A030

TOPIC: CANONS

Amend Canons: Canon III.7.8–10; Canon III.9.8–11; Canon III.12.7(a)–(c); Canon IV.16

PROPOSER

Standing Commission on Constitution and Canons

ENDORSED BY

SPONSORED BY

PAGE NUMBER(S) FOR REFERENCE

Blue Book: p. 119-125; Constitution & Canons: p. 75-76, 91-92, 113-114, 148-149

HOUSE OF INITIAL ACTION / LEGISLATIVE COMMITTEE

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N/A; N/A; not yet reviewed

RESOLUTION TEXT

Resolved, the House of Deputies concurring, that Canon III.7.8, Canon III.7.9, Canon III.7.10, Canon III.9.8, Canon III.9.9, Canon III.9.10, Canon III.9.11, Canon III.12.7(a), Canon III.12.7(b), Canon III.12.7(c), and Canon IV.16 be amended to read as follows:

Canons III.7.8–10 (for deacons)

Sec. 8. *Release and Removal from the Ordained Ministry of this Church*

If any Deacon of ~~this~~ *The Episcopal* Church shall ~~declare~~ *express*, in writing, to the Bishop of the Diocese in which such Deacon is canonically resident, *an intention to be released and removed from* ~~a renunciation of~~ the ordained Ministry of this Church~~,~~ *and from the obligations attendant thereto, including those promises made at Ordination in the Declaration required by Article VIII of the Constitution of the General Convention* ~~and a desire to be removed therefrom~~, it shall be the duty of the Bishop to record the ~~declaration and request so made~~ *matter*. The Bishop, being satisfied that the person so declaring is acting voluntarily and for causes~~, assigned or known,~~ which do not affect the ~~Deacon's~~ *person's* moral character, *and is neither the subject of information concerning an Offense that has been referred to an Intake Officer nor a Respondent in a pending disciplinary matter as defined in Title IV of these Canons*, shall lay the matter before the ~~clerical members of the~~ Standing Committee, and with the advice and consent of a majority of ~~such members~~ *the Standing Committee* the Bishop may pronounce that ~~such renunciation is accepted, and that the Deacon~~ *the person* is released *and removed* from the *ordained Ministry of this Church and from the* obligations ~~of the Ministerial office~~ *attendant thereto*, and is deprived of the right to exercise *in The Episcopal Church* the gifts and spiritual authority as a Minister of God's Word and Sacraments conferred in Ordination. The Bishop shall also declare in pronouncing and recording such action that it was for causes which do not affect the person's moral character, and shall, *at the person's request,* ~~if desired,~~ give a certificate to this effect to the person so *released and* removed from the ordained Ministry.

Sec. 9. If a Deacon ~~making~~ submitting the ~~aforesaid declaration~~ writing

described in Section 8 of this Canon be ~~of renunciation of the ordained Ministry~~ the subject of information concerning an Offense that has been referred to an Intake Officer or a Respondent in a pending disciplinary matter as defined in Title IV of these Canons, ~~be under Presentment for any Offense, or shall have been placed on Trial for the same,~~ the Ecclesiastical Authority to whom such ~~declaration is made~~ writing is submitted shall not ~~consider or act upon~~ consider or act upon the written request unless and ~~such declaration~~ until ~~after~~ the ~~said Presentment~~ disciplinary matter shall have been resolved by a dismiss~~ed~~al, Accord or Order and the time for appeal or rescission of such has expired ~~or the said Trial shall have been concluded and the Deacon judged not to have committed an Offense~~.

Sec. 10. In the case of the ~~renunciation~~ *release and removal of a Deacon* ~~of~~ *from* the ordained Ministry ~~by~~ *of* ~~a Deacon~~ *this Church* as provided in this Canon, a declaration of *release and* removal shall be pronounced by the Bishop in the presence of two or more Members of the Clergy, and shall be entered in the official records of the Diocese in which the Deacon being *released and* removed is canonically resident. The Bishop who pronounces the declaration of *release and* removal as provided in this Canon shall give notice thereof in writing to every Member of the Clergy, each Vestry, the Secretary of the Convention and the Standing Committee of the Diocese in which the Deacon was canonically resident; and to all Bishops of this Church, the Ecclesiastical Authority of each Diocese of this Church, the Presiding Bishop, the Recorder of Ordinations, the Secretary of the House of Bishops, the Secretary of the House of Deputies, The Church Pension Fund, and the Board for ~~Church Deployment~~ *Transition Ministry*.

