

The Minister, Mediation And The Protective Order

INTRODUCTION

A little over two years ago, I published an article entitled, “ Congregational Conflict: Things To Do If The Phone Call Comes”, in which I identified a few things that mediators should do and consider if they are called by a congregation member or leader who seeks help resolving a conflict. This article gives the congregation leader (and mediators who give him or her advice) some insight on what to do if one of his or her members gets a protective order against another member. All scriptures used in this article are from the King James Version of the Bible.

THE PROTECTIVE ORDER

The word “protective order”, as used in this article, refers to an order signed by a Judge which is issued to protect an individual who claims that someone has abused him or committed domestic violence against him. Sometimes, these orders are called “peace orders”.

These orders commonly prohibit the alleged abuser from having contact with the person making the complaint against him. Because they also require the alleged abuser to stay away from the complaining person, his or her residence, and the places where the accuser regularly goes, such as to school and to work, these orders are sometimes called “stay away” orders.

THE ISSUES AND THE MINISTER'S ROLE IN ADDRESSING THEM

In this article, the word “minister” refers to Pastors or ministers who have oversight responsibility over the entire congregation. The advice given in this article is directed to these leaders because they are the people who are primarily responsible for managing conflict in the congregation.

When these abuse situations come up, many issues need to be dealt with, and what follows is a discussion of some of these issues and suggestions on how the minister should deal with them.

PLAYING A MINOR ROLE IN RESOLVING LEGAL ISSUES

In these cases, there are a number of legal issues that need to be dealt with. Where domestic violence or husband-wife abuse is alleged, there are financial and property issues, such as: who will live in the home; what happens to the couple's joint property; and, how will the mortgage, car note and other bills be paid. If child abuse charges are made against the custodial parent, custody, child support and visitation matters may need to be discussed and resolved.

The issue of paying for medical care or therapy and counseling may need to be addressed if the person claiming abuse has sought out such treatment.

Since the minister's primary responsibility is to take care of the spiritual needs of the entire congregation, the minister should spend the bulk of his time providing spiritual guidance and help to the accused and accuser, instead of helping them resolve their legal issues.

When an abuse claim is made, some of the things the minister will need to assist these members with handling include: providing the abused person with long term or extensive counseling to help him or her to overcome the devastation of abuse; and, helping the admitted abuser address his or her problem with destructive anger and other things that are at the root of his or her abusive behavior.

Because the minister's priority is to deal with these spiritual issues, when members try to get the minister to answer legal questions or deal with their legal matters, the minister should encourage them to retain legal counsel of their choice. I also believe that every minister should use his or her influence with these members to encourage them to consider settling their differences outside of court, by participating in mediation or cooperative or collaborative negotiations that they engage in through their counsel of choice. These solutions should be explored because of the adversarial nature of litigation, and the additional stress and burden that participating in these lawsuits will put on these members.

I need to point out that, from time to time, the minister may need to step in and provide some temporary, "stop-gap mediation" on legal or financial issues where these members are facing crisis or emergency situations and they have not had a chance to hire legal counsel. One good example when a minister may need to do this is in a domestic abuse dispute where discussions between a wife and husband need to be facilitated to decide how the overdue rent, gas and electric, and heating bills will be paid to keep these services from being turned off in their marital home during the cold months of winter.

FACILITATING DISCUSSIONS ON CHURCH ATTENDANCE

Since most protective orders require the accused to "stay away" from his accuser, church attendance becomes an issue when these orders are granted because the accuser will not be able to be at the same worship services and Bible study his accuser is attending. For the accused to do so may be a violation of the court order.

To help resolve this and any other attendance issues, the minister will need to facilitate discussions between the accused and the alleged abuser to arrange for when and how they both can attend services without the court order being violated.

In congregations that have multiple services or Bible studies the same day, it may be easy to work out a solution allowing both the accuser and the accused to regularly attend services. For example, when a congregation has an 8 o'clock and 11 o'clock service, the minister can get them to agree that one will attend the 8 o'clock service while the other attends the 11 o'clock service.

In congregations which have only one worship service and one weekly Bible study, it will be harder to work out an agreement on the attendance issues because one or both members may have to miss services to assure that the protective order is not violated.

