The Priesthood Judicial System

PURPOSE OF THE PRIESTHOOD JUDICIAL SYSTEM

Certain transgressions of Priesthood Group members are serious enough that repentance can be brought about only by proper discipline carried out under the inspiration of the Lord through an established judicial system administered by the priesthood. PRIESTHOOD LEADERS SHOULD ALWAYS REMEMBER THAT PRIESTHOOD COURTS ARE COURTS OF LOVE AND REDEMPTION, NOT OF RETRIBUTION.

Bishops and presiding high priests are judges of members' worthiness for all AUB privileges. The purpose of everything a bishop or presiding high priest does should be to strengthen individuals in their quests for exaltation. Thus, no bishop or presiding high priest can ignore serious transgressions of which he has knowledge or evidence. He has the solemn duty not only to keep the work of God unspotted from the sins of the world, but also to help individuals repent.

When a bishop or presiding high priest has determined that discipline is necessary, he should exercise wisdom and discernment to select the appropriate type: A voluntary confession indicates that the member is beginning the process of repentance. The presiding officer should respond with an understanding acceptance of the confession and encourage the member to make restitution, seek the Lord's forgiveness, and forsake the transgression.

When certain transgressions are confessed, the bishop or presiding high priest may choose to restrict the member's privileges temporarily. Such a temporary restriction may be part of a private but official probation. Probation without a Priesthood court is a form of official AUB discipline that can help a member repent.

At times, however, the convening of a Priesthood court is the only way to help the individual repent, and at the same time maintain the integrity of the Lord's work. When a Priesthood court is convened, it is an ecclesiastical proceeding: the rules or procedures applicable to the courts of the land do not necessarily apply. However, the rights of the individual and the position of the Priesthood are protected.

WHEN TO HOLD A PRIESTHOOD COURT

The convening of a Priesthood court should be for the consideration of a member's standing in the Priesthood Group only. All other considerations are to be left to the courts of the land.

A scriptural injunction affirming this principle is given as follows: "We believe that all religious societies have a right to deal with their members for disorderly conduct, according to the rules and regulations of such societies; provided that such dealings be for fellowship and good standing; but we do not believe that any religious society has authority to try men on the right of property or life, to take from them this world's goods, or to put them in jeopardy of either life or limb, or to inflict any physical punishment upon them. They can only excommunicate them from their society, and withdraw from them their fellowship" (D&C 134:10).

Priesthood courts may be convened to consider --

1. Open opposition to and deliberate violation of the rules and regulations of the Priesthood (including associating with apostate cults or advocating their doctrines).

2. Un-Christianlike conduct or unrighteous dominion.

3. Disputes among members.

4. Theft, embezzlement, fraud, and any other serious in-fraction of the moral code.

Priesthood courts must be convened when a serious transgression has been committed and one of the following circumstances exists:

1. Serious transgressions, including adultery, fornication, abortion, homosexuality, lesbianism, child molesting, cruelty to spouse or children.

2. At the time of the transgression the transgressor held a prominent position in the Priesthood.

3. The transgressor is guilty of murder.

4. The transgressor is guilty of incest.

5. A transsexual operation has taken place.

6. The transgression is widely known.

7. The transgressor poses a serious threat to other Priesthood members.

8. The transgression is part of a pattern of repeated serious wrongdoings, especially if prior sins have already been confessed to priesthood authorities.

Priesthood courts should not be convened merely because a member is totally inactive unless he (1) is influencing others toward apostasy or (2) makes a written request (not a form letter) at his own initiative to have his name removed from the records of the Priesthood and patient efforts to dissuade him are unsuccessful. A request that representatives of the Priesthood not visit the member is not a reason for excommunication.

A court should not be convened for a member who attends another church unless he has joined another church or an apostate cult is involved. However, if a member joins another church, he should be censured and brought to a Priesthood court to be tried for his membership. The spouse of a nonmember or an inactive member should not be brought before a Priesthood court simply because the nonmember or inactive spouse refuses to permit Priesthood activity.

