

DIVORCE POLICY EXCEPTION INSTRUCTIONS TO THE APPLICANT FOR A DIVORCE POLICY EXCEPTION



EFCA Policy

The General Conference of the EFCA adopted a policy statement in 1982 which defined the position of the EFCA regarding the credentialing of those who are divorced or married to one who has been divorced. Simply stated, the policy reads, *“We will not license, ordain, transfer credentials, hire or recommend for placement in pastoral ministry, missionary service, or District or National executive leadership a person who has been divorced, or who is married to a person who has been divorced.”*

At the same time, biblical texts indicate that there is the possibility of granting an exception to our policy under certain circumstances. Four such circumstances have been clearly defined and are listed in the Evangelical Free Church of America Board of Ministerial Standing Divorce Policy (Revised 9/20/99). The following instructions are intended to guide an applicant in the request for a Divorce Policy Exception provided for under the current policy.

Procedure for seeking a Divorce Policy Exception

1. The applicant for a Divorce Policy Exception shall request an application from their District Office and complete the form, returning it with all necessary supporting documents to the District Superintendent or District Staff overseeing the process.
2. The applicant must then appear before a District Fact-Finding Committee for an interview. The Committee will address all questions on the application form, along with other pertinent questions relevant to each specific case, prepare a transcript of the interview and send it, together with the written statements and court documents provided by the applicant, to the Board of Ministerial Standing (BOMS).
3. BOMS will consider the application, all the documentation, and the transcript of the interview in its decision.

Fact-Finding Interview

A District Committee will interview the applicant for a Divorce Policy Exception (DPE). The purpose of the interview is to discover significant facts concerning the issues involved in the divorce.

Interviewers should be careful not to coach the applicant, or ask leading questions. The District Committee is not to vote on a recommendation, but shall submit comments concerning their impressions based on the interview. They should be careful not to give the applicant any indication of the probable outcome of the interview.

It is not the Committee's task to decide if the candidate qualifies for the exception; its task is to discover significant facts concerning the issues involved in the divorce. BOMS is interested in the observations of the Committee, since its members observed the person's responses. The presence of the applicant's spouse is also helpful, when applicable, since he or she may provide additional insight.

The information gained by this fact-finding interview is submitted to BOMS which is given the responsibility to decide if the applicant meets the criteria to grant a divorce policy exception. The granting of the exception makes possible the subsequent application for a credential in the EFCA.

Documentation

Many applicants are able to present their case in a very convincing way. Proverbs 18:17 even gives this warning; *"The first to present his case seems right, till another comes forward and questions him."* To be fair to all parties, and to gain the information necessary to make a biblically informed decision, appropriate documentation must be presented by the applicant. The responsibility to provide this documentation is placed upon the applicant, and the District Committee can only pass along to BOMS what it receives. Since much of the decision rests upon this information, it is vital to present appropriate documents.

When a *"written statement"* is requested, the applicant must submit, *"information by a witness to the events relating to the divorce in question, signed and dated by the person submitting the statement."*

What is needed by BOMS is *independent, objective verification of the facts in the case.* Independent and objective testimony would be *"information submitted by a witness that was not provided to the witness by the person making application for the DPE."* Without such supporting documents, BOMS is unable to objectively decide if the application under our exception process is valid.

Following are *typical examples* of the kind of documentation needed for each of the four grounds used to determine whether a DPE can be granted. No individual can supply all of the documents, nor is expected to. However, the following documentation helps to evaluate this exception:

1. *Divorce before conversion* – It is not assumed that a divorce that was prior to the applicant's conversion automatically qualifies the applicant for an exception. Some circumstances dictate that other issues be considered.
 - Court documentation of dates and grounds for divorce.
 - Written statements from individuals who knew them before and after their decision to trust Christ and can relate the date of that decision to their marital situation at that time.
 - Written statements of witnesses to attempts at reconciliation if the remarriage occurred following their decision to trust Christ.

