Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

SUPREME COURT DOCKET NO. 2003-066

JULY TERM, 2003

Suzanne Schipper v. Daniel Quinn	}	APPEALED FROM: Windsor Family Court DOCKET NO. 180-6-97 Wrfa Trial Judge: Amy M. Davenport

In the above-entitled cause, the Clerk will enter:

Defendant Daniel Quinn and plaintiff appear pro se and appeals several orders of the Windsor Family Court denying various motions filed following the court' s decision to vacate a final relief-from-abuse order. We affirm.

This is defendant Quinn' s fourth appeal from orders entered by the Windsor Family Court in a relief-from-abuse proceeding commenced in 1997 on behalf of defendant' s minor daughter. In defendant' s third appeal, a panel of this Court sent the matter back to the family court for a hearing on defendant' s motion to modify and vacate the 1997 relief-from-abuse (RFA) order. See Quinn v. Quinn, No. 2001-205 (Vt. Nov. 21, 2001). On October 23, 2002, the family court convened a hearing on defendant' s motion to modify as well as several other motions defendant filed in the case. The court granted the motion to modify on the record and vacated the RFA order. Because defendant did not order a transcript of that hearing, however, we do not know the basis for the court' s decision.

On January 8, 2003, the court disposed of several additional motions defendant had filed previously. The motions sought: (1) immediate disclosure of records from the Vermont Children' s Aid Society (VCAS) related to defendant' s daughter; (2) a finding of contempt against VCAS and others; (3) sanctions against the attorney for VCAS; (4) new findings and conclusions that defendant did not abuse his daughter; (5) enforcement of a prior divorce order from the State of Maryland; (6) dismissal of orders entered in the family court proceedings because defendant contends they are invalid; (7) a finding that Vermont' s RFA statute is unconstitutional; and (8) an expedited decision on the request to vacate the RFA order.

The court dismissed motions #1-3 because the persons against whom defendant was seeking relief were not parties to the family court proceeding and thus the court lacked jurisdiction to grant the requested relief. The court denied motions #4 and #7 because there was no case or controversy to decide after it vacated the RFA order. Under the circumstances, a new order based on the original record in the RFA proceeding would be advisory only, as would any ruling on the constitutionality of the RFA statute. The court rejected defendant' s claim on the enforceability of the Maryland divorce order (motion #5) because he made the same argument unsuccessfully years earlier. The court denied defendant' s request to invalidate the family court' s prior orders in the case (motion #6) because defendant did not satisfy the criteria in V.R.C.P. 60(b). Finally, defendant' s request for an expedited ruling was denied as moot. On January 21, 2003, defendant filed a notice of appeal. In his notice, defendant indicated that he was challenging the court' s January 8, 2003 entry orders.

Defendant' s appeal indicates that he believes a great injustice was done to him and his family during the divorce and

relief-from-abuse proceedings before the family court. Although he is no longer subject to the 1997 RFA order, he seeks rulings on a variety of constitutional claims he believes he raised properly before the family court. In addition, defendant asserts that the court' s January 8, 2003 entry orders conflict with the court' s findings and conclusions in its on-the-record decision to vacate the RFA order. It is unclear from defendant' s pro se brief what specific relief he seeks in this Court and why.

During oral argument, however, defendant raised three claims. First, he argued that our decision in Schipper v. Quinn, No. 99-552 (Vt. May 3, 2000) is wrong. The former decision became final in 2000 and cannot be challenged in this proceeding. Second, defendant argued that the family court refused to follow its October, 2002 decision which held the abuse prevention act unconstitutional. We have reviewed the October, 2002 decision and can find no determination that the abuse prevention act is unconstitutional. Again, defendant has not provided a transcript that would enable us to fully determine the scope of the October, 2002 decision. Third, defendant requested that we declare that the October, 2002 decision binds the State of Vermont. The State was not a party to this proceeding and has never had the opportunity to address the constitutional claims defendant makes. As the family court held, the order cannot bind the State. For those reasons, we have no basis for disturbing the family court' s rulings.

Affirmed.

BY THE COURT:

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Jeffrey L. Amestoy, Chief Justice

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John A. Dooley, Associate Justice

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Frederic W. Allen, Chief Justice (Ret.)

Specially Assigned