Canons III.9.8–11 (for priests)

Sec. 8. ~~Renunciation of~~ *Release and Removal from* the Ordained Ministry *of this Church*

If any Priest of ~~this~~ *The Episcopal* Church shall ~~declare~~*express*, in writing, to the Bishop of the Diocese in which such Priest is canonically resident, *an intention to be released and removed from* ~~*a renunciation of*~~ the ordained Ministry of ~~this~~ *this* Church *and from the obligations attendant thereto, including those promises made at Ordination in the Declaration required by Article VIII of the Constitution of the General Convention*, ~~and a desire to be removed therefrom,~~ it shall be the duty of the Bishop to record the ~~declaration and request so made~~*matter*. The Bishop, being satisfied that the person so declaring is acting voluntarily and for causes, ~~assigned or known,~~ which do not affect the ~~Priest's~~ *person's* moral character, *and is neither the subject of information concerning an Offense that has been referred to an Intake Officer nor a Respondent in a pending disciplinary matter as defined in Title IV of these Canons,* shall lay the matter before ~~the clerical members of~~ the Standing Committee, and with the advice and consent of a majority of ~~such members~~ *the Standing Committee* the Bishop may pronounce that ~~such renunciation is accepted, and that the Priest~~*the person* is released *and removed* from the *ordained Ministry of this Church and from the* obligations ~~of the Ministerial office~~*attendant thereto*, and is deprived of the right to exercise *in The Episcopal Church* the gifts and spiritual authority as a

Minister of God's Word and Sacraments conferred in Ordination. The Bishop shall also declare in pronouncing and recording such action that it was for causes which do not affect the person's moral character, and shall, ~~if desired~~*at the person's request*, give a certificate to this effect to the person so removed *and released* from the ordained Ministry.

Sec. 9. A Priest who ~~would be permitted~~*could* under this Canon *be released and removed* ~~to renounce the exercise~~ *from the* ~~of~~ ordained *Ministry of this Church*~~office~~, *and* who desires to enter into other than ecclesiastical employment, may ~~declare~~ *express* in writing to the Ecclesiastical Authority of the Diocese in which the Priest is canonically resident a desire to be released *and removed* from the obligations of the office and a desire to be released *and removed* from the exercise of the office of Priest. Upon receipt of such ~~declaration~~*writing*, the Ecclesiastical Authority shall proceed in the same manner as ~~if the declaration was one of renunciation of the ordained Priesthood~~ *under*~~*prescribed in Section 8 of*~~ this Canon.

Sec. 10. If a Priest ~~making the aforesaid declaration of renunciation of the ordained Ministry be under Presentment for any Offense, or shall have been placed on Trial for the same~~*submitting the writing described in Section 8 or 9 of this Canon be the subject of information concerning an Offense that has been referred to an Intake Officer or a Respondent in a pending disciplinary matter as defined in Title IV of these Canons*, the Ecclesiastical Authority to whom such ~~declaration is made~~*writing is submitted* shall not consider or act upon ~~such declaration~~ *the written request unless and* ~~until after the said Presentment~~*the disciplinary matter* shall have been *resolved by a* dismiss*al, Accord or Order and the time for appeal or rescission of such has expired.*~~ed or the said Trial shall have been concluded and the Priest judged not to have committed an Offense.~~

Sec. 11. In the case of the ~~renunciation of~~*release and removal of a Priest from* the ordained Ministry *of this Church* ~~by a Priest~~ as provided in this Canon, a declaration of *release and* removal shall be pronounced by the Bishop in the presence of two or more Priests, and shall be entered in the official records of the Diocese in which the Priest being *released and* removed is canonically resident. The Bishop who pronounces the declaration of *release and* removal as provided in this Canon shall give notice thereof in writing to every Member of the Clergy, each Vestry, the Secretary of the Convention and the Standing Committee of the Diocese in which the Priest was canonically resident; and to all Bishops of this Church, the Ecclesiastical Authority of each Diocese of this Church, the Presiding Bishop, the Recorder of Ordinations, the Secretary of the House of Bishops, the Secretary of the House of Deputies, the Church Pension Fund, and the Board for ~~Church Deployment~~*Transition Ministry*.

Canon III.12.7(a)–(c) (for bishops)

Sec. 7. ~~Renunciation~~ *Release and Removal from* ~~of~~ the Ordained Ministry *of this Church*

(a) If any Bishop of ~~this~~ *The Episcopal* Church shall ~~declare~~*express*, in writing, to the Presiding Bishop*,* ~~a renunciation of~~an *intention to be released and removed from* the ordained Ministry of ~~this~~ *this* Church *and from the obligations attendant thereto, including those promises made at Ordination in the*

Declaration required by Article VIII of the Constitution of the General Convention, ~~and a desire to be removed therefrom,~~ it shall be the duty of the Presiding Bishop to record the ~~declaration and request so made~~*matter*. The Presiding Bishop, being satisfied that the person so declaring is acting voluntarily and for causes, ~~assigned or known,~~ which do not affect the person's moral character, *and is neither the subject of information concerning an Offense that has been referred to an Intake Officer nor a Respondent in a pending disciplinary matter as defined in Title IV of these Canons*, shall lay the matter before the Advisory Council to the Presiding Bishop, and with the advice and consent of a majority of the members of the Advisory Council the Presiding Bishop may pronounce that ~~such renunciation is accepted, and that the Bishop~~ *person* is released *and removed* from the *ordained Ministry of this Church and from the* obligations *attendant thereto*, ~~of all Ministerial offices,~~ and is deprived of the right to exercise *in The Episcopal Church* the gifts and spiritual authority as a Minister of God's Word and Sacraments conferred in Ordinations. The Presiding Bishop shall also declare in pronouncing and recording such action that it was for causes which do not affect the person's moral character, and shall, ~~if desired~~ *at the person's request*, give a certificate to this effect to the person so *released and* removed *from the ordained Ministry*.

(b) If a Bishop submitting the writing described in Section 7(a) of this Canon be the subject of information concerning an Offense that has been referred to an Intake Officer or a Respondent in a pending disciplinary matter as defined in Title IV of these Canons ~~making the aforesaid declaration of the renunciation of the ordained Ministry be under Presentment for any canonical Offense, or shall have been placed on Trial for the same~~, the Presiding Bishop shall not consider or act upon the written request unless and until the disciplinary matter shall have been resolved by a dismissal, Accord or Order and the time for appeal or rescission of such has expired ~~shall not consider or act upon such declaration until after the Presentment shall have been dismissed or the said Trial shall have been concluded and the Bishop judged not to have committed an Offense~~.

(c) In the case of ~~such renunciation by~~ *the release and removal of* a Bishop *from the ordained Ministry of this Church* as provided in this Canon, a declaration of removal *and release* shall be pronounced by the Presiding Bishop in the presence of two or more Bishops, and shall be entered in the official records of the House of Bishops and of the Diocese in which the Bishop being removed *and released* is canonically resident. The Presiding Bishop shall give notice thereof in writing to the Secretary of the Convention and the Ecclesiastical Authority and the Standing Committee of the Diocese in which the Bishop was canonically resident, to all Bishops of the Church, the Ecclesiastical Authority of each Diocese of this Church, the Recorder, the Secretary of the House of Bishops, the Secretary of the General Convention, The Church Pension Fund, and the ~~Church Deployment~~ Board *for Transition Ministry*.

Canon IV.16

CANON 16: Of Abandonment of The Episcopal Church

(A) By a Bishop

Sec. 1. If a Bishop abandons The Episcopal Church (i) by an open renunciation of

the Doctrine, Discipline or Worship of the Church; or (ii) by formal admission into any religious body not in communion with the same; or (iii) by exercising Episcopal acts in and for a religious body other than the Church or another church in communion with the Church, so as to extend to such body Holy Orders as the Church holds them, or to administer on behalf of such religious body Confirmation without the express consent and commission of the proper authority in the Church, it shall be the duty of the Disciplinary Board for Bishops, by a majority vote of all of its members, to certify the fact to the Presiding Bishop and with the certificate to send a statement of the acts or declarations which show such abandonment, which certificate and statement shall be recorded by the Presiding Bishop. The Presiding Bishop shall then place a restriction on the exercise of ministry of said Bishop until such time as the House of Bishops shall investigate the matter and act thereon. During the period of such restriction, the Bishop shall not perform any Episcopal, ministerial or canonical acts.

Sec. 2. The Presiding Bishop, or the presiding officer, shall forthwith give notice to the Bishop of the certification and restriction on ministry. Unless the restricted Bishop, within sixty days, makes declaration by a verified written statement to the Presiding Bishop, that the facts alleged in the certificate are false or utilizes the provisions of Canon III.12.7, the Bishop will be liable to Deposition *or Release and Removal*. If the Presiding Bishop is reasonably satisfied that the statement constitutes (i) a good faith retraction of the declarations or acts relied upon in the certification to the Presiding Bishop or (ii) a good faith denial that the Bishop made the declarations or committed the acts relied upon in the certificate, the Presiding Bishop, with the advice and consent of the Disciplinary Board for Bishops, shall terminate the restriction. Otherwise, it shall be the duty of the Presiding Bishop to present the matter to the House of Bishops at the next regular or special meeting of the House. ~~If the~~*The* House *may*, by a majority of the whole number of Bishops entitled to vote, *(1)* consent *to the deposition of the subject Bishop, in which case*~~,~~ the Presiding Bishop shall depose the Bishop from the *ordained* ~~m~~*M*inistry *of The Episcopal Church*, and pronounce and record in the presence of two or more Bishops that the Bishop has been so deposed*, or (2) consent to the release and removal of the subject Bishop from the ordained Ministry of The Episcopal Church, in which case the Presiding Bishop shall declare such release and removal in the presence of two or more Bishops.*