Civil Disputes

Civil disputes among Group members usually do not require Priesthood court proceedings. Members should settle their disputes peacefully. If Priesthood leaders are asked to help, they should act as unofficial, private advisers and should not involve the Priesthood. If a dispute involves an accusation that a member has committed acts that would justify action against his membership, the case should be treated as any other accusation of transgression. When members have disagreements, Priesthood leaders must never allow anyone to use the threat of a Priesthood court as a form of harassment.

Conviction in a Civil or Criminal Court

When a member is convicted in a civil court of a crime involving fraud or conduct that is contrary to basic justice, honor, honesty, or good morals, the conviction may be considered sufficient reason to hold a Priesthood court. Generally, action is not taken until any period of appeal has expired or until the civil court has entered a final judgment in the criminal action.
Incest

Incest is an extremely serious transgression. The term incest, as used by the Priesthood, refers to sexual intercourse between a parent and a natural, adopted, or foster child, or stepchild. A grandparent is considered the same as a parent. A parent who commits this sin must be brought before a Priesthood court. The penalty for incest is mandatory excommunication. If local priesthood leaders are confronted with unusual circumstances concerning incest, they should bring the matter before the Priesthood Council.

Abortion

Abortion is a most serious transgression. The Priesthood does not sanction this transgression. The penalty for abortion is mandatory excommunication.

Transsexual Operations

The priesthood does not sanction transsexual operations. The penalty is mandatory excommunication.

Young, Unmarried Transgressors

Priesthood leaders should deal carefully with young, unmarried, and unconfessed members who have been involved in moral transgressions, but who manifest a sincere spirit of repentance and forsake their sins. Moral transgressions are very serious. The penalty is mandatory disfellowship.

Involvement with Apostates

Members who are attracted by apostate teachings should receive immediate attention. Those who openly oppose the Priesthood or persist in teaching false doctrine should be brought before a Priesthood court.

Confessions

When a member voluntarily confesses a serious transgression committed in the past and his conduct in the intervening years demonstrates full repentance, a Priesthood court need not be convened in most instances. Repentance and reformation of life are the primary objectives of Priesthood courts.

If a recent sin is serious enough to warrant court action, the member must be told that confession is part of repentance, but that the confession may not remove the need for a court.

Before deciding whether to convene a Priesthood court, the bishop or presiding high priest should privately interview the member who is suspected of serious transgression. If approached properly, the member may acknowledge the truth of the accusation and ask for help. If the member admits the accusation, the bishop may or may not need to convene a court, depending upon the seriousness of the transgression and the repentant attitude of the member. An admission of guilt after being accused may indicate a less repentant attitude than a voluntary confession. Nonetheless, a person who admits guilt shows greater repentance than one who tries to deceive the bishop and later admits guilt only when confronted with evidence.

Duty of Confidentiality

A bishop or presiding high priest has a duty to keep information received in a member's voluntary confession strictly confidential.

Legal Challenges to Clergyman Confidentiality

Priesthood officers and members of Priesthood courts who receive confidential information from members have a duty to keep it strictly confidential. If confidential information indicates that a member has violated a civil or criminal law, local leaders should urge the member to clear the matter with civil authorities.

If civil authorities challenge clergyman confidentiality, the local priesthood leader who is challenged should seek legal advice from Priesthood approved legal assistance.

Denied Accusations

If a member denies an accusation, but the bishop or presiding high priest has reliable evidence supporting the accusation, the bishop or presiding high priest should conduct an investigation to obtain further evidence. Two reliable Mechiz dek Priesthood holders may be asked to investigate the matter. They should be instructed not to use questionable methods. For example, electronic surveillance devices, hidden cameras or tape recorders, or telephone "buggings" must not be used; nor is it appropriate for Priesthood leaders to maintain a close watch of member’s homes. Such methods are unbecoming to priesthood holders and could subject the Priesthood and local priesthood leaders to legal action in civil courts.

Transgressors in Other Areas

If a bishop or presiding high priest becomes aware of individuals outside his community who are involved in transgressions, he should confidentially inform the Priesthood leaders of those implicated.

