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ENDORSED
FILED
San Francisco County Superior Court
AUG 1 9 1977
CARL M. OLSEN, Clerk
BY: H. HAAS, RONALD
D. HAAS

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

10
11 In re the Marriage of:) No. 719-147
12 Petitioner: GRACE LUCY STOEN)
13 and) SUPPLEMENTAL DOCUMENTS IN
14 Respondent: TIMOTHY O. STOEN) SUPPORT OF PETITIONER'S
RE REQUEST FOR EX PARTE ORDER
RE CUSTODY OF MINOR

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1 SECTION I. SUMMARY
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3 The instant case involves the plight of a five-year-old
4 child now in the physical custody of the REVEREND JIM JONES, the
5 leader of a communal religion known as the PEOPLE'S TEMPLE.
6 Petitioner recently learned, as set forth in the AMENDED
7 DECLARATION UNDER THE UNIFORM CUSTODY OF MINORS ACT, page 15,
8 that the REV. JONES claims a right to custody. As provided for
9 by law (see SECTION VI. POINTS AND AUTHORITIES RE JOINDER, page
10 17), Petitioner requests that the Court join REV. JONES as a
11 party to this action.

12 - The REVEREND JONES recently departed from San Francisco
13 for Guyana in the face of serious allegations arising from a
14 number of different sources. The charges against REVEREND JONES
15 include: (1) the authorization of serious physical abuse of
16 church members, including children; (2) improper care of children
17 and aged persons housed in Temple-run homes; (3) the use of
18 coercive and fraudulent practices to induce transfers of money
19 and property to the church; and (4) the indoctrination of minors
20 with a philosophy detrimental to their emotional and moral
21 well-being, to wit, that REVEREND JONES is the reincarnation of
22 Buddha, Christ, and Lenin, and that as such, he has the
23 authority to direct acts of physical abuse and mental cruelty
24 against members of his organization.

25 PETITIONER'S DECLARATION PURSUANT TO RULE 8.2.64, see
26 page 9, details acts of extreme cruelty witnessed by her son
27 which were carried out at the direction of REVEREND JONES under
28 the guise of his purported moral authority. Petitioner further

1 states that her own attempts to secure the return of her son have
2 been unsuccessful. Unless this court acts, the boy will suffer
3 irreparable harm.

4 As set forth in the attached POINTS AND AUTHORITIES RE
5 JURISDICTION, page 5 , this Court clearly has jurisdiction to
6 make appropriate orders regarding custody of the child. Petitioner
7 diligently attempted to serve Respondent and has set forth facts
8 (see DECLARATION OF COUNSEL, page 13) leading to the inescapable
9 conclusion that Respondent has actual notice of the proceeding
10 for August 19, 1977.

11 Therefore, Petitioner respectfully requests that this
12 court act to safeguard the welfare of her minor son and that
13 the proposed order be issued forthwith.

14 Dated:

Respectfully submitted,

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M
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1 SECTION II. . POINTS AND AUTHORITIES RE JURISDICTION

2 I.

3 BY VIRTUE OF THE AUTHORITY CONFERRED ON IT UNDER THE UNIFORM CHILD CUSTODY
4 JURISDICTION ACT (CIVIL CODE SECTIONS 5150-5174), CALIFORNIA HAS JURISDICTION
5 IN THE INSTANT CASE.

6 A. Residency of the Minor Child at the Time Proceedings Were
7 Commenced Confers Jurisdiction

8 California Code 5152 provides in pertinent part:

9 (1) A court of this state which is competent to decide
10 child custody matters has jurisdiction to make a child
11 custody determination by initial or modification decree
12 if the conditions as set forth in any of the following
13 paragraphs are met:

14 (a) This state (i) is the home state of the child at
15 the time of commencement of the proceeding, or (ii) had
16 been the child's home state within six months before
17 commencement of the proceeding and the child is absent
18 from this state because of his removal or retention by
19 a person claiming his custody or for other reasons, and
20 a parent or person acting as parent continues to live in
21 this state.