- Written statements from a pastor, marriage counselor, or legal professional who talked to them about their marital situation.
2. *Abandonment/desertion by an unsaved spouse* – Abandonment/desertion by an unsaved spouse is not automatically considered sufficient cause to grant an exception. The issues which caused the unsaved spouse to abandon the marriage must be considered.
 - Written statement from the spouse who abandoned/deserted the marriage stating their reason for seeking a divorce.
 - Written statements from those who witnessed the events at the time of the abandonment/desertion, and who can provide verified reasons for the divorce.
 - Confirmation that the spouse was indeed unsaved at the time of the divorce.
 - Written statements of witnesses to these events who can confirm that the divorce took place in spite of attempts at reconciliation.
 3. *Infidelity – Adultery is not automatically considered sufficient grounds for a divorce under this policy. When a pattern of unfaithfulness exists, or an unwillingness to abandon an adulterous relationship or lifestyle is demonstrated, the exception is more likely granted. Attempts at reconciliation and other contributing factors are considered as well.*
 - Written statements from witnesses to the existence of an unfaithful relationship.
 - Direct acknowledgement by a former spouse of admitted infidelity.
 - Evidence that the unfaithful spouse lived with another, or spent the night with one other than their marriage partner.
 - Written statements from those who observed inappropriate public behavior with someone other than their spouse.
 - Written statements from a pastor, marriage counselor, or legal professional who talked to them about their marital situation.
 - Documented dates of a second marriage by the spouse who left the existing marriage, if they remarried.
 4. *Fraudulent or dishonest marriage commitment* – This rare exception is applied to a situation when one of the persons entered into a marriage commitment with dishonest motives, never intending to make the marriage a sincere, permanent commitment. A notable example of this is when a person enters marriage only to gain citizenship, intending to leave the marriage soon after.
 - Written statements by a witness who observed the relationship and can confirm the fraudulent or dishonest nature of the initial marital commitment.
 - Court records which verify the dates and nature of the deception.
 - Written statements from a pastor, marriage counselor, or legal professional who talked to them about their marital situation.
 - Written statements of a witness to failed attempts at reconciliation.

When application for a Divorce Policy Exception can be made

The question often emerges, “How long after a divorce or marriage to one who has been divorced may application be made for the DPE?” Certainly every circumstance is different, and

every applicant must follow the leading of the Holy Spirit in this very significant step towards EFCA credentialing, but the following standards will be used by BOMS to make a just decision:

1. *If the divorce or marriage to one who has been divorced is within the past 10 years –*

- The reason for the divorce must be according to the EFCA Policy.
- The application must provide unquestionably and objectively verified written statements by witnesses, appropriate court documents and written comments by the District Fact-Finding Committee interview.
- A written statement of support by a credentialed EFCA pastor, District Superintendent or District Staff overseeing the process.
- A written statement of support by the leadership of the local church which the applicant is attending.

2. *If the divorce or marriage to one who has been divorced happened 10 or more years before –*

BOMS realizes that much information is not available when events are in the more distant past. Persons are not found or able to provide information, and those who could provide information often admit that their memory may be lacking after the passing of many years. Also, it is recognized that over significant years, life situations of those involved in the divorce may have changed, and therefore it may be in the best interest of all not to contact some persons. The biblical grounds of the DPE do not change, but the required documentation cannot be the same. The following standards shall apply to these cases:

- The reason for the divorce must be according to the EFCA Policy.
- Court documents and dates are available and applicable, and should be provided.
- Written statements by witnesses to the events leading up to the divorce may be available and therefore provided with the application, but when these are not available, and it seems best to not contact persons from the distant past, they are not always required.
- Persons who have observed the applicant during the past 10 years must provide signed written statements providing positive character references of demonstrated integrity of the applicant. These persons are not to be family members, and yet must know the applicant well.
- A written statement of support by a credentialed EFCA pastor, District Superintendent or District Staff overseeing the process.
- A written statement of support by the leadership of the local church which the applicant is attending.

DIVORCE POLICY EXCEPTION APPLICATION



(Please type or print with black ink.)

Please note: A separate application is to be filled in by each person (husband and/or wife) with a divorce in their background.

Name of Applicant _____
Address _____
City _____ State _____ Zip _____ Phone _____
Church membership _____
Church attending _____
Present marital standing: Married _____ Unmarried _____
Name of present spouse: _____
Date married _____ Was your present spouse previously married? Yes _____ No _____

Are there children born of your present marriage? Yes _____ No _____

If yes, give name, age and present location:

Name _____ Age _____ Address _____
Name _____ Age _____ Address _____
Name _____ Age _____ Address _____
Name _____ Age _____ Address _____

Name and address of former spouse(s): _____
Phone: _____

Date of marriage to former spouse _____

Ages at time of marriage (Self) _____ (Spouse) _____

Who filed for the divorce? (Self) _____ (Spouse) _____

What were the stated grounds for the divorce? _____

Date the divorce was final _____

Were children born of this former marriage? Yes _____ No _____

If yes, give name, age and present location:

Name _____ Age _____ Address _____
Name _____ Age _____ Address _____
Name _____ Age _____ Address _____
Name _____ Age _____ Address _____

Was your divorce prior to your conversion? Yes _____ No _____

To your knowledge was your former spouse a Christian at the time of your marriage?
Yes _____ No _____

If 'no' to the previous, to your knowledge was the former spouse a Christian at the time of your divorce?

Yes _____ No _____

Has your former spouse remarried?

Yes _____ No _____

Did you remarry before your former spouse?