In cases like this where someone will have to miss some services, the minister need to facilitate discussions in a way that the solution arrived at is fair to both the accused and the accuser. He or she also needs to try to resolve this dilemma in a way that neither member suffers spiritually when either member (accused or accuser) is required to miss services.

Some ministers try to resolve this issue by getting the members to agree to attend services based on a pre-established rotation (Such as, the accuser comes to Sunday service the first and third Sundays, while the accused comes the second and fourth Sundays). Under this rotation, both the accused and the accuser will each miss about an equal amount of services.

Instead of using a rotation system, other minister take the position that the alleged abuser should be prohibited from attending all services the accuser attends because he or she is the one whom the court order is issued against. In congregations that take this position, the alleged abuser may end up missing a lot of services while the protective order is in effect.

In situations where one or both members miss services, in order to assure that the spiritual needs of both the accused and accuser are met, the minister may need to have someone from his staff hold private sessions with them to go over the materials that they missed when they were required to be absent from services. A second thing that a ministry can do is to give the member who misses services a taped copy of the message if the church regularly records its services.

FACILITATING DISCUSSIONS ON ISSUES OF FAULT, MAKING AMENDS AND RECONCILIATION

The Gospel of Matthew chapter 18, verse 15 gives guidance on what the members should do when one of them claims another member has abused or mistreated him or her.

Moreover if your brother sins against you, go alone. If he hears you, you have gained your brother.

This passage instructs the people in conflict to try to solve their problems with each other by talking to each other alone. However, since these stay away orders bar the accused from being alone with his accuser, any discussion that these members have will have to be facilitated. Since these issues being addressed by the members are spiritual instead of legal, the one doing the facilitation should be the minister or someone who is a part of his or her ministry team.

I generally recommend that one of the ministers under the overseer facilitate these discussions. Based on the wording of Matthew chapter 18, verses 16 and 17 (which we will address a little later in this article), the overseer should get involved in settling these matters if the members cannot agree to settle their differences through these discussions.

In order to make sure that these meetings do not cause anyone to violate the court order, the minister and members should ask the Court for permission to have these sessions before they get started. The minister should also get the members to sign a “confidentiality agreement” in order to keep the discussed matters secret and to assure that the members will not try to subpoena the minister to come to court to testify about what was talked about in these meetings.

When verse 15 says, “tell him his fault”, it makes it clear that the issue of fault is to be an important part of these discussions. During these meetings, the accuser is to fully explain the wrong he claims the accused has done. Once the accuser does this, the alleged abuser is to be given the opportunity to explain himself. He or she can admit the claim, or defend himself or justify his or her conduct. One thing that the minister facilitating discussion needs to do is to help draw out of these members important details, to allow them to fully discuss and resolve all the differences that exist between them..

In my experience, these sessions are often very long. They are also very intense. During the meetings, there may also be heated exchanges between the accused and accuser due to the pent-up anger, resentment and hostility these members have towards each other. The minister who mediates these sessions needs to be prepared for all this. He or she needs to be able to provide a calming influence in the midst of anger and tension, in order to help these members stay focused on what is at hand so that their dialogue can be meaningful.

If the accused person admits his fault, the minister can then facilitate discussions with the members on how the one member will make amends for the wrong he or she has done. One step that members who want to make things right commonly take is to agree to undergo spiritual counseling for their anger and other spiritual problems at the root of their wrong behavior.

Once the abuser is willing to make things right, the minister may also be able to facilitate discussions which help the members “reconcile” or restore their relationship. Reconciliation is what Matthew chapter 18, verse 15 is referring to when it refer to “gaining your brother”.

When I mention a minister facilitating reconciliation discussions, I use the word “may” because I believe the congregational leader should do this only if the circumstances are right. Here are some questions that I believe that the minister should consider and have answers to when he or she is deciding if the circumstances are right.

First, does the abused person agree to participate in the process ? The minister needs to make sure that the abused person is willing and is not being forced to do this against his or her will or because the person who abused him is pressuring him to do this. Getting an abused person to agree to reconcile can be very difficult because many people who are abused are so badly hurt that they often become unwilling to restore their relationship with their abuser.

A brother offended is harder to be won than a strong city: and their contentions are like the bars of a castle.

Proverbs 18, verse 19

Second, even if the abused person is willing to participate, has he or she overcome the ill effects of abuse (such as intense fear and anger)? And is he or she emotionally ready to go through the process of reconciliation ? Sometimes the abused person is not ready to go through this process until he or she has completed long term counseling.

