

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-098

Judge:

Complainant:

ORDER

July 9, 2020

The Complainant alleged a superior court commissioner had improperly increased his child and spousal support obligations.

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 Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on July 9, 2020.

2020-098

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.

_____ look over a case from another judge back in _____. The previous judge ordered me to pay child support of _____ to be paid to the clearinghouse and since December of _____ I have missed no month without supporting my children even though I was overpaying. On her ruling on _____ she ruled that in addition to more than _____ designed for my children, I must pay _____ month for the spousal maintenance. When the papers were sent to the _____ someone was aware of the law and revised the _____ payments that were, according to Judge _____ to be _____. See attached form. The _____ cannot do anything unless it comes from another source. Since _____ my salary was deducted of _____ every _____ until now that I am writing this complaint. That amount is more than _____ of my take away every month. The previous judge had ordered that since I was paying CHILD SUPPORT, I have to claim the _____ youngest children (now _____ and old) on my tax returns till the year they reach _____ (meaning the youngest reaching _____. When I tried to claim the _____ children on my _____ tax, I found out my ex has used my youngest _____ on her taxes. I raised the issue with _____ that I am entitled to claim my _____ young children but she silenced me saying " You haven't paid the whole child support during the whole year". That wasn't true because I was even overpaying.

Pursuant to Title 42 United States Code Section 659, we have authorized a change in the deduction from your pay to comply with the order. Payments of _____ not to exceed _____ percent of your disposable earnings will be remitted to AZ SUPPORT PMT CLEARINGHOUSE for case number _____

Up to the month of _____ I was paying my due and I even overpaid. What _____ had done to my finance is unbelievable. I am living on a credit card because she wants to give money to my ex. Ex has an attorney, I don't. That is why _____ wants me to pay my ex attorney regardless my financial hurts. She ruled that I must offset the spousal maintenance of _____ per month while disregarding the law that I cannot pay child support and the so called alimony more than half my take away. I told her that she is hurting me without knowing. She has to specify who is entitled who to claim the children on the tax return. By the way the previous ruling spelled it out that I am