22 In the present case, the minor child was born in California on
23 January 25, 1972 and has lived here all his life. He has never resided in any
24 other state. In October of 1976, he was removed to Guyana and currently remains
25 there; it is the only place he has lived outside of California.

26 The petition for dissolution of the marriage and custody of the minor
27 child, JOHN, was filed by Petitioner on February 23, 1972. As this filing
28 represents the "commencement of proceedings," it falls well within the
requirement of CC 5152 (1) (a) that the state having jurisdiction be the child's
home state within six months prior to the commencement of the proceedings.

Section 5152 also states

(b) It is the best interest of the child that a court
of this state assume jurisdiction because (i) the
child and his parents, or the child and at least one
contestant, have a significant connection with this
state, and (ii) there is available in this state

1 substantial evidence concerning the child's present
2 or future care, protection, training, and personal
3 relationships.
4 (3) Physical presence of the child, while desirable,
5 is not a prerequisite for jurisdiction to determine
6 his custody.

7 //

8 As the child has lived in California for most of his life, most of the
9 information concerning his life are located here; this includes official
10 documents, such as his medical records, and unofficial information, such as that
11 concerning his upbringing and his personal relationships.

12 California, as well as being the child's residence for almost all of his
13 short five years, has also been the state of residence for his parents.
14 Petitioner was born in California and for the exception of one interval lasting
15 only a few months has lived here all her life... Any and all information concern-
16 ing her and her relationship with the child is located here. Respondent, too,
17 though not born in California, has lived a significant portion of his life here.
18 By the time of the filing of the petition for dissolution, he had been a resident
19 here for seventeen years and left the state just shortly afterwards. His life
20 was significantly involved in the community, becoming Deputy District Attorney
21 of Mendocino County and later, Deputy District Attorney in San Francisco.
22 Respondent and Petitioner were married in California, had their child in this
23 state, and raised him in this state.

24 The pattern of the lives of the parents and the child overwhelmingly
25 the requirements of the above state section, the requirements of both
26 "significant connection with the state" and "substantial evidence." Though the
27 child is not currently in the state, the code specifically denies its necessity
28 in determining jurisdiction.

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1 II. CALIFORNIA IS THE MOST APPROPRIATE FORUM FOR DETERMINING CUSTODY
2 OF THE CHILD.

3 A. For Policy Reasons, of CC 5150, This State Should Take Jurisdiction
4 An exercise of jurisdiction by a court of this state would promote any
5 purpose of this act stated in §5150.¹ As noted before, the child and his family
6 have their closest connection with California. The recent removal of the child
7 from this state and the recent departure of Respondent cannot counteract the
8 effect of their years of residence here - the establishment of strong personal
9 and community ties here and the resulting accumulation of "substantial evidence
10 concerning their lives.

11 The sudden move of the child from California to a foreign country,
12 unaccompanied by his parents, directly contravenes the purpose of CC 5150(1) (d)
13 that states its interest in the "stability of home environment and of secure
14 family relationships."

15 This title was also enacted to prevent such "abductions and other
16 unilateral removals of children" [CC 5150(1) (e)] that characterizes the present
17 situation. The child was removed from California in October, 1976, five months
18 after Petitioner had commenced her attempts to secure physical custody of her
19 child. The PEOPLE'S TEMPLE, who took the child to Guyana, have steadfastly
20 refused to return him to his mother. Such action cannot be condoned. The
21 court, by accepting jurisdiction over this matter, will render such action

22 ¹(1) The general purposes of this title are to: (c) Assure that litigation
23 concerning the custody of a child take place ordinarily in the state with which
24 the child and his family have the closest connection and where significant
25 evidence concerning his care, protection, training, and personal relationships
26 is most readily available, and that courts of this state decline the exercise of
27 jurisdiction when the child and his family have a closer connection with another
28 state.

(d) Discourage continuing controversies over child custody in the interest of
greater stability of home environment and of secure family relationships for the
child.

(e) Deter abductions and other unilateral removals of children undertaken to
obtain custody awards.

//

1 ineffective in preventing adjudication of this matter and promote the
2 deterrence of such abductions in accord with the purposes of this title.

