

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-303

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge violated the Uniform Child Custody Jurisdiction and Enforcement Act.

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.

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

Dated: October 22, 2014

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed
to the complainant and the judge
on October 22, 2014.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY**2014-303****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.

Currently the State of _____ County of _____ has jurisdiction in a custody matter involving _____ and _____ regarding their _____ children, _____ (age _____) and _____ (age _____). The _____ children were visiting their mother in Arizona in _____ when _____ child told his mother that his father had sexually abused him. At that time, the mother contacted Child Protective Services in _____ AZ and an investigation was initiated by CPS. After CPS' investigation, the child was taken to _____ Arizona, for a forensic police interview. The forensic interview was conducted and it was determined that the child had been sexually abused by his father. The police officer in _____ directed the mother to obtain an Order of Protection for the children in _____ County in case the father would come to Arizona to get the children. The judge refused to sign the Order and stated the father is not in Arizona at the time. The children continued to live in _____ AZ with their mother and _____ Petitioner's attorney, _____ attempted to get jurisdiction changed to Arizona due to the abuse of the child but was unsuccessful in his attempt with the court. Father of the children then hired an attorney from _____ to domesticate the _____ Pick-up Order here in Arizona. Petitioner's attorney, _____ filed a Motion to stop the domestication of the Pick-up Order from _____ stating the sexual abuse of _____ child. A copy of the forensic report was submitted as evidence. Judge _____ then took it upon himself to issue an Order stating that Petitioner, _____ was to appear in court and bring the _____ children to the court and turn them over to the father on _____. This is in direct violation of the _____ for a foreign judge to write his own Order and not follow the _____ rules wherein he can domestic a foreign order AS WRITTEN but not change the document.

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On _____ mother along with _____ took the _____ children to
 to be in compliance with the _____ Pick-up Order. The mother was not able to
 complete the trip to _____ due to a risky pregnancy and was required to return to
 Arizona. _____ and her husband, _____ continued the trip to
 _____ with the _____ children. Upon arrival in _____ the _____ children were taken
 to _____ County Sheriff's Department (per the _____ Pick-up Order). The
 _____ County Sheriff's Department refused to honor the _____ Pick-up Order
 because of the sexual abuse that had been reported to them. _____ County
 Sheriff _____ has a copy of the forensic interview and the interview DVD. The
 children were then taken to Child Protective Services Investigation Division and met with
 _____ who interviewed the children and then stated that she would not take
 the children into custody as she had seen the DVD and read the forensic report. She
 stated the children should not be returned to their father.
 both _____ children, _____ and I called the father of the children
 numerous times each day we were in _____ to advise that the children were
 in _____ Sheriff's Department and CPS wanted the father of the
 children to come to the Sheriff's office so they could question him regarding the
 sexual abuse. After we and the _____ children had been in _____ for a week,
 we were advised by the Sheriff's Department and CPS that we could
 leave _____ and return to Arizona as it appeared the father had abandoned the
 children. The father WAS in his place of residence as we drove to the trailer
 with the children in the car and he was seen at the trailer.
 On _____ the Petitioner's attorney, _____ and Petitioner's husband

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Respondent, _____ and his attorney _____ appeared in Court
 per the Order stating Petitioner had to turn the children over to the father. Petitioner's
 Attorney informed Respondent and his attorney, _____ that the Petitioner was
 on her way to _____ to return the children per the _____ Pick-up Order. This case was
 to appear before Judge _____ at _____ on _____ Judge _____ told the parties in the hall
 way that he was NOT hearing them today. Petitioner's attorney and Petitioner's
 husband left the court and returned to _____ Respondent and his attorney
 stayed in _____ and at approximately _____ spoke to Judge _____ without the
 knowledge of Petitioner's attorney, _____ Judge _____ also knew that
 the mother, _____ was in the process of returning the children to the State
 of _____ County of _____ Judge _____ then took it upon himself to issue
 yet another Order to have the mother arrested and to have the children taken
 into custody and turned over to their father. Again this is in violation of the
 The _____ Pick-up Order does NOT state that the mother was to be arrested.
 Judge _____ did not follow _____ rules. Judge _____ as an officer
 of the Court has a sworn duty to protect children from any known abuse and he knew
 about the abuse and yet he chose to not only put the children in danger, arrest
 a mother who had been directed by law enforcement officials to protect her
 children by not returning them to their father, and had no care or concern for the well
 being and protection of the _____ children; all of this is in violation of the
 wherein he initiated Orders that he did not have jurisdiction to initiate. On _____,
 Petitioner, _____ (on ordered bed rest) was arrested
 WITHOUT A WARRANT, the children were taken WITHOUT A WARRANT, and the
 children were turned over to their abusive father. The children were not taken to CPS

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and were not given any rights to see their mother.

Judge _____ single handedly has put these children in danger and on

Judge _____ stated that "This matter is now back in the _____ Court." It is

apparent that he did not want to "deal" with this case and therefore violated the rights

of the children, the mother and blatantly violated the _____ Judge _____ had a

sworn duty to protect these children and instead turned a blind eye to justice and chose

his own agenda. Mother no longer has any contact with the children as father

refuses to allow her to speak with them.

Judge _____ did not make an eroneous finding of fact or conclusion of law.

This judge did constitute an abuse of discretion when he chose to violate the

by taking it upon himself to issue Orders in Arizona when he did not have jurisdiction

to do so. He has severely injured _____ children.

Judge _____ knew ALL of the facts and disregarded them and did not

uphold his duty to protect the children or follow the law.