

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-170

Complainant: No. 1444810541A

Judge: No. 1444810541B

ORDER

The complainant alleged a superior court judge rendered decisions that did not comply with the law and demonstrated bias in favor of the opposing party because of his government position.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After thoroughly reviewing the information provided by the complainant and the judge's response, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: November 29, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on November 29, 2012.

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

State of Arizona
 Commission on Judicial Conduct
 1501 W Washington St. Suite 229
 Phoenix, AZ 85007

In Regards to the following child:

In case I filed a severance and adoption petition, to sever the parental rights of my grand-daughter so that I may adopt her. I have had my grand-daughter since she was about 3 months old and she is currently age 3. The father willingly requested for his rights to be severed and my daughter was fighting it. Currently she has had three children in the past three years by three different fathers and she does not have custody of any of these children. She is pregnant again with her fourth child, by another man. CPS has been involved with all her children.

My x-husband (no relation to the children) and x-step grandfather and I currently have in-loco parentis of my grand-daughter I left my x-husband when was only 18 months old. told me and others that he did not want her or any children because it was "his" time in life. When I left he threaten me that he would do what ever it took to be able to stay in life. has stated in open court that it would not be in best interest to be adopted by him, yet has requested guardianship of the child and refuses to financially support her. I have not received any money from him in over two and a half years.

During this trial which lasted a day and a half, over ninety percent of it was about and his relationship with my grand-daughter who was only 18 months old. The trial was in regards to the severance. I was and still am the primary care giver for

The court found cause to sever both parents rights, and due to abandonment (July 18,2011 hearing).

Two case studies were completed, case study by recommended that the parental rights be terminated so that a plan for adoption could be implemented (August 8, 2010) and a case study by who also recommended that the parental rights be terminated so that a plan of permanency can be put in place for the child.

Ariz. Rev. Juv P66 (2011) (C) & (E)(2) states; Petitioner has met the burden of proof with clear, factual, and convincing evidence, that said minor child has been abandoned by her parents. The court confirmed

Ariz. Rev. Juv. P 66 (2011)(E)(2)(a) states; court shall: Make specific findings of fact in support of the termination of parental rights and **grant the motion or petition to terminate.**

Judge denied the severance of the parental rights of parents because it would then sever rights, and give me full control. This has nothing to do with control, it has to do with a little girls future and clearly Judge is looking out for rights and not what is in the best interest of this child. Judge came to the conclusion that was an indispensable party. A man that is unrelated to this child and does not want to adopt her. In re Marriage of Halpern (1982, 2nd Dist) 133 Cal App 3d 297, 184 Cal Rptr 740, the Judge clearly states that a child defacto parent relationship is of a long duration, a minimum of about 6 years, and he threw out an expert testimony from a psychiatrist because a child at a young age could not have comprehended the parental relationship and that it was patently almost ridiculous to assume that the child knew the step-father as father.

The Court is suppose to be looking out for the child's best interest not the interest or the desires of a custodian, or even a parent.

After I received consent from both parents, I then filed a petition to adopt my grand-daughter, case . Judge declined the adoption because I did not give notice to and that he was, again, an indispensable party. I was going to go through the County Attorneys office at first and I discussed the case with them. They told me that would not be notified of the preceding because Ariz. Rev. Statue 8-111, specifically states who must be notified. I decided to use an attorney, to complete my adoption. I gave her a copy of the court documents in which the county attorney was going to file for me. reviewed the Arizona Statues and agreed with the county attorney's office, that no one needed to be notified except the agency doing the home study. 6-64 Family Law and Practice states that Grandparents and other relatives do not normally have the standing to veto an adoption, but may be able to file their own adoption petition. As I have stated prior, has no interest in adopting the child, and is not related to her. No where in Arizona law, does it state that is an indispensable party nor does he need to be notified. Judge is stopping me from adopting my grand-daughter for no reason except to support (The Mayer Fire Chief)

Judge ruling on my petition to adopt, threatened not only myself but he also threatened my attorney, for not including in the filing. Judge did not even allow me to have a trial, he just took it upon himself to deny the petition. I am

entitled to a trial, which was suppose to be scheduled 60 days upon the filing of the petition.

When [redacted] received the ruling on the adoption petition, he became angry and filed a Dependency Petition and a Supplement to Dependency Petition Case [redacted], which I was not copied on, but I did receive a copy of Judge [redacted] ruling. In the Judge's response he states that he was very disappointed that Mr. [redacted] has decided to attempt to match my insanity with his own insanity. I am even considering filing a slander charge against the Judge, the statement made by this Judge could hurt me professionally and personally.

If [redacted] loved this little girl he would not be trying to take her from her family by filing this. I have had 4 home studies completed in the last 2 years, all very favorable. I was a foster parent from 2004 through 2007, and I am currently in the process of re-newing my license.

Clearly Judge [redacted] is bias in the cases with my grand-daughter and he is supporting my x-husband because he is the Fire Chief of Mayer and has disregarded the child in these cases. He is going against the statues and Arizona cases in regards to this type of case, for the benefit of [redacted]. How can any Judge say that I am insane because I love my grand-daughter and I want to adopt her? I have had her since she was three months old, and she is now 3? I was applaud that a man in his position would even say something like this.

I suspected something in the severance case, but I was not positive, but after the petition to adopt and his response to [redacted] Dependency request, I am positive now that Judge [redacted] has gone against all of the legal ethics of a Judge, and this poor little girl is going through hell because of it.

[redacted] was enrolled into services at the West Yavapai Guidance Clinic December 2011. She has been involved in individual family therapy since enrollment. [redacted] was enrolled in services after she had touched herself inappropriately many times and pushing things up between her legs, regressed in potty training and was having nightmares. I reported this to law enforcement. [redacted] expresses fear at going to visitation with [redacted]. She talks about not wanting to go to [redacted] house, being scared, sad and lonely there. Clearly [redacted] is only doing this to get back at me for divorcing him and Judge [redacted] is supporting his behavior, while a your child is suffering.

Please look into what I have said in this letter, I have been told by others that I have talked to that Judge [redacted] has done things like this in other cases also. This Judge needs to be investigated! It is suppose to be the Judge to uphold the law, follow the law and do the right thing, not to create his own laws as he sees fit.

Sincerely [redacted]