

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 19-273

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Judge:

Complainant:

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**ORDER**

November 20, 2019

The Complainant alleged a superior court judge was biased against him and abused his discretion in entering child support orders.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission member George H. Foster, Jr. did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on November 20, 2019.

**2019-273**

**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.

I believe that my rights have been violated AND that " \_\_\_\_\_ " has NOT been considered in my most recent court order and ALL prior orders pertaining to this \_\_\_\_\_ case which Judge \_\_\_\_\_ has presided over.

Judge \_\_\_\_\_ has consistently abused his discretion to find in favor of the Mother, even when doing so was outside of the established Child Support Guidelines (see below). I honestly do not know if his biased findings are due to the fact that I \_\_\_\_\_ (the Mother \_\_\_\_\_), a \_\_\_\_\_ or just a personal dislike of me; but his orders have been neither impartial nor in the best interest of my children. His most recent court order plainly stated that his ruling was based on " \_\_\_\_\_ " which should have no bearing on this case.

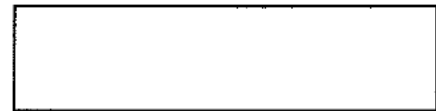
He abused his discretion to find in favor of the Mother, even when doing so was outside of the established Child Support Guidelines. Judge \_\_\_\_\_ had to skew EVERY calculation in the Mothers favor in order to come to the current child support order, including gross miscalculations to both parties' incomes, ignoring or denying EVERY legitimate request made in the Fathers petition and making findings WAY outside of the established Child Support Guidelines.

He acted in bad faith by allowing the Mother to use her \_\_\_\_\_ (not subject to a court order) as a deduction to her income on the worksheet, essentially transferring the child support obligation from the Mother to the Father.

He granted Mother a deviation from paying the \_\_\_\_\_ in child support during the divorce without cause yet denied Fathers request for a deviation of \_\_\_\_\_ when cause was made clear that it would negatively impact my children if we were forced to move.

He Communicated improperly with only one side to the proceeding, he did not allow Father to introduce evidence because " \_\_\_\_\_ " (I'm not an attorney), he allowed the other party to submit her evidence. It was clear that he had his mind made up about me before I even said one word.

He unreasonably delayed his decision making. The most recent modification was filed by the Mother on \_\_\_\_\_ our court appearance was \_\_\_\_\_ and the order was not filed until \_\_\_\_\_. To make matters worse he then backdated the child support obligation to the date of original filing ( \_\_\_\_\_ ) causing the Father to be in default of his Child Support before the order was even decided. No PRIOR modifications were EVER backdated to the original filing date when the Mother was ordered to pay the Child Support.



**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.

**Divorce**

-Mother received a deviation from paying ANY child support; \_\_\_\_\_ awarded to the Father. Child Support was calculated as \_\_\_\_\_ per the Divorce Decree however no worksheet was included or filed with the court. (IN MOTHER'S FAVOR)

**Modification**

- Attributed Father's income higher than actual; at \_\_\_\_\_ based on a job he had worked at over prior in a \_\_\_\_\_ (rather than at minimum wage per the guidelines). (IN MOTHER'S FAVOR)
- Calculated Mothers income as lower than actual; see her \_\_\_\_\_ Taxes and the substantial difference of \_\_\_\_\_ (IN MOTHER'S FAVOR)
- The wrong parenting time table was used; ' \_\_\_\_\_ ' should have been used. (IN MOTHER'S FAVOR)

**Modification**

- The number of parenting time days was miscalculated at \_\_\_\_\_ when it should have been \_\_\_\_\_ the divorce decree and historical practice of the parties. (IN MOTHER'S FAVOR)
- Father's income was attributed higher than actual, despite the fact proof of income as a \_\_\_\_\_ was provided. (IN MOTHER'S FAVOR)
- Mother's income was reduced because she \_\_\_\_\_ suddenly, taking a \_\_\_\_\_ court should have attributed her income higher based on her actual earning potential. (She went back to earning her normal \_\_\_\_\_ after this modification). (IN MOTHER'S FAVOR)
- The wrong parenting time table was used; " \_\_\_\_\_ " should have been used. (IN MOTHER'S FAVOR)

**Modification:**

- Fathers request for a deviation was denied. (IN MOTHER'S FAVOR)
- Calculated Fathers income INCLUDING overtime and bonuses, higher than actual (action not supported by the guidelines). (IN MOTHER'S FAVOR)
- Calculated Mothers income at \_\_\_\_\_ than actual (IN MOTHER'S FAVOR)
- Allowed Mother to use her \_\_\_\_\_, not subject to a court order) as a deduction to her income on the worksheet, essentially transferring the child support obligation from the Mother to the Father. (IN MOTHER'S FAVOR)
- Backdated child support to date of original filing ( \_\_\_\_\_ ) causing the Father to be in default of his Child Support before the order was even decided. No prior modifications were ever backdated to the original filing date when the Mother was ordered to pay the Child Support. (IN MOTHER'S FAVOR)
- The significant disparity in the respective gross income for each party should have been considered in this case and was not.
- A worksheet was not provided with the order showing how the Child Support amount was arrived at.