3 B. There is No Other Forum Available to Adjudicate This Matter.

4 Section 5172 of the Act states that "The general policies of this title
5 extend to the international area." Thus, the appropriateness of California as
6 a forum is also supported by the inappropriateness of any other forum. Section
7 5152(1)(d) states that a court of this state has jurisdiction to make a child
8 custody determination if

9 (i) It appears that no other state would have juris-
10 diction under prerequisites substantially in accordance
11 with paragraphs (a), (b),² . . . , and (ii) it is
in the best interest of the child that this court
assume jurisdiction.

12 The child has lived in Guyana for a mere nine months; his parents have never
13 resided there. Respondent visited once for just six weeks; Petitioner has
14 never been there. Therefore, the greatest portion of information regarding the
15 child and his family life has not moved with him, but has remained in
16 California.

17 The child is also a citizen of the United States and this country has
18 major responsibility for him. He has been removed from this country under
19 dubious circumstances and the People's Temple, with whom he now resides, refuse
20 Petitioner's repeated requests to bring him back. It is unquestionably in the
21 "best interests" of the child, as well as in the interests of justice, that the
22 matter of his custody be adjudicated in this country. As California is the only
23 state in this country where the courts can claim jurisdiction over the custody
24 determination, it is not only appropriate but also necessary that they do so.

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26 2
Sections cited in Part IA above.

27 //

28 //

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8

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

9

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

10

11 In Re the Marriage of:)

12 Petitioner: GRACE LUCY STOEN)

No. 719-147

13 and)

PETITIONER'S DECLARATION
PURSUANT TO RULE 8.2.64

14 Respondent: TIMOTHY O. STOEN)

15

16

I, GRACE STOEN, declare the following under penalty of
perjury.

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I am the mother of JOHN VICTOR STOEN, d.o.b. Jⁿ 25,
1972. As set forth in my declaration of August 11, 1977, I have
been attempting to secure the return of my son since I left the
PEOPLE'S TEMPLE in July, 1976. Unless this Court acts immediately
psychological, moral, and possible physical harm will continue
to be done to JOHN.

24

I base my allegation on the following facts:

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A common method of discipline within the PEOPLE'S TEMPLE
is the beating of members before the assembled membership.
Microphones are placed near the mouth of the person beaten so that
the intensity of their screams will not be lost on the audience.

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1 Children are not excluded from watching the public beatings. In
2 fact, they are encouraged and sometimes required to watch them.

3 While I was a member of the TEMPLE, JOHN and myself
4 were present at many public beatings. On one occasion, a girl
5 of seven was beaten well beyond the point at which she began to
6 scream. On another occasion, a girl of eleven was straddled
7 spread-eagled and beat seventy-five to one hundred times. On
8 still another occasion, a young woman was beaten until both of
9 her eyes were swollen shut.

10 The above is by no means an exhaustive list of public
11 beatings which took place during my time in the TEMPLE. The
12 majority of the members of the TEMPLE were "brought up" before
13 the membership for punishment at some-time. Not all of the
14 beatings caused serious injuries. Some merely served to degrade
15 a selected member because of an alleged wrong. Members who did not
16 say "Thank you, Father" to the REV. JONES at the conclusion of a
17 punishment directed by him were beaten more.

18 Before the assembled membership, REV. JONES claimed at
19 various times to be the reincarnation of Buddha, Jesus Christ,
20 and Lenin. On several occasions when JOHN was present, the
21 REV. JONES exhibited bloody hands, which he instructed the
22 congregation were stigmata. REV. JONES consistently and
23 incessantly presented himself as our ultimate moral authority.
24 Anyone who questioned this premise was "brought up" for
25 punishment.

26 REV. JONES worked effectively and persistently to
27 indoctrinate the children of TEMPLE members to believe in his
28 moral authority and fear his power to impose horrifying punishment

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1 JOHN and other children were present when a fifteen-year-old
2 youth passed out after being beaten; they saw a young girl vomit
3 after her punishment required her to enter a boxing match with a
4 far more skilled opponent; they frequently heard threats of an
5 instrument known as the "Blue Monster" which would administer
6 shock treatments to the unworthy; they were required to jeer and
7 ridicule members selected for public humiliation under pain of
8 being punished themselves.

