

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 07-017

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Complainant: No. 1301410423A

Judge: No. 1301410423B

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**ORDER**

The commission reviewed the complaint and found that the issues raised involved matters outside its jurisdiction. Because of his experience with the legal system, the complainant is seeking support for legislation that would provide greater protection for active duty military personnel in custody and child support cases. The commission is not authorized to initiate or support legislation of this nature.

The complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: February 7, 2007.

FOR THE COMMISSION

/s/ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on February 7, 2007.

*This order may not be used as a basis for disqualification of a judge.*

8 January, 2007

Commission on Judicial Standards  
1501 W. Washington St, Suite 229  
Phoenix, AZ 85007

CJC-07-017

JAN 19 2007

Dear Mr. Keith Stott, Jr:

As an active duty member I believe there should be special protection against civil actions extending to family courts and family law that will protect military parental rights. As America's military commitment in the Global War on Terrorism persists, it is imperative to address family law issues affecting the readiness and/or willingness of our service members to perform their military duties.

While our country focuses on the war abroad, many of our soldiers fight personal battles here at home... or more accurately, can't fight. They are losing their families and getting little help from an Administration that claims to "support the troops" but has yet to act to protect the parental rights of the men and women it sends into combat. The important points of this issue are as follows; military members usually lose their children by virtue of their military status which many courts view as "unsuitable for single parenthood." All service members become liable to criminal prosecution for child support that for some, is impossible to pay. Deployed service members have virtually no protection against unilaterally initiated divorce proceedings that permanently separate them from their children without any show of wrongdoing. Likewise, child kidnapping laws do not protect them from having their children relocated, even to foreign countries, when they cannot be present to defend their parental rights. Upon their return, they have no necessary right to see their children... and can even be arrested for trying to do so. These are not aberrations, but frank facts. This is a national disgrace! No service member should ever lose their child(ren) simply because he/she served their country."

Federally, the Servicemembers Civil Relief Act, protects deployed military persons from other civil suits, but needs to be amended to include decisions made by divorce courts and child support-related actions. The Uniform Child Custody Jurisdiction and Enforcement Act, designed to prevent parental kidnappings, could also be modified to protect service personnel whose children are snatched away. Finally, the "Bradley Amendment" should be repealed so that judges can exercise reasonable discretion to modify child-support debts downward whenever service members go from high-paying civilian jobs to lower pay on the front lines of Iraq and Afghanistan.

Recently, California Senate Bill 1082, Michigan Senate Bill 714 (Public Act 327) and House Bill 5100 (Public Act 328) passed legislation protecting military personnel in custody and child-support cases. Please use these as examples of laws that would protect military parents from family courts as you consider "Federal" solutions to this nationally growing dilemma. I am asking for your support in this endeavor to change the judicial process and support me were it counts, capitol hill, in what I believe to be wrong and needs to be changed.

Sincerely,