Local Jurisdiction

When a bishop is investigating serious transgressions, he should consult with the Presiding Bishop's Office (PBO) before convening a bishop's court. The PBO may choose to take local jurisdiction in some matters and convene a high council court.

Consideration for Family Members

Whenever Priesthood court proceedings are being considered, local leaders must be attentive to the special needs of innocent members of the family of the accused. Priesthood and auxiliary officers, and especially home teachers and visiting teachers, should give needed care and attention to those affected by Priesthood court proceedings.

COMPOSITION AND JURISDICTION OF PRIESTHOOD COURTS

Bishop Courts
A bishop's court consists of a bishop and his two counselors. Only the bishop may preside over this court. In the event a counselor is not available for a short period of time, the bishop should postpone the proceeding. However, if the absence of a counselor will be for an extended period of time, the matter should be referred to the Presiding Bishop for consideration by a high council court. The bishop should assign a qualified Melchizedek Priesthood holder to serve as clerk of the court to make a record of all proceedings.

The bishop's court has local jurisdiction over any member in his area if the transgression occurred while the accused person was a member of the area. (Ordinarily, the accused member's current bishop should assume jurisdiction unless special reasons dictate that the former bishop should assume jurisdiction, such as the availability of key witnesses who could not appear in the current area of the accused.)

A bishop's court may disfellowship any member over whom it has jurisdiction and may excommunicate any member in its jurisdiction except a bearer of the Melchizedek Priesthood. If excommunication of a Melchizedek Priesthood holder appears likely, the matter generally should be referred to the presiding high priest for a high council court.

High Council Court

A high council court consists of the presiding high priest, his counselors and twelve high priests. The presiding high priest calls twelve qualified, worthy high priests to serve for the duration of the court. Only the presiding high priest may preside over this court unless another presiding officer is appointed by the Council for a specific reason. A qualified Melchizedek Priesthood holder should be assigned by the presiding high priest to serve as clerk of the court to make a record of all proceedings. The high council court functions according to the instruction in section 102 of the Doctrine and Covenants.

A high council court has jurisdiction over any member of the area, and in special cases, over a former area member if the transgression occurred while the accused person was a member of the area.

Conflict of Legal Duty

If an accused person has moved far away, it may not be possible for him to return for the court. In such a case, the officers of the original area may obtain sworn statements before a notary from witnesses and send these to the presiding high priest of the area in which the member currently resides so that they can be used as evidence in a trial.

Conflict of Interest

No member of a bishopric, high council or Council court shall sit in judgment over persons to whom they are related or in any way involved with the family.

QUESTIONS ABOUT JURISDICTION

In questions of jurisdiction, the deciding factor generally should be that cases are best handled in the area where the facts are known and where necessary witnesses are available to testify. If jurisdictional questions cannot be resolved locally, the bishop or presiding high priest should submit a full report of the matter to the Council.

If a court is convened for a member who is temporarily living away from home (for example, while attending school or working in another city), the officer who convenes the court should consult the home area bishop prior to the court. Notice of the court's decision should also be sent immediately to the home area bishop.

NOTICE OF THE COURT

When priesthood leaders determine that a Priesthood court should be convened, the bishop or presiding high priest should notify the accused, informing him of the date, time and place of the court and the reason it is being held. This notice should be a simple letter and must never be a form or form letter. The letter must be signed by the presiding officer of the court and served personally by two trusted Melchizedek Priesthood holders (preferably members of the bishopric or the high priests quorum). If the accused has been interviewed, the notice may simply be a notification that the court will be held at a specified time and place.

If the presiding officer of the court has not interviewed the accused, the notice should inform the member of the purpose of the court, with such words as "to consider allegations of misconduct that have been made against you." The notice may also invite the accused to bring with him any witnesses who have knowledge concerning the case. The notice may also inform the accused that if he has any objections to the proceedings of the court, he may make this objection known to the presiding officer. The presiding officer will rule on the validity of any objections before convening the court, and if necessary he may appoint other qualified Melchizedek Priesthood holders to serve on the court. If the objection is to the bishop in a bishop's court, the matter must be referred to the Bishop's Office. If any objection to the presiding high priest is raised, he should consult with the Council.