9 I do not believe that JOHN has any direct knowledge of
10 the coercive and fraudulent means which the TEMPLE has used to
11 secure transfers of land and money.— Nor do I believe he has
12 direct knowledge of the fact that money received by the TEMPLE
13 for care of the aged is diverted for other projects, leaving
14 the aged poorly cared for. However, the twisted sense of morality
15 which authorizes these acts cannot have escaped him.

16 The twisted moral code which REV. JONES imparts on
17 members of the TEMPLE may be summarized as follows: REV. JONES ad-
18 vocates social justice, racial equality and the brotherhood of
19 man. He is the reincarnation of a host of divinities from other
20 ages. It is his mission to search out and eradicate loathsome
21 traits within members of congregation, even though they may not
22 always wish his help. The severe beating of a young child for
23 a minor infraction becomes an act of divinity.

24 Members of the TEMPLE including minors are frequently
25 required to sign statements authorizing physical punishment of
26 themselves and their children. These statements are in turn
27 used by the TEMPLE as license for intimidation and degradation.

28

1 I respectfully and urgently request that this court act
2 at once to remove my son from the physical custody of REV. JONES
3 to prevent further psychological, moral, and emotional harm and
4 possible physical injury from happening to him.

5 I declare under penalty of perjury that the foregoing is
6 true and correct except as to those matters stated on the infor-
7 mation and belief and as to those I believe them to be true.

8 Executed this 18 day of August, 1977 at San Francisco,
9 California.

Grace Lucy Stoen
GRACE LUCY-STOEN

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9 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
10 IN THE CITY AND COUNTY OF SAN FRANCISCO

11
12 In re the marriage of) No. 719-147-
13 Petitioner: GRACE LUCY STOEN) COUNSEL'S DECLARATION RE DUE DILIGENCE
14 and) IN ATTEMPTING TO EFFECT SERVICE
15 Respondent: TIMOTHY O. STOEN) UPON RESPONDENT

16
17 I, JEFF A. HAAS, declare under penalty of perjury:

18 I am the attorney of record for Petitioner, GRACE L. STOEN. On Febru-
19 ary 25, 1977, I attempted to serve the Respondent, TIMOTHY O. STOEN, copies
20 of the Summons, Petition, Order to Show Cause and accompanying documents. This
21 attempt was made at the District Attorneys office at 850 Bryant Street. I was
22 informed that Mr. Stoen had recently taken a leave of absense and would be
23 away for approximately six weeks. I was not informed of his whereabouts.

24 Further inquiry of various deputy District Attorneys confirmed that
25 Respondent was outside of the country on a religious mission. Other sources
26 confirmed that Respondent may be in Guyana. As service could not be per-
27 fected, the OSC was dropped from calander of March 18, 1977.

28 I am informed that when Respondent next surfaced he represented to

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Space Below for Use of Court Clerk Only

Attorney(s) for Petitioner

SUPERIOR COURT OF CALIFORNIA, COUNTY OF . SAN FRANCISCO

In re the marriage of

Petitioner: **GRACE LUCY STOEN**

and

Respondent: **TIMOTHY O. STOEN**

CASE NUMBER 719-147
 AMENDED
 DECLARATION UNDER
 UNIFORM CUSTODY OF
 MINORS ACT

1. The number of minor children subject to this proceeding is One The name, place of birth, birthdate and sex of each child, the present address, periods of residence and places where each child has lived within the past five (5) years, and the name, present address and relationship to the child of each person with whom the child has lived during that time are. (See footnote *)

Child's Name:	Place of Birth:	Birthdate:	Sex:
A John Victor Stoen	Santa Rosa, Calif.	1/25/72	Male
Period of Residence: 1/76 . . . to present	Address: People's Temple 1859 Geary Street San Francisco	Person Child Lived With: (Name and Present Address) Church members Grace	Relationship: Friends Mother
1/72 to 1/76	6300 Eastside Calpella Rd. Ukiah, Calif.	Grace & Tim	Mother Father
to			
to			
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Child's Name:	Place of Birth:	Birthdate:	Sex:
B			
Period of Residence: to present	Address:	Person Child Lived With: (Name and Present Address)	Relationship
to			
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Total Number of Continuation Pages Attached