In Summation:

I do not believe the court understands that when they miscalculate the worksheet in favor of the Mother that they are doing a DISSERVICE to my children when they are at MY HOUSE nearly A point I thought I made clear during the last modification petition (see attached) in which I explained that without a deviation (if I was found to pay) the children and I would be forced to move to a cheaper rental and we did have to move, the court order. Now the children have a much smaller room in an apartment rather than the house we were living in. This was a NEGATIVE impact on my children whereas any positive impact for them at their Mothers house was negligible (she gives to the )

She and rents have continued to rise every year. Considering I have to live somewhat close to their schools (I am responsible for their transportation to/from I have limited options of rentals in a price that I can afford. If biased calculations such as these are allowed to continue I'm afraid I will only be able to afford a one bedroom...then what? Does the court want my children to sleep on the couch ?

I am pleading with you to PLEASE tell me what I have to do to get a fair modification calculation? I cannot afford an attorney and my nerves get the best of me when I am in a stressful situation (being around my Ex AND in court IS stressful) and I am unable to communicate effectively under this duress especially considering how wrong it has gone every other time I have been through this.

I appreciate your time and assistance with these matters.

Sincerely,

COURT OF ARIZONA  
COUNTY

CLERK OF THE COURT

HONORABLE

AND

MINUTE ENTRY

\_\_\_\_\_

Petitioner, (Mother), filed a *Petition to Modify Child Support* on  
Respondent, (Father), filed a *Response to Petition to Modify Child*  
\_\_\_\_\_ *Support* on

The Trial in this matter was conducted on \_\_\_\_\_ During the proceedings, the  
Court heard from the parties.

The Court has since considered the evidence, including \_\_\_\_\_ reviewed the  
case history.

After significant deliberation, the Court makes the following findings and enters the following  
orders:

COURT OF ARIZONA  
COUNTY

**CHILD SUPPORT**

**THE COURT FINDS** that the relevant financial factors and the discretionary allowances and adjustments which the Court will allow for a current calculation of child support pursuant to the are set forth in the which the Court hereby incorporates and adopts as its findings with respect to child support.

**THE COURT FURTHER FINDS** that in applying these findings under the no deviation is appropriate regarding the obligation to pay child support.

**IT IS THEREFORE ORDERED** that Father shall pay to Mother as and for child support the sum of payable through the on the of each month commencing by Income Withholding Order.

**IT IS FURTHER ORDERED** that shall initiate an Income Withholding Order as set forth above.

**IT IS FURTHER ORDERED** that at any time an Income Withholding Order is not paying the child support obligation in full, Father shall make full and timely payments directly to the in accordance with the Instructions for Making Support Payments found in the Forms section at:

Until the Income Withholding Order becomes effective, it is the responsibility of the party obligated to pay child support to pay the support to The payment should show the case number and/or number, the name of the party paying support, and the name of the party who will receive the payment.

If payments are made directly to the person who is to receive the support, the payments may be considered a gift and no credit will be given towards the support obligation.

Any change in the paying party's employment and any change in the residential address of either party **must** be submitted to the Clerk's Office, in writing, within 10 days of the change (A.R.S. §25-322(C)). Failure to notify the Clerk's Office of any change may be considered contempt of Court.

All obligations for child support for each child shall terminate upon a finding of this Court that the child has attained the age of 18 years, or is otherwise emancipated. If any child attains the age of 18 years while attending high school, support shall continue to be provided during the period

**THE COMMISSION'S POLICY IS  
TO POST ONLY THE FIRST FIVE  
PAGES OF ANY DISMISSED  
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE  
REMAINDER OF THE  
COMPLAINT IN THIS MATTER,  
PLEASE MAKE YOUR REQUEST  
IN WRITING TO THE  
COMMISSION ON JUDICIAL  
CONDUCT AND REFERENCE  
THE COMMISSION CASE  
NUMBER IN YOUR REQUEST.**