The written notice should contain a statement setting forth the accusation but should not include any details or evidence which will later be considered in the court proceeding.

The Melchizedek Priesthood holders serving the notice could be entrusted with enough information about the accusation that they could make a simple explanation to the accused if necessary. The accused would then be able to prepare a response or provide witnesses in his behalf if he desired.

The notice should be delivered with great courtesy. The confidentiality of the proceeding must not be breached, and the reputation of the accused must not be damaged. If the accused is uncooperative and refuses to talk with those delivering the notice, the court may still proceed, based on the available evidence.

If the notice cannot be given in person, either because the member has moved too far away or is unwilling to receive those designated to serve the notice, it may be sent by registered or certified mail with a return receipt requested. If the accused is still uncooperative and refuses to acknowledge receipt of the notice, the court may proceed based on the available evidence. If a return receipt is obtained, it should be included with a copy of the notice in the court records.

When a court is convened in response to a member's written request that his name be removed from the records of the Priesthood, the written notice should not imply accusations of misconduct. The member should be given a courteous letter acknowledging his request, indicating when and where a Priesthood court will consider the request and inviting him to attend.

Those who deliver the notice must certify in writing to the presiding officer of the court that the notice has been delivered. This written statement of delivery should be included with a copy of the notice in the record of the court proceedings.
PROCEDURES FOR A BISHOP'S COURT

Just prior to inviting the accused member into the court, the bishop should describe the case briefly to the court members and should explain what constitutes guilt under the charge and what are considered sufficient grounds for action by the court.

The accused member is then invited into the court, and an opening prayer is offered. The clerk records enough information to complete an accurate report for the Court.

If the bishop has not discussed Priesthood court procedures with the accused, he should briefly explain those procedures and the right of appeal.

The bishop should explain the specific charge and the accused member should be asked whether the charge is true. If the accused confesses, the bishop may ask about additional circumstances related to the matter, as well as any steps the accused member has taken toward repentance. Any member of the court may then ask questions of the accused in an orderly, polite manner. Questions should be relevant to the matter being discussed, and members of the court should avoid arguing with the accused.

If an accused member who has previously confessed to the bishop does not appear at the court, but has given permission to share his confession, the bishop should state the substance of the confession for the minutes. A decision can be based on the confession and other relevant evidence.

If the accused pleads innocent, the court should proceed. If there are witnesses who should be heard by the court, these persons are then called and questioned by the court one at a time. Witnesses should have firsthand knowledge of the matter being considered. Normally, witnesses should be AUB members unless the bishop has determined in advance that nonmember witnesses will respect the purposes and procedures of a Priesthood court. If there are witnesses who will testify for and against the accused, those speaking against him should be heard first. The presiding officer should make sure that witnesses wait in rooms separate from the trial room and that they are instructed not to talk with each other about the case either before or after they testify. The bishop may appoint reliable Melchizedek Priesthood holders to stay with the witnesses before their appearance.

The witnesses should testify in an orderly way in the presence of the accused, who may ask the witnesses questions or otherwise respond to their testimony or their credibility.

If the accused has denied the accusation and no witnesses with firsthand knowledge of the case are available, the bishop should state the charge and the pertinent evidence that he has. He may attempt through questions to establish the facts. If the accused has been notified of the court—but does not appear—the court should reach a decision according to available evidence.

The bishop has the right to rule on the appropriateness of any evidence presented to the court.

If the court is considering a member's written request to have his name removed from the records of the Priesthood, all relevant correspondence and evidence of attempts to persuade him to remain among the people should be heard by the court and noted in the minutes. If the members of the court are satisfied that all possible effort has been expended, the request should be granted.

After the court has heard all relevant evidence in the presence of the accused, and he has had the opportunity to comment on any of the evidence or its sources, the bishop should excuse the accused member to await the court's decision.
Members of the court should consider all evidence presented in the case, and the bishop should analyze and summarize the case. If further time is needed for consideration, the court may be adjourned until a specified later date. Otherwise, the bishop should obtain the counsel of the other court members, and together they should seek the inspiration of the Lord through prayer. The bishop, who has familiarized himself with the possible decisions, should announce his decision to the court and ask for a sustaining vote. The decision should be sustained by the court members unless they feel that the decision creates a serious injustice. A decision need not be sustained unanimously to be valid. The bishop is the judge. Any differences of opinion should be resolved, if possible, and must be kept confidential.

