

STATE OF VERMONT
ESSEX COUNTY, SS

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IN RE: Certain Children : District Court of Vermont
: Unit 3, Essex Circuit
: Docket No. 1-6-84Ej

O R D E R

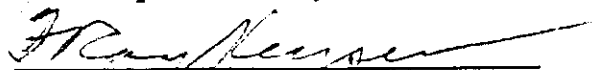
The affidavit accompanying the petition filed in the above-entitled matter on April 24, 1984 set forth sufficient facts establishing that all the children within the control of the Northeast Kingdom Community Church are within the jurisdiction of the court. 33 VSA § 646(a).

The second part of the Statute requires that the name, age, sex and resident addresses of parents, guardians or custodians of the child be set forth. 33 VSA § 646(b).

While the affidavit sufficiently alleged that adults in the Church, are deemed to be guardians, the names of the adults sought to be questioned pursuant to the petition were not contained in the petition, nor were these persons properly served with a copy of the petition pursuant to 33 VSA § 647(a).

Therefore, because of the foregoing defects in the proceedings, the court, on consideration of the matter, finds it is without jurisdiction in this matter. Accordingly, the civil contempt orders issued against the seven witnesses, David Jones, Roger Griffin, Arthur Nunally, Al Jayne, Richard Cantrell, Charles Campbell and David Woodward, who appeared before the court, are vacated, and the petition is dismissed without prejudice.

Dated at St. Johnsbury, this 19th day of June, 1984.


F. Ray Keyser
Retired Justice, Assigned