* Singular includes plural. Declaration under penalty of perjury must be signed in California (CCP 2015.5). Affidavit is required when signed outside California. When declaration applies to more than two children, attach additional page (CRC 201 (b)).
 Form Approved by the
 Judicial Council of California
 Effective January 1, 1975

DECLARATION UNDER UNIFORM CUSTODY OF MINORS ACT

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DECLARATION OF PETITIONER.

I am informed by my attorney JEFFREY HAAS that Attorney CHARLES GARRY, appearing specially for the PEOPLE'S TEMPLE, represented to him that REV. JIM JONES both has physical custody of the minor child at present and has claimed the right to physical custody. Of my own knowledge, I do not know if this is now true, so accordingly, I amend the Declaration on information and belief.

Dated:

Grace Lucy Stoen
GRACE LUCY STOEN
Petitioner

1 SECTION VI. POINTS AND AUTHORITIES RE COURT'S AUTHORITY TO JOIN
2 REVEREND JONES AS A PARTY TO THE INSTANT PROCEEDINGS.
3

4 I.

5 THE DECLARATION UNDER THE UNIFORM CUSTODY OF MINORS ACT MUST BE
6 AMENDED TO INCLUDE REV. JIM JONES.

7 The PEOPLE'S TEMPLE currently has physical custody of the
8 minor child. CHARLES GARRY, Attorney for the TEMPLE and its
9 leader REV. JIM JONES, indicated in a special appearance in
10 proceedings held in chambers that REV. JONES, not the TEMPLE, was
11 claiming personal custody of the child. Therefore, pursuant to
12 California Civil Code Section 5158(3), concerning the party's
13 duty to inform the Court of any information obtained of any
14 custody proceeding concerning the child, such information must
15 be included in the pleadings of this proceeding, the dissolution
16 of the marriage of TIMOTHY O. STOEN and GRACE LUCY STOEN. The
17 Declaration Under the Uniform Custody of Minors Act must be
18 amended, then, to include REV. JONES under Part 4.b. as a person
19 who has physical custody of the child.
20

21 II.

22 UPON THE FILING OF AN AMENDED DECLARATION UNDER THE UNIFORM --
23 CUSTODY OF MINORS ACT NAMING A THIRD PARTY CLAIMANT, THE COURT
24 MUST ORDER JOINDER OF THAT PARTY.

25 Section 5159 of the Uniform Child Custody Jurisdiction
26 Act gives the Court authority to order joinder in the present
27 situation:

28 If the Court learns from information furnished by

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the parties pursuant to Section 5158 or from other sources that a person not a party to the custody proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child, it shall order that person to be joined as a party . . .

See also Rule 1254 of the California Rules, of Court which provides

(a) The court shall order joined as a party to the proceeding any person the court discovers has physical custody or claims custody or visitation rights with respect to any minor child of the marriage.

As REV. JONES has both physical custody of the child and claims to have custody rights; it is not only appropriate but is indeed mandatory that he be joined as a party to this action.

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1 SECTION VII. PETITIONER'S PROPOSED EX PARTE ORDER RE: CUSTODY OF MINOR

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3 Petitioner respectfully requests that the court make the following
4 ex parte orders:

5 (1) Petitioner is awarded custody of JOHN VICTOR STOEN, age 5, d.o.b.
6 1/25/72 pending further order of this court.

7 (2) Petitioner's Order to Show Cause Re Custody is continued for
8 further hearing until September 13, 1977, Dept. 13 at 9:00 a.m.

9 (3) Pursuant to Section 5160(2) of the California Civil Code,
10 Respondent TIMOTHY O. STOEN is ordered to appear before this court on
11 September 8, 1977 to show cause why Petitioner should not be awarded custody
12 of said minor.