Yes _____ No _____

On another page, please:

- Describe any attempts toward reconciliation.
- Outline briefly your understanding of the biblical premise upon which you believe an exception can be granted for an EFCA credential.

Written statements from pastors, counselors or other outside parties are required for all critical data, including all pertinent dates. This material is to be presented to the District Fact-Finding Committee before the interview. The Committee will present such written statements to BOMS along with the minutes of the Committee interview.

- In the case of a divorce occurring prior to conversion (cf. 1 Corinthians 6:9-11; 2 Corinthians 5:17), this needs to include information of efforts at reconciliation when the spouse has not yet remarried.
- In the case of a divorce due to adultery (cf. Matthew 19:3-9), this needs to include written statements concerning the unfaithfulness on the part of the spouse.
- In the case of abandonment/desertion (cf. 1 Corinthians 7:12-16), this needs to include written statements of the spouse's spiritual condition and the reasons for abandonment/desertion. It should also describe any efforts at reconciliation.

Please list below names, addresses and phone numbers of pastors, counselors and/or friends from whom you have requested and submitted written statements verifying your testimony:

I have initiated this process and I am sharing this information freely and voluntarily. I understand that the information provided is confidential and will be read pastorally with compassion. I am providing this information so that the Board of Ministerial Standing of the EFCA can determine whether my situation fits the criteria established for the exception.

Signed _____ Date _____

GUIDELINE QUESTIONS FOR DIVORCE COUNCIL INTERVIEWS



Responsibility of the Committee Interviewing a Candidate.

1. A Committee will be appointed by the District Superintendent or District Staff to interview a candidate for the exception policy under the rules and regulations concerning divorce and remarriage. The concerns of this Committee have to do with individuals who are credentialed or seeking credentials from the Evangelical Free Church of America. This Committee must be committed to keep all information confidential.
2. The interview is to be recorded so that it is clearly audible.
3. The transcript or minutes and recording shall be sent to the District Office within two weeks of the interview, who will then send all the required material (which includes the transcript or minutes but not the recording) to the EFCA national office to be processed by the Board of Ministerial Standing.
4. Appropriate and probing questions will be asked to get the facts related to the divorce so that BOMS can evaluate the case to determine whether the candidate qualifies for the exception. Sensitivity will be extended to the individual or couple being interviewed.
5. Recognize that the following questions are only guidelines or leading questions—other questions may be added as the interview process unfolds in order to get at all the facts related to the case.
6. Prior to the interview, Committee members should be provided with the application form and any other supporting documents, in preparation for the interview.
7. The District Committee is not to vote on a recommendation, but shall submit comments concerning their impressions based on the interview.

Interview Questions of the Candidate

(At this point, interviewers should identify themselves and the church which they serve.)

The Chair will summarize the factual information contained in the Divorce Policy Exception Application Form.

1. Statement made by the applicant: I have initiated this process and I am sharing this information freely and voluntarily. I understand that the information provided is confidential and will be read pastorally with compassion. I am providing this information so that the Board of Ministerial Standing of the EFCA can determine whether my situation fits the criteria established for the exception.
2. Name and name of spouse.

3. Name of your former spouse.
4. Date of first marriage.
5. Length of marriage and date divorce was final.
6. Children born of the previous marriage, and, if so, names and ages at present time.
7. Date of remarriage.
8. Children born of present, and if so, names and ages at the present time.
9. Date former spouse remarried, if appropriate.

After this summary, the Chair will facilitate the discussion with the candidate asking these questions.

1. Were you a Christian at the time of your marriage? Your spouse?
2. When did you become a Christian?
3. Were you a Christian at the time of your divorce? Your spouse?
4. In your opinion, what contributed to the breakdown of your marriage?
5. What are the biblical grounds for your divorce?
6. Why does your divorce fit within the exceptions granted in the EFCA divorce policy?
7. Did you seek counseling during the breakdown process in your marriage? [The names of those involved in this process – pastors, counselors and/or friends – are listed in the application form.]
8. If so, what did you learn?
9. Are there any others that may be able to substantiate the factual information that you have been willing to share?
10. Is there anything else that would be important or helpful for us to know?

Committee Make-up

A District Committee of at least three credentialed EFCA pastors, and it is strongly recommended that one or two women serve on this Committee, will interview the applicant for a DPE. The applicant's pastor may participate, but no more than one pastor may be from the applicant's church. This Committee should be appointed by the District Superintendent or the District Staff.

Written Statements

The chairman of the Committee or the District Superintendent must make sure there are written statements as noted in the **INSTRUCTIONS TO THE APPLICANT FOR A DIVORCE POLICY EXCEPTION** which are sent with the minutes of the interview to BOMS.