Third, is the abuser fully invested in counseling, with his or her life showing real signs that he or she is a changed man or woman ? When John the Baptist told the people to bring forth “ fruit meet for repentance”, this is what he was talking about (See Matthew chapter 3, verse 11) . Considering whether the abuser is properly invested in treatment and counseling is a needed precaution to protect the abused person, to make sure that he or she is not returning into an abusive situation. Also, signs of a changed life

show that the abuser may be willing to change his future behavior, to treat the person he or she has abused with the proper love, dignity and respect the abused person is entitled to.

Very often, these reconciliation discussions are a part of a long, often difficult process, that may include both parties being a part of joint counseling with the Pastor or someone who is a part of the ministry staff.

FOLLOW UP FACILITATION

If the issues of fault and making amends have not been fully resolved through the facilitated discussion, in order to try to help the members resolve their differences voluntarily, the overseeing minister (or Board) can instruct and encourage the members to have further facilitated discussions. Matthew chapter 18, verse 16 recommends doing this.

But if he will not hear, take with you one or two more, that by the mouth of two or three witnesses every word may be established.

In cases where it is clear that the accused has committed the abuse, and he or she refuses to admit the abuse or make proper amends for his or her wrong conduct, the overseeing minister may have to warn him or her that he or she will be subject to discipline or possibly be removed from the congregation if he or she continues to refuse to make proper amends. Matthew chapter 18, verse 17b confirms this truth.

But if he neglect to hear the church, let him be unto thee as an heathen man and a publican.

After a member commits abuse and refuses to properly deal with his wrongdoing, the minister will commonly instruct the other members of the congregation to stay away from this rebellious member. The leaders may also remove the member from the fellowship until he or she agrees to admit his or her wrong and make amends for it (see also Romans chapter 16, verses 17 and 18; 2 Thessalonians chapter 3, verses 6, 14 and 15).

If the members agree to engage in further discussions at the request, instruction or warning given them by the minister, it is up to the overseeing minister or Board who conducts these follow up sessions and how they are conducted. The focus of these discussions should be on the issues fault, making amends and reconciliation just as the earlier discussions were.

ENDING GOSSIP

When these abuse situations come up, congregation members may start to whisper about them and spread rumors. According to the scriptures, this kind of behavior helps to destroy relationships.

A perverse man sows strife: and a whisperer separates the best of friends.

Book of Proverbs chapter 16, verse 28

He who covers a transgression seeks love; but he who repeats a matter separates friends.

Book of Proverbs chapter 17, verse 9

In these situations, the accuser and the alleged abuser are already alienated towards each other. Gossiping can make them more angry and resentful towards each other, making things even worse between them. This makes it much harder for them to settle their differences with each other.

Gossip can also hurt and destroy the relationship between the gossip and the person he spreads rumors about. When the accused and accuser hear that others are gossiping about them, it alienates them against the talebearers, causing them to fight with those who are gossiping. Because of the destructive effect that gossiping has in these situations, congregational leaders need to take action to quickly end the gossip. One thing that the leader needs to do is to correct all members who spread rumors. The leader may also need to rebuke (issue strong, corrective words) members and make them subject to discipline when they refuse to stop gossiping after they have been corrected, or they spread rumors with the intent to hurt others.

STOPPING MEDDLING

Meddling occurs when we get involved in other people's business or affairs when we should not. When these abuse situations come up, members meddle by trying to give the alleged abuser or accuser spiritual advice and help, when the minister should be the one providing this counsel. Proverbs chapter 20, verse 3 calls us fools for doing this when it says, "every fool will be meddling".

Because he or she is not qualified to address these spiritual issues, the member who meddles often provides improper counsel, which often makes the situation worse and the conflict harder to resolve.

Meddling also causes more conflict to arise because the abuser and accuser get alienated at the meddler the same way that they do when people gossip about this incident. They lash out and attack the meddler for butting into affairs that he or she does not belong in, and the accused and accuser end up fighting with the meddler.

Because of the terrible consequences that meddling causes in these situations, the minister needs to take corrective action to end the meddling which is similar to the steps taken by the minister to bring gossip to an end.

CONCLUSION

I am hopeful that these suggestions will help you better address these abuse situations whenever they arise.