

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-146

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge improperly refused to modify his child support.

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(a).

Commission member Peter J. Eckerstrom did not participate in the consideration of this matter.

Dated: July 13, 2016

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 July 13, 2016.

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

I understand the commission cannot reverse court orders or assign a new judge to a case.

I declare, under penalty of perjury, that the foregoing information and the facts I have provided upon which my allegations of judicial misconduct are based are true and correct.

Signature: _____

Date: _____

INSTRUCTIONS

Use the following space or plain paper of the same size to explain your complaint. Explain why you believe what the judge did constitutes judicial misconduct. Be specific and list the names, dates, times, and places relevant to your allegations. Additional pages may be used and relevant copies of documents may be sent with your complaint (please do not send original documents). Use one side of each page only and write legibly or type your complaint. Please keep a copy of your complaint for your records.

_____ was not the initial judge in the divorce proceedings _____ is also aware of the gross issues with the content of the Decree that was filed by _____ and the corrections / clarifications that had to be put through by our Parenting Coordinator, _____ is also aware that it took nearly _____ year to have a Parent Coordinator assigned.

_____ based solely on one sentence in the Decree, refuses to put child care expenses on the child support calculator. _____ reasoning for this is that Father supposedly said (again, _____ was not in the initial hearing and has never reviewed the recording) that he would pay all child care expenses. Father did say this - and also made it clear the expenses were to go on the child support calculator. Mother has a history (_____) of picking up the child late and not paying day care expenses. Father has documentation from multiple day care providers of this.

ISSUE 1:
On _____ ruled that Mother is to pay child support to Father in the amount of \$ _____ month. This ruling was not filed until _____ resulting in nearly \$ _____ of overpayment in support from Father to Mother. Father had to call the court and remind them to file the paperwork or else it would not have been filed. There is evidence of this given the documents filed on _____

ISSUE 2:
Child care expenses are typically \$ _____ week during the school year and \$ _____ week for summer months. Not putting this expense on the child support calculator results in Father, who makes \$ _____ paying over \$ _____ month in monetarily undocumented support for the child. The child support calculator currently reflects _____ being spent on day care expenses.

On _____ Father filed a Motion to request that child support be _____ and Mother pay her portion of day care expenses. The reason for this request is that Mother would owe Father over \$ _____ month in child support if child care expenses were added to his side of the calculator, as they should have been effective the _____ ruling. This is over half of the day care expense and Father was trying to act reasonably and in good faith.

_____ rejected the Motion out of hand on _____ and did not provide any reason why.

Father filed another Motion on _____ further clarifying that child care expenses do, in fact, get added to the side of the child support calculator for the individual who is paying them. He attached _____ child support worksheets reflecting the varying day care expenses and support amounts from Mother to Father and, again, requested that support be _____ (_____) and _____ again, rejected the Motion out of hand on _____, without providing any reason why.

The only options here are a) to add the child care expenses to Father's side of the child support calculator as they should have been from the onset of the ruling or b) to honor Father's request that he and Mother each pay their own portions of day care expense and the support is _____ out.

It is nonsensical that Father paying \$ _____ a month in child care expenses is not reflected on the child support calculator as this is obviously a large contribution to the child's well being.

Father is not trying to get money out of Mother and, if anything, is trying to balance out the expense of _____ care so it is even.

_____ has failed to follow standard court protocol on _____ occasions:

1. Filing the ruling on child support in a timely manner
- resulting in an additional overpayment of support to mother.
2. Not placing child care expenses on the child support calculator despite _____ requests from Father to follow standard procedure.

Father requests that the documents be re-reviewed and that child care expenses be added to the child support calculator resulting in Mother owing significant support to Father or, preferably, that the child support calculator be _____ and the Decree be changed to reflect that Mother and Father will each pay their own child care expenses.