

ESTABLISHING A BIBLICAL BASED LEGAL POSITION ON MARRIAGE

Overview. For a church to have a Biblical based legal position regarding marriage and weddings on its campus or by its pastors, all its core documents regarding marriage/weddings must state the basis for its legal position. This means that the church bylaws, constitution, policies, procedures and agreements regarding their conduct and use of church property and the involvement of church staff need to consistently state or refer to the legal basis for their position on marriage/weddings.

Alliance Defending Freedom Resources. The Alliance Defending Freedom has a one page document entitled SUGGESTED LANGUAGE FOR CHURCH BYLAWS with suggested statements on Statement of Biblical Authority, Membership and Statement on Marriage and Sexuality. For details click:

<https://www.google.com/url?q=http://www.alliancedefendingfreedom.org/content/docs/issue/s/church/suggested-lang-church-bylaws.pdf&sa=U&ei=GqWEU6GOLZGzrAfek4HoAw&ved=0CAUQFjAA&client=internal-uds-cse&usg=AFQjCNGJd6JwCycVVG0LJHbe5bOeeqMHw>

They have another document that should be used as a reference when reviewing a church's bylaws, constitution, policies and procedures entitled SEVEN THINGS ALL CHURCHES SHOULD HAVE IN THEIR BYLAWS (Formal membership policy, procedure for member discipline/membership revocation, procedure for rescinding membership, job descriptions and religious grounds for limiting employment opportunities, statement of religious belief regarding marriage, identify governing body that is the sole authoritative interpreter of scripture and due diligence requirements for all volunteers and staff who work with children. For details click:

https://www.google.com/url?q=http://www.alliancedefendingfreedom.org/UserDocs/SevenChurchBylaws.pdf&sa=U&ei=uKWEU4XfBlngRQe_8oGoAw&ved=0CAUQFjAA&client=internal-uds-cse&usg=AFQjCNHjuF4tAjb5eclJMv4Fae7bDn6J8w

Transformation Ministries Resources. Another useful way to strengthen a church's position relative to a biblical position on marriage is to refer to the **Covenant of Transformation Ministries Churches** **[ADD LINK TO ACCESS COVENANT AND APPENDICIES]** most if not all of Transformation Ministry Churches have signed. Appendix #2 of this Covenant states the Convictions of Transformation Ministries containing sound doctrine and language regarding a Confession of our Common Faith (Item #1) and Declaration on Human Sexuality and the Church (Item #2). Among other things this Appendix #2 states that "That the Bible, composed of the Old and New Testaments, is the divinely inspired Word of God, the final and trustworthy authority for faith and practice." It also states that "We affirm God's gracious creation intent for both faithful lifelong heterosexual union for married persons and for committed celibate behavior for unmarried persons as the only Biblical options for human sexual conduct. All other sexual unions are clearly identified in Scripture as being sinful and destructive of persons." It further states "We affirm that all alternative sexual unions outside of heterosexual marriage including homosexual/bisexual practiced, adultery, and fornication are sin." In Appendix #3 the

Covenant states that one of our core values is “Biblical Authority – the Scripture is supreme and infallible in its authority for the individual Christian and the Church.”

Example Documentation for church documents.

The authority of the Bible: The church constitution/bylaws need to state in terms similar to those found in the Alliance Defending Freedom or Covenant of Transformation Ministries Churches. Basically the documents need to state that the Bible itself is the final authority on what the church believes and is to be used by the church’s leadership as the final interpretive meaning and application regarding truth, morality, proper conduct of mankind, doctrine, practice, policy and discipline.

Example Wedding Ministry Team Responsibilities & Requirements per FBYL

Constitution/Bylaws: The ministry team is responsible for assuring the officiating Pastor, prospective Bride, the prospective groom, Wedding Coordinator and FBYL’s Sr. Pastor sign the Wedding Ceremony Requirements, Policies and Procedures Agreement in order for a wedding ceremony to be scheduled on the FBYL official calendar. The Wedding Ceremony Agreement is to contain a statement that “We hereby confirm this prospective marriage to be a heterosexual union, ordained by God, only between one currently and at birth biological man and one currently and at birth biological woman.””

Wedding Ceremony Requirements, Policies & Procedures Agreement (from FBYL’s agreement). Besides policies and procedures regarding the use of FBYL’s facilities this agreement states the following:

1. The officiating Pastor, the prospective Bride, the prospective groom and the Wedding Coordinator must each sign in person at FBYL that they have received, have had an opportunity to ask questions to understand this agreement, understand the contents and agree to sign this agreement prior to the official scheduling of the wedding on the FBYL church calendar.
2. To be married by an FBYL Pastor and/or to be married on FBYL grounds or in FBYL facilities, the prospective bride must be a biological woman and was at birth, and the prospective groom must be a biological man and was at birth. The officiating pastor must be approved by FBYL’s Senior Pastor and have the same core convictions and values.
3. The Prospective Bride and Groom agree to undergo up to 6 hours of Marriage Counseling by FBYL’s Senior Pastor or designee and attend FBYL church services at least two (2) times a month for (4) months or meet the same requirements at the Officiating Pastor’s Church.
4. On the last page of the agreement just before the signature lines the following is stated: “I have read, had an opportunity to get answers to my questions, understand and agree to the requirements, policies and procedures contained herein. NOTE AT TIME OF SIGNING THE PROSPECTIVE BRIDE AND PROSPECTIVE GROOM MUST PRESENT A VALID DRIVERS LICENSE AND BIRTH CERTIFICATE AS PROOF OF IDENTITY.”

FBYL's complete Wedding Ceremony Requirements, Policies & Procedures Agreement. Click on the following Link to see the entire agreement which also cover policies and procedures on use and care of church facilities.

Recommendation. It is recommended that Transformation Ministry member churches review their Bylaws/Constitution and other policies and procedures to assure all are consistent relative to their biblical based legal position on marriage.

If additional guidance is desired in drafting new or updating your church documents above what is provided above, contact Transformation Ministries at _____ and/or request assistance from the Alliance Defending Freedom or another firm with experience in helping churches in this area. Transformation Ministries cannot and does not assume legal responsibility for your Church documents.¹

¹ *These samples are provided as input to assist you in developing procedures, but are not a substitute for considering the risks at your church and establishing your own policies and procedures to reduce those risks to acceptable levels. Transformation Ministries provides these as a convenience for its churches but directly states to you, the user that Transformation Ministries is not providing these to you as legal advice or even a substitute for legal advice. Use of these samples is at your own risk. Laws change and best practices change, sometimes rapidly. It is your church's responsibility to stay abreast of changes in laws and best practices. It is recommended you always consult with your attorney and/or CPAs as part of the process of developing your policies and procedures.*