After the decision has been reached, the accused member is invited back into the room, and the bishop announces the decision. The bishop explains the implications of the decision and right of appeal. If the accused has been disfellowshipped or excommunicated, the bishop should outline how reinstatement or readmission may be obtained.

After a closing prayer the court is adjourned.

As soon as possible after the court adjourns, a written notice of the court’s decision should be delivered to the person by two Melchizedek Priesthood holders or sent by registered or certified mail with a return receipt requested. Under no circumstances is the accused to receive a copy of the minutes of any court meeting.

If the member requested that his name be removed from the records of the Priesthood and the court has granted his request, the written notice advising him of the court action should not use the word excommunication. The notice should state that his request to have his name removed from the records of the Priesthood has been granted.

PROCEDURES FOR A HIGH COUNCIL COURT

Members of the high priests quorum should read and understand Doctrine and Covenants, section 102. They should also be familiar with the procedures for a bishop’s court, for essentially the same steps apply to a high council court.

Before inviting the accused member into the courtroom, the presiding high priest should give a description and explanation as outlined for a bishop’s court, and the court should determine whether or not the case is a difficult one and how many should speak. The presiding high priest is the presiding officer and is assisted by his counselors. The high priests should draw lots to determine which of them will later speak on the case. The accused member is invited into the courtroom and the same procedure as outlined for a bishop’s court is followed to the point where all relevant evidence has been presented. During the presentation of the evidence, any member of the court may ask questions, but restraint and propriety should guide the questions or comments of the court members.

After the court has heard all the evidence, the appointed high priests then should speak their views on the case. Members of the high priests who speak are not advocates or prosecutors, but are to see that the case is handled fairly. The accused is given the opportunity to speak and then excused from the courtroom. The presiding high priest and his counselors should withdraw from the courtroom and confer in private. After consultation and prayer, the presiding high priest makes a decision and asks his counselors to sustain it. The presiding high priest returns to the courtroom and announces the decision to the high priests. The high priests are called upon as a group to sustain the decision of the presiding high priest. The decision is binding even if it is not sustained unanimously. However, if one or more high priests object to the decision, the presiding high priest should make every effort to obtain a unanimous vote. If necessary, the evidence may again be reviewed by the council, but not in the presence of the accused. Witnesses may be recalled for further questioning if necessary.

The high priests do not, however, have the power to veto the decision of the presiding high priest.

When the high priests have sustained the decision to the satisfaction of the presiding high priest, the accused member is brought back to the courtroom, and the decision is announced. The presiding high priest should speak with love and concern, and in the case of disfellowship or excommunication he should emphasize the terms of reinstatement or readmission. The right of appeal should also be explained. After a closing prayer the court is adjourned.

A high council court may take place in the absence of the accused if he has been properly notified and fails to appear.

DECISIONS THAT PRIESTHOOD COURTS CAN REACH

When a Priesthood court has been convened, the following decisions are possible: take no action, probation, disfellowship, or excommunication. Prayerful consideration must be given to the decision, which should not be made with excessive haste, but likewise should not be delayed unduly.

Take No Action

A court may conclude that no action should be taken, even if a transgression has been committed.

Probation

As stated under Purpose of the Priesthood Judicial System, probation without a Priesthood court is a form of discipline which bishops or presiding high priests can impose in order to help a member repent. However, those who are placed on probation should understand that if they fail to repent during the probationary period the matter can still be brought before a Priesthood court.

Also, there may be an occasional proceeding where the presiding officer feels that the evidence presented does not seem to justify disfellowship, but some action is required. In such cases probation may be considered. Probation is not an appropriate decision if the court suspects guilt but sufficient evidence is not available. In such cases the court should be adjourned temporarily so that more evidence can be obtained.

