

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-380

Judge:

Complainant:

ORDER

February 27, 2020

The Complainant alleged a superior court judge made improper rulings in a family law matter.

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 members Denise K. Aguilar, Roger D. Barton, Colleen E. Concannon and George H. Foster, Jr., did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 27, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2019-380

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.

(all proof & documentation is attached)

I appreciate your time with this. I thought that
On _____ my daughter who was now
her father

arrested for Domestic Violence B/D was
hospitalized. All docs are attached
with grand jury indictment of Class 2
Class 4, and Class 6 felonies.

Police said that this was the worse case
of DV that did not result in a Homicide.
I had only the bloody knuckles
from beating me to what he thought
was death as a wound. After a
of the State of Ariz telling me
that I am the victim these things
are wrong and sentencing
to probation (plus other
penalties) but most importantly no
contact w/ me even via 3rd party.

Judge find it outlandish that
I am being unreasonable in wanting a
3rd party for exchanges. So I am responsi-
ble for the cost (which according to
the state and his DAVIS is illegal)

Plus he apologized to for
what I did to him?? And said what was
my handicap - that I can not work 2 jobs
he then based on the same income orders
that I am responsible for in child care
\$ Insurance, no child support to be paid \$
no arrangements. This gets to claim
what takes very . He tried to
Give him joint custody which was illegal
was on probation. This forces me to
have contact which I refuse and the State
says is illegal. He refuses to grant
my change of judge

was a dishonorable discharge & this judge
knowing that thanks him for his service.
out of hours of a trial the judge had
minutes recorded. The told me to
file this complaint with you. I have been
through hell with this domestic violence
case & his continual probation violations
stalking me, kidnapping, the list goes on.
Because he is the victim not me
now. And I feel like if I had advice
to another victim of Domestic Violence
let would be to not call the police
and ~~not~~ not trust our family law
judicial ~~system~~ system at all. I
am one of victims that have
dealt with this same judge.

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Something needs to be done. All documentation is attached.

Thank you for your time.

**COURT OF ARIZONA
COUNTY
HONORABLE**

Case Number:

Petitioner

AND

Respondent

**ORDER FOR PATERNITY, LEGAL DECISION MAKING, PARENTING
TIME AND CHILD SUPPORT**

The Evidentiary hearing in this matter occurred on _____ The Court has considered the evidence which includes where applicable/presented, the demeanor of the witnesses, reviewed the exhibits as well as the case history, and considered the parties' arguments and agreements.

The Court makes the following findings and enters the following orders:

JURISDICTIONAL FINDINGS

THE COURT FINDS as follows:

- There is a minor child common to the parties, namely:
- Arizona was the child's home state on the date the petition was filed or was the child's home state within six months before the filing and the child is absent from this state but a parent or person acting as a parent continues to live in this state.
- The federal Parental Kidnapping Prevention Act does not apply and that no international law concerning the wrongful abduction or removal of children applies.

PATERNITY

LET THE RECORD REFLECT that both parties testify with the benefit of counsel, if represented, that the agreement stipulated to on the record is their agreement, that they understand the agreement and believe it to be in the best interests of the minor child at this time, that no one has threatened, promised or coerced them in any way to get them to reach the agreement, and that the terms are fair and equitable.

THE COURT FINDS that the agreement reached by the parties this date is in the best interests of the child, is fair and equitable, constitutes a binding agreement under Rule 69 of the *Arizona Rules of Family Law Procedure* (ARFLP), and is enforceable as such.

IT IS ORDERED approving the agreement of the parties as dictated into the record and contained in this order as follows on this date as a binding agreement pursuant to Rule 69, *Arizona Rules of Family Law Procedure*.

THE COURT FINDS that pursuant to the parties' stipulation, _____ is parent of the following minor child:

COURT OF ARIZONA
COUNTY

HONORABLE

Case Number:

IT IS ORDERED declaring that

is the legal parent of the following minor child:

IT IS FURTHER ORDERED that the parties shall take all necessary steps to have the birth certificate of the minor child amended in accordance with this order if the correct information does not now appear on the original certificate. Information for amendment of a birth certificate may be obtained from the Office of Department of Phone

A certified copy of this minute order may be obtained after ten days of receipt of same, and shall then be provided, together with all other required documents and fees, to the Office of so that the birth certificate can be amended or supplemented as ordered.

LEGAL DECISION-MAKING AND PARENTING TIME

Best Interest Findings: A.R.S. § 25-403

A.R.S. § 25-403(A) enumerates specific factors for the Court to consider, among all factors that are relevant to the child's physical and emotional well-being. The best interest of a child is the primary consideration in awarding legal decision-making authority and parenting time.

In making the legal decision making and parenting time determination, the Court is mindful that as a matter of public policy, absent evidence to the contrary, "it is in a child's best interest: (1) To have substantial, frequent, meaningful and continuing parenting time with both parents[; and] (2) To have both parents participate in decision making about the child." See A.R.S. § 25-103(B).

As a precursor to the analysis of the child's best interest and because of the parents' inability to reach an agreement, the Court considers the following issues regarding the parents. See A.R.S. § 25-403.01.

- *Whether a parent's lack of agreement is unreasonable or is influenced by an issue not related to the child's best interests.*
Both parents are acting according to their honest beliefs of the child's best interest.
- *The past, present and future abilities of the parents to cooperate in decision-making about the children to the extent required by the order of joint legal decision-making.*
It is unclear whether the parties can effectively co parent.
- *Whether the joint legal decision-making arrangement is logistically possible.*
The terms of Father's probation prohibit contact, making joint decision making impossible at this time.

THE COURT FINDS as follows regarding the child's best interests pursuant to A.R.S. § 25-403(A):

- 1 *The past, present and potential future relationship between the parent and the child*
Father was actively involved for the child's first six months. He changed diapers, comforted her, and was a hands-on parent. There was a domestic violence incident between Father and Mother in that resulted in Father's criminal prosecution. His time with the child has been very limited after that until he obtained court orders for parenting time. Mother has been the primary parent for the past year and a half.
- 2 *The interaction and interrelationship of the child with the child's parent or parents, the child's siblings and any other person who may significantly affect the child's best interest.*

**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.**