

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaint 09-141

---

Complainant: No. 1363300622A

Judge: No. 1363300622B

---

**ORDER**

The commission reviewed the complaint filed in this matter and found no evidence of ethical misconduct on the part of the judge.

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

Dated: July 23, 2009.

FOR THE COMMISSION

    \s\ Keith Stott      
Executive Director

Copies of this order were mailed to the complainant and the judge on July 23, 2009.

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

MAY 27 2009

May 25, 2009

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

Subject:

To Whom It May Concern:

My name is . I would like to state a few facts before I get to the meat of my issue so you can be somewhat familiar with my situation. I know the commission does not want to address child support disputes but my issue is more with regards to how my case was handled and the attitude of the Judge Pro Tem with regards to the importance of a father in a child's life. I am quite aware that no changes will be made to my child support.

I was the petitioner in the subject divorce case, which was overseen and ruled on by Judge in 2007. The outcome was the respondent would pay \$454.91/mo child support and unpaid medical & dental would be shared 50/50. Visitation was agreed to at 80 days/year. I am the custodial parent and 2 minors were involved.

In February 2009, I was served with papers to reduce child support based on the fact that one child emancipated. I requested a hearing due to the lack of parenting time on the father's side. The conference/hearing was scheduled for May 11, 2009 with Judge Pro Tem

When the father moved out in December 2007 I kept a detailed spreadsheet of each time the father took the youngest child for visitation. It's noteworthy that there was never any visitation with the oldest child. I have enclosed a copy of my log for your reference. (Please note the 7 months where there was no visitation whatsoever.)

During the conference the father claimed to visit the youngest child every Sunday and started with saying he visited at least 22 days, knowing the breakdown of financial changes is 0-3 days, 4-20 days, etc. In my case, 3 days of visitation would not have affected child support by 15% but 4 days of visitation would change it. I produced my spreadsheet that showed 43 hours of visitation in 2007, 66 hours in 2008, and 22 hours YTD for 2009. (Please note that after I filed my papers March 2<sup>nd</sup> citing only 2 days of visitation in response, he stepped up his visitation. Surely the court is familiar with this tactic.) My understanding is that 3 hours can be considered a 1/4 a day if the child is fed, but there is no documentation I found that says 2 hour visits or less account for anything. Since I would not agree to 22 days we continued to the hearing. During the hearing, not only did Judge Pro Tem stretch the visitation days to 4 he never once counseled the father that perhaps he should visit more with his minor child. He actually commented that a 16-year-old girl has other things to do with her time than spend it with her father. This attitude is not supportive of a father's role in a child's life and should not be one expressed in court. I couldn't believe those words were actually uttered aloud by a family court judge. He more or less rewarded the father's negligence by actually reducing child support. I can't understand why if a father is supposed to visit 80 days and he does nothing even close to

that, why would a judge impart a change? What's the difference between 3 days versus 4 days when he should have been visiting 80? All it did was take money away from the child as well as reaffirm to the father that visitation is not important or necessary. Judge Pro Tem also reduced the unpaid medical/dental from 50/50 to 68/32 with me bearing the 68%. Where is this judge's focus – on the father or the child? Judge ordered the 50/50 for a reason while Judge Pro Tem changed it just because that's how the formula plays out. He did not impose one action that would show him as a caring, concerned, advocate of a minor child nor did he show an original thought towards providing individualized justice. In my opinion, he is a disgrace to the family court and needs additional training before he continues to affect lives with bad decisions made for no good reason and without solid justification.

I know you probably just think I'm a disgruntled mother that's upset because she lost child support. The fact of the matter is that my case was not decided fairly based on the facts presented or the rules on calculating visitation. The biggest concern, however, is the lack of support the judge showed regarding parental involvement. At least Judge explained that the father still had financial responsibility when he declined to help his children with college expenses whereas I truly don't believe the focus of Judge Pro Tem was on the child at all. The commission needs to perhaps review some of his rulings and I welcome you to listen to the recording of my case. I do not believe he was impartial or diligent of his responsibilities.

The father has not seen his daughter since he got what he wanted – less financial/emotional responsibility.

Sincerely,