When the decision of a priesthood court is probation, the presiding officer should specify to the individual the terms and conditions under which the probation can subsequently be terminated. During the period of probation the presiding officer should maintain regular contact with the individual to help assure progress toward termination of the probation. No notation is made on the individual’s membership record of the probation.

Disfellowship

Disfellowship is a less severe form of discipline than excommunication. However, it is a severe penalty that may be adequate for all but the most serious transgressions. Nevertheless, in cases of serious transgressions, including serious spouse or child abuse, and in cases of defiance or denial of sins without confession and without expression of sincere sorrow and repentance, excommunication may be necessary.

A person who is disfellowshipped is not entitled to speak or offer a public prayer in any AUB meeting. He is, however, entitled to attend meetings provided his conduct is orderly. He may not partake of the sacrament, hold a temple recommend, hold any Priesthood position, or exercise the priesthood in any way.

While disfellowshipped, the member is encouraged to attend public meetings, to pay tithes and offerings, to continue to wear
temple garments (if endowed), and to seek for a return to fellowship through sincere repentance and righteous living.

Disfellowship is usually a temporary, but not always a brief, term during which the member is expected to fulfill all requirements imposed on him by the court. If he repents and satisfies the conditions imposed by the court, he is brought back into full fellowship. If he does not repent, he may be considered for excommunication.

Excommunication:
A person who is excommunicated is no longer a member of the AUB. As long as he is out of the AUB, all privileges of membership are denied, including the wearing of temple garments and the payment of tithing and other contributions.

However, excommunicated individuals may, if they so desire, make such payments through a member of their immediate family who is in full standing in the AUB, provided that all receipts are written in the name of the family member.

An excommunicated person may not attend or participate in any Priesthood sponsored meeting or function.

An excommunicated person should be encouraged to repent and live the gospel standards.

THE RIGHT OF APPEAL
All persons disfellowshipped, excommunicated, or placed on probation in Priesthood courts have the right to appeal the decision. Any appeal should be in writing and should specify the alleged errors or unfairness that the accused feels took place in the original court proceedings or decision. A person desiring to appeal should present the written appeal to the presiding officer of the court that made the decision, who will forward the appeal along with the minutes and other appropriate documents to the presiding officer of the priesthood court of appeal. In all but the most unusual circumstances this should be done within thirty days from the date of the original decision.

The decision on appeal, which will be made by the court convened to consider the appeal, may be to--

1. Let the court decision stand.
2. Modify the decision.
3. Direct a rehearing of the matter either by the original court or to authorize a new hearing by the priesthood court of appeal, at which testimony may be heard or additional evidence gathered.

The Presiding Bishop's Office or the Council may initiate a review of a decision made in a bishop's court. The Council also may initiate a review of a decision made in a high council court.

WHEN TO ANNOUNCE COURT ACTION
The action of a Priesthood court to disfellowship or excommunicate a member is announced only to those who need to know. The following principles and procedures govern:

1. No announcement is made to anyone if an appeal is pending.
2. The bishop announces the action to the area priesthood and auxiliary leaders in confidence to guide priesthood offices who might use the person in Priesthood service.
3. The bishop advises the Relief Society president in confidence when a member of the Relief Society is involved.

4. If a case involves the preaching of false doctrine or other flagrant transgressions, the bishop announces the court action in the Melchizedek Priesthood quorum and group meetings. In such cases the Presiding Bishop's also may need to make a broader announcement in a general meeting or in a priesthood meeting in each area of the Priesthood, after the young men of Aaronic Priesthood age have been excused.

5. Decisions for probation are not announced.

6. An announcement should consist only of a general statement that the person named has been disfellow-shipped or excommunicated for conduct contrary to the laws and order of the gospel, unless some special statement is considered advisable.

7. If a person's name has been removed from the records of the Priesthood in response to his request, any announcement should not include the word excommuni-cation. It merely should state that his name has been removed from the records of the Priesthood at his request.

8. In unusual cases, an announcement that a court was held but no action taken may be necessary to dispel rumors.

All proceedings of a Priesthood court, except the official public announcement, are strictly confidential. Presiding officers of courts must make certain that this principle is stressed to court members and is observed strictly.

