMENT**

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20 No

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22 **IV. REASONING AND OPINION**

23
24 In the Case before us, the Complainant raised a number of concerns about FWPC's policy for the
25 integration of persons known as Special Case Felons (SCFs) into the life of the congregation. SCFs
26 are persons that have been released from prison and include those that have been convicted of
27 crimes that are sexual in nature. Specifically, the Complainant argued that the restrictions placed
28 on these persons by FWPC's policy were violations of Scripture.

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30 The Constitution of the Church is very clear in outlining the jurisdiction and authority afforded to
31 courts of the church and the relationship between the higher and lower courts.

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33 *BCO 11-2* states in part, "they [Church courts] have power to establish rules for the government,
34 discipline, worship, and extension of the Church, which must be agreeable to the doctrines relating
35 thereto contained in the Scriptures, the circumstantial details only of these matters being left to the
36 Christian prudence and wisdom of Church officers and courts."

37
38 *BCO 39-3.3* states in part "A higher court should ordinarily exhibit great deference to a lower court
39 regarding those matters of discretion and judgment which can only be addressed by a court with
40 familiar acquaintance of the events and parties. ... Therefore, a higher court should not reverse
41 such a judgment by a lower court, unless there is clear error on the part of the lower court."

42
43 In the Record of the Case and in oral arguments, it was clear that the parties differed on the
44 interpretation and application of Scripture. While both parties agreed that there was an obligation
45 to minister to SCF's and to make reasonable provision for the protection of the children and the
46 vulnerable at FWPC, the parties did not agree on what those reasonable provisions should be.

1 However, in the judgment of this court, the Complainant did not demonstrate that the Session at
2 FWPC had violated Scripture or the *Constitution of the Church* in their formulation and application
3 of the SCF policy. The Record of the Case contains some arguments by the Respondents of the
4 lower courts that do not properly interpret or apply the *BCO*'s 1st and 2nd Preliminary Principles in
5 the Respondents' defense of what otherwise is acknowledged is a legitimate right of a session to
6 set policy within the parameters of our *Constitution*. This Decision should not be read or
7 interpreted as an endorsement or affirmation of those arguments.

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9 Without a violation of Scripture or the *Constitution*, the higher court is obligated to defer to the
10 lower court and deny the Complaint.

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12 We do commend both parties for their desire to minister to, and restore, those that have been
13 convicted of crimes, with the good news contained in the Gospel. This Case serves to remind us
14 all that care and discipline of all members of the Church is to be administered with the compassion
15 of the Lord Jesus Christ. We would encourage both parties to continue to talk, study, and work on
16 solutions on how to best minister to SCFs.

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18 The proposed opinion was written by RE E. J. Nusbaum and edited by the other Panel members,
19 TE H. Paul Lee and TE Paul Kooistra, and Panel alternate TE Charles McGowan.

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21 After adopting amendments, the SJC approved the above Decision by a vote of 20-1, with three
22 absent.

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24 Bankson *Concur* Duncan, M. *Concur* Neikirk *Dissent*
25 Bise *Concur* Duncan, S. *Concur* Nusbaum *Absent*
26 Cannata *Concur* Ellis *Concur* Pickering *Concur*
27 Carrell *Absent* Greco *Concur* Ross *Concur*
28 Chapell *Concur* Kooistra *Concur* Terrell *Concur*
29 Coffin *Concur* Lee *Concur* Waters *Concur*
30 Donahoe *Concur* Lucas *Concur* White *Absent*
31 Dowling *Concur* McGowan *Concur* Wilson *Concur*