13 (4) Pursuant to Section 5160(2) of the California Civil Code,
14 Respondent TIMOTHY O. STOEN is advised that a failure to appear at the time
15 and place designated above may result in a decision adverse to himself.

16 (5) Pursuant to Section 5154(1)(d) of the California Civil Code, the
17 court directs that service of this order upon Respondent shall be deemed to
18 have been effected upon proof of the doing of the following acts: (1)
19 publication of this order in the San Francisco Chronicle, a newspaper of
20 general circulation for three successive times. The last day of publication
21 shall be no later than August 29, 1977 and (2) the mailing of a copy of this
22 order by first class postage prepaid to PATRICK HALLINAN, Attorney at Law,
23 345 Franklin Street, San Francisco, California. Said mailing shall occur no
24 later than August 23, 1977.

25 (6) Good cause appearing, the REV. JIM JONES is ordered joined as a
26 party to this action pursuant to Section 5159 of the California Civil Code.

27 (7) Petitioner is ordered to notify the Claimant JONES of the
28 pendency of these proceedings and of his joinder as a party.

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1 (8) Pursuant to Section 5154(1)(d) of the California Civil Code,
2 the court directs that service of this order upon Claimant JONES shall be
3 deemed to have been effected upon proof of the doing of the following acts:
4 (1) the mailing of a copy of this order, first class postage prepaid, to the
5 REVEREND JIM JONES, c/o PEOPLE'S TEMPLE, 1851 Geary Street, San Francisco,
6 California. Said mailing shall occur no later than August 23, 1977; (2) the
7 mailing of a copy of this order, airmail postage prepaid to REV. JIM JONES,
8 c/o THE PEOPLE'S TEMPLE AGRICULTURAL MISSION, Guyana. Said mailing shall
9 occur no later than August 23, 1977; (3) the mailing of a copy of this order
10 to CHARLES GARRY, Attorney at Law, 1256 Market Street, San Francisco,
11 California. Said mailing shall occur no later than August 23, 1977; and (4)
12 publication of this order in the San Francisco Chronicle, a newspaper of
13 general circulation for three successive times. The last day of publication
14 shall be no later than August 29, 1977.

15 (9) Pursuant to Section 5160(2) of the California Civil Code,
16 Claimant REV. JIM JONES is ordered to appear before this court on September 7,
17 1977 to show cause why Petitioner should not be awarded custody of said minor.

18 (10) Pursuant to Section 5160(2) of the California Civil Code,
19 Claimant JONES is advised that a failure to appear at the time and place
20 designated above may result in a decision adverse to himself.

21 (11) Any previous declaration or statement signed by either Petitioner
22 or Respondent authorizing Claimant JONES to act as guardian of said minor child
23 is hereby declared null and void.

24 (12) The parties and their agents are restrained from removing said
25 minor from the City and County of San Francisco pending further order of this
26 court.

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1 SECTION VIII. APPENDIX OF STATUTES CITED IN PETITIONER'S PROPOSED ORDER

2
3 California Civil Code Section 5160. [Order to Appear]:

4 (2) If a party to the proceeding whose presence is desired by
5 the court is outside this state with or without the child the
6 court may order that the notice given under Section 5154 include
7 a statement directing that party to appear personally with or
8 without the child and declaring that failure to appear may result
9 in a decision adverse to that party.

10 California Civil Code Section 5154. [Notice outside of state]:

11 (1) Notice required for the exercise of jurisdiction over a
12 person outside this state shall be given in a manner reasonably
13 calculated to give actual notice, and may be made in any of the
14 following ways:

15 (d) As directed by the court (including publication, if other
16 means of notification are ineffective).

17 California Civil Code Section 5159. [Joinder and notice to person having
18 custody or visitation rights]:

19 If the court learns from information furnished by the parties pursuant
20 to Section 5158 or from other sources that a person not a party to the
21 custody proceeding has physical custody of the child or claims
22 to have custody or visitation rights with respect to the child,
23 it shall order that person to be joined as a party and to be
24 duly notified of the pendency of the proceedings and of his
25 joinder as a party. If the person joined as a party is outside
26 this state he shall be served with process or otherwise notified
27 in accordance with Section 5154.

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