

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 08-218

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Complainant: No. 1327110727A

Judge: No. 1327110727B

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**ORDER**

The commission reviewed the complaint filed in this matter as well as the recording of the hearing and found no ethical misconduct on the part of the judge. The commission is not a court and cannot review a child support award for possible error.

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

Dated: December 10, 2008.

FOR THE COMMISSION

    \s\ Keith Stott      
Executive Director

Copies of this order were mailed to the complainant and the judge on December 10, 2008.

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

CJC - 08 - 218

COMPLAINT AGAINST A JUDGE

Date: 07/02/2008

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

I, \_\_\_\_\_, filed a complaint against Judge \_\_\_\_\_ for allowing my overtime to be considered in the calculations of my child support received. It clearly states in the child support guidelines "Income from any source which is not continuing or recurring in nature need not necessarily be deemed gross income for child support purposes. Generally, the court should not attribute income greater than what would have been earned from full-time employment. Each parent should have the choice of working additional hours through overtime or at a second job without increasing the child support award. The court may, however, consider income actually earned that is greater than would have been earned by full-time employment if that income was historically earned from a regular schedule and is anticipated to continue into the future"- (ARIZONA CHILD SUPPORT GUIDELINES, Adopted by the Arizona Supreme Court, Effective January 1, 2005). I received a letter stating the complaint was unfounded and no disciplinary action was taken.

I went before Judge \_\_\_\_\_ for Modification of child support. I hired an attorney, paid the proper fees, and again I was not awarded the correct child support.

Judge \_\_\_\_\_ used all income and information reported on the Affidavit of Financial Information from the \_\_\_\_\_ case. Judge \_\_\_\_\_ did not use the income either me or my ex-wife reported on the Affidavit of Financial Information Worksheet for \_\_\_\_\_ to present. In \_\_\_\_\_ my annual income was over \$14,000.00 less than in \_\_\_\_\_, well beyond the 15% minimum requirement. I have not obtained other work and I'm still employed with the same employer, doing the same job. During the \_\_\_\_\_ hearing, my ex-wife stated she had our children 50% of the year. In protest, I stated to Judge \_\_\_\_\_ that this is not true and Judge \_\_\_\_\_ advised me if I speak out once more, I would be held contempt of court. During the Judges final statement, Judge \_\_\_\_\_ advised me and the council that since the plaintiff saying she had our children 50% of the time went uncontested, she would also adjust the child support to reflect my ex-wife having our kids 50% of the calendar

year. I just received a court-ordered child care deduction and I am now ordered to pay my ex-wife \$161.25 a month in child support. How is this possible when I am the primary parent and my annual income is only \$1968.12 more than that of my ex-wife? Why should parents take the time, hire attorneys, or pay the proper fees when Judges can and do take the laws into their own hands? I believe Judge                    did this intentionally as retaliation against me from filing the first complaint. How can Judge                    use the 2006 financial information in 2008, especially when my income was well over \$14,000.00 less? Why do we have the Modification of Child Support if Judges do not have to follow the laws of our courts and/or are not forced to follow the laws? How do single parents, such as me, make it without the proper support being issued by those who are here to "help and uphold the laws"?

cc: Jim Weiers-Speaker of the House  
Jack A. Brown-Assistant Minority Leader/House of Representatives  
Timothy S. Bee-President-Arizona State Senate  
Terry Goddard-Attorney General

*(Attach additional sheets as needed)*