

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-010

Judge:

Complainant:

ORDER

May 24, 2024

The Complainant alleged a superior court judge made improper rulings in a family law case.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission members Barbara Brown and Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on May 24, 2024.

CONFIDENTIAL

Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2024-010

COMPLAINT AGAINST A JUDGE

Name: [] Judge's Name: []

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

After [] days of hearings and over [] exhibits the court submitted a generic statement of ' [] without actually laying out which facts pertain to which factor, and why the court would determine it was in the best interest of the children for the father to be the final decision maker.

I (mother) submitted psychological records which demonstrated father has significant mental issues for which he has been prescribed medication that he no longer takes, as well as uncontrollable drinking to the point of blacking out. I presented [] /rs of police reports regarding the violent behavior of father toward myself, previous girlfriends, his parents, his friends, and most recently his second wife sleeping on the floor for a year. At one point the court had to put an order in place stating that the children should be bathed regularly, in response to evidence I submitted about rashes that plagued my daughters body while in her father's care, as well as thick yellow scales all over my son's scalp.

Father had taken the children to the [] in [] and told me that our daughter had []. That was a lie. Once discovered, I submitted dental records showing that she had [] along with significant [] - both of which I had treated immediately once discovered ([]). He also told me that he had been taking them to see their pediatrician, which was also proven to be false and submitted as evidence to the court - the children hadn't seen a pediatrician in over [] years.

Father had withheld the children from me on [] due to there not being a holiday schedule. We asked the court to create a holiday schedule or agree to the one we proposed/submitted, but the final order told us to " [] - even though none ever existed.

The court did not properly consider or weigh all the admitted evidence, and should have been amended pursuant to rule 83(a)(1)(A) and (H), and its final order violates ARS 25-403.03.

We filed a motion to amend on [], and finally on [] - more than [] days after his ruling was due. his response was " [] " He is refusing to do his job, follow the evidence, and state his findings.

I've only barely touched on the mountains of evidence admitted to court that would have rendered father completely ineligible of making any sort of parenting decisions or sharing joint custody, yet against all evidence and testimony, the judge has given father final decision making, and refuses to give us his findings of facts etc.

I will attach our Motion to Amend to this complaint, as it very clearly highlights the evidence and testimony provided, and will shed better light on his dereliction of duty much more than any description I can give you. It's abhorrent what this man has done to my children.

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Judge's Name:

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Attorney for Respondent

**IN THE COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF**

In Re the Matter of:

vs.

Petitioner,

Respondent.

Case No.:

**MOTION TO AMEND ORDER FOR
A.R.S. 25-403 FINDINGS OF FACT
AND CONCLUSIONS OF LAW**

DIV. 1

(HON.)

COMES NOW, Respondent, , by and through undersigned counsel and hereby respectfully moves the Court to amend the order re: Modification of Legal Decision Making, Parenting Time and Child Support (Under Advisement). This motion is made pursuant to Rule 83 (A) and (H) of the Arizona Rules of Family Law Procedure. This Motion is supported by the following Memorandum of Points and Authorities which is attached and incorporated herein by this reference hereto.

RESPECTFULLY submitted this of :

Law Office of

Attorney for the Respondent

1 **I. STATEMENT OF FACTS**

2 1. On this court entered a decree of dissolution of marriage in which both
3 parties agreed to a joint parenting plan. The parties were awarded Joint Legal decision with an
4 approximate 50/50 custody sharing arrangement.

5 Mother filed a petition to modify legal decision making, parenting time, and child support
6 on . Mother then filed an amendment to this petition on .

7 This Court set the matter for hearing, and hearings were held on
8 and . Father failed to timely provide
9 disclosure, as well as exhibits, which he presented halfway through the hearings. This Court
10 allowed his late exhibits to be filed and admitted a large amount.

11 At the hearings held, Mother testified and presented evidence demonstrating that she was
12 bullied into agreeing to terms that were never appropriate in their consent decree, pursuant to
13 A.R.S. §25-403.03. Mother also testified that Father threatened Mother with unreasonable
14 parenting time if she wouldn't comply with his demands to sign to the terms of the
15 separation agreement.

16 2. Mother testified that Father had continually failed to follow what was ordered in the
17 dissolution decree, and that the parenting plan as previously ordered was not in the best interests
18 of the children. Mother testified that there was *no specific schedule on the holiday schedule*. When
19 Father withheld the children from Mother on law enforcement were unable to
20 assist Mother or enforce the order, due to the plan's lack of specificity.

21 3. Mother testified to Father selling the marital home in rather than
22 maintaining it to provide stability for the children. She testified to Father's continual moving
23 residences including residing in his parents' house, where all of his children, of whom
24 were young boys, resided in one room. They then moved a second time to Father's girlfriend's
25 father's home where the teenage boys resided in a 5th wheel. Father and the children
26 moved a third time to a rental house with and sharing a room. Then Father moved
27 into a bedroom with , of Father's teenage children years of age. had
28 bullied and stolen from . did not want to be with as he was afraid of him.

1 4. Mother also testified to a noticeable decline in both the children's health and hygiene.

2 Mother presented exhibits to the Court of the bad condition of the children's teeth, the dead skin
3 and debris in the son's hair, and the bug bites and rashes that both children suffered. Mother also
4 presented evidence that Father failed to take the children to the pediatrician and that he lied to
5 her and the court regarding those activities. The Father also failed to get the children treated by
6 their dentist for over a year after treatment was recommended, and lied to the Mother regarding
7 that need.

8 5. Mother testified and presented police reports as evidence. What these reports revealed is
9 that Father has committed significant incidents of domestic violence for the last years. All of
10 which affect the children's well being and future. Prior to and after the entry of the decree
11 and parenting plan, Father continued to exhibit violence. Mother provided the Court of an audio
12 of Father with a gun to his head, which occurred less than years prior to the modification being
13 heard. Mother presented evidence that during the last year of Father's current marriage to his
14 estranged Wife, she slept on the floor due to her fear of Father physically kicking her while she
15 was in bed, as he did every night.

16 6. Mother also testified that Father would not provide for the children financially, even
17 though he had the means to do so. Father earned + thousand per year and Mother was earning
18 per year. Mother testified and presented evidence that Father refused to help Mother
19 with child support or even pay for occasional activities for the children. Mother testified and
20 provided evidence that she paid for child care for the minor children and when the Court's child
21 support worksheet was prepared, her costs for daycare were completely deleted.

22 7. Mother petitioned the court to review the evidence and act in the best interests of the
23 children by awarding Mother sole legal decision making, to designate Mother as the primary
24 residential parent, and to order Mother's proposed parenting plan into effect which included a
25 detailed holiday schedule for parenting time. Mother especially wished for specific orders for
26 holiday parenting time, as none existed in the previous order. Mother further asked the Court for
27 an award of child support consistent with the Arizona guidelines and reasonable attorney's fees.

28 8. Father did not respond to the above petition even though he was properly served and given

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**