(B) By a Priest or Deacon

Sec. 3. If it is reported to the Standing Committee of the Diocese in which a Priest or Deacon is canonically resident that the Priest or Deacon, without using the provisions of Canon III.7.8-10 or III.9.8-11, has abandoned The Episcopal Church, then the Standing Committee shall ascertain and consider the facts, and if it shall determine by a vote of three-fourths of all the members that the Priest or Deacon has abandoned The Episcopal Church by an open renunciation of the Doctrine, Discipline or worship of the Church, or by the formal admission into any religious body not in communion with the Church, or in any other way, it shall be the duty of the Standing Committee of the Diocese to transmit in writing to the Bishop Diocesan, or if there be no such Bishop, to the Bishop Diocesan of an adjacent Diocese, its determination, together with a statement setting out in a

215 reasonable detail the acts or declarations relied upon in making its
216 determination. If the Bishop Diocesan affirms the determination, the Bishop
217 Diocesan shall place a restriction on the exercise of ministry by that Priest or
218 Deacon for sixty days and shall send to the Priest or Deacon a copy of the
219 determination and statement, together with a notice that the Priest or Deacon has
220 the rights specified in Section 2 *of this Canon* and at the end of the sixty day
221 period the Bishop Diocesan will consider deposing the Priest or Deacon in
222 accordance with the provisions of Section 4.
223 **Sec. 4.** Prior to the expiration of the sixty day period of restriction, the ~~Bishop~~
224 ~~Diocesan may permit the~~ Priest or Deacon ~~to~~ *may* utilize the provisions of Canon
225 III.7.8-10 or III.9.8-11, as applicable. If within such sixty day period the Priest or
226 Deacon shall transmit to the Bishop Diocesan a statement in writing signed by
227 the Priest or Deacon, which the Bishop Diocesan is reasonably satisfied
228 constitutes a good faith retraction of such declarations or acts relied upon in the
229 determination or a good faith denial that the Priest or Deacon committed the acts
230 or made the declarations relied upon in the determination, the Bishop Diocesan
231 shall withdraw the notice and the restriction on ministry shall expire. If, however,
232 within the sixty day period, the Bishop Diocesan does not *declare* ~~pronounce~~
233 ~~acceptance of the renunciation~~*the release and removal* of the Priest or Deacon in
234 accordance with Canon III.7.8-10 ~~and~~ *or* III.9.8-11, as applicable, or the Priest or
235 Deacon does not make retraction or denial as provided above, then it shall be the
236 duty of the Bishop Diocesan either (i) to depose the Priest or Deacon or (ii) if the
237 Bishop Diocesan is satisfied that no previous irregularity or misconduct is
238 involved, with the advice and consent of the Standing Committee, to pronounce
239 and record in the presence of two or more Priests that the Priest or Deacon is
240 released *and removed* from the *ordained Ministry of this Church and from the*
241 obligations *attendant thereto*, ~~of Priest or Deacon~~ and (for causes which do not
242 affect the person's moral character) is deprived of the right to exercise *in The*
243 *Episcopal Church* the gifts and spiritual authority conferred in Ordination.

EXPLANATION

The Presiding Bishop's office communicated to the Commission the following insights gleaned in recent years regarding the existing "renunciation" and "abandonment" canons: First, the renunciation canons were being regarded by some as carrying a negative mark against those ordained persons who "renounced" their ordained ministry according to those canons. The proposed amendments attempt to clarify that there is no negative connotation associated with that process, in large part by recasting the process in terms of "release" from the obligations of Ordained Ministry in The Episcopal Church and "removal" from the privileges that flow therefrom. Second, the current abandonment canon for bishops provides only one outcome in the instance of a bishop who has been found to have abandoned The Episcopal Church, which is deposition; by contrast, the abandonment canon for priests and deacons provides the option of removal in addition to deposition. The failure of the abandonment canon for bishops to provide the option of removal forecloses the possibility of a more pastoral response that might be appropriate in some instances. The proposed amendments make removal an option in the abandonment canon for bishops.