COURT RECORDS
Proper records must be kept of all court proceedings and should be prepared carefully because appeals or later readmission hearings depend heavily on the records.

Records of ALL proceedings are to be submitted to the Council.

When a Member is Disfellowshipped
When a member has been disfellowshipped, the items to be sent to Council should include a copy of the notice delivered to the accused, a copy of the letter delivered to confirm the court's decision, and any other documents or correspondence directly related to the case.

If a disfellowshipped person moves from the area in which the disfellowshippedment was imposed, the member-ship record should be retained in the bishop's office. When the new bishop receives notice, he should contact the bishop of the area in which the penalty was imposed to get enough information concerning the circumstances to be able to support the disfellowshipped member in his efforts to prepare himself to be reinstated.

When a Member is Excommunicated
In cases of excommunication the same records are to be sent to the Council as were specified for disfellowshipped persons, along with the following items when applicable:

1. The letter written by a person requesting that his name be removed from the records of the Priesthood.
2. The letter from the parents or guardian of a baptized minor child requesting that the child's name be removed from the records of the Priesthood.
3. The individual's membership record, marked "Excom-municated" in red across the record, listing the date and cause. However, if members request that their names be removed from the records of the Priesthood, the membership record should be marked "Name removed at member's request."
Precautions must be taken to ensure that confidential documents are not available to unauthorized persons.

ENDING PROBATION

Probation imposed by a Priesthood court can be terminated upon recommendation of the presiding officer of the court once the individual has met the terms and conditions imposed. The court of original jurisdiction should reconvene and consider the recommendation to terminate the probation. When the court has approved the termination, the report of court action is forwarded to the Council.

If, in the judgment of the presiding officer of the court that imposed probation, the individual is not living up to the terms and conditions specified, the court can be reconvened to hear the matter and determine whether further action is warranted.

If the individual on probation moved during the probationary period the individual’s current presiding officer should refer the matter back to the court of original jurisdiction.

REINSTATING DISFELLOWSHIPED MEMBERS

Reinstatement of a disfellowshiped member depends upon evidence of sincere repentance, full compliance with the conditions imposed by the court, and the passage of enough time to demonstrate worthiness. There is no specified period of time for a disfellowshiped person to prove his repentance, but it would be exceptional to consider this in less than a year since too short a time may not accomplish the desired repentance.

Through his present bishop the disfellowshiped member should take the initiative to request a reinstatement hearing by the court that originally imposed the penalty. It is not necessary to have the persons who were the members of the original court recalled. The court as it is currently organized is authorized to act.

If the disfellowshiped member is found to be sufficiently repentant and worthy, the presiding officer of the court should recommend reinstatement to full fellowship to the Council. After the Council is satisfied as to the member’s repentance and worthiness the Presiding Elder should send his written recommendation to the presiding officer of the court.

Once reinstatement is approved, the court should notify the member by letter of the action taken.

READMITTING EXCOMMUNICATED PERSONS

Rebaptism shall only be allowed at the discretion of the Presiding Elder.

QUESTIONS ON COURTS

The foregoing instructions on Priesthood courts provide guidelines for most procedures, but bishops and presiding high priests must, by fasting and prayer, seek guidance from the Lord, since dealing with the membership of those in the AUB is a sensitive matter and requires the utmost tact and diplomacy.

If a bishop is unsure of the procedures for any case under his jurisdiction he should consult with the Presiding Bishop’s Office. Questions that cannot be resolved by the PBO may be referred to the Council. Local leaders, however, should not expect Council to tell them how to decide difficult cases because the final decisions are within the discretion and authority of the bishop or presiding high priest as they are directed by the Spirit.

After a bishop or presiding high priest has taken action in a case, questions concerning the case that cannot be resolved within the area should be directed to the Council.

In all instances, the Council has the right to make exceptions to any court procedures as may be required by unusual circumstances.
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Decisions made by either a Bishops' court or the High Priest court that have a finding of disfellowshipment or excommunication must be presented to the Presiding Elder of the Apostolic United Brethren ten (10) days prior to letter of notification being sent to the person brought before the court.

[Signature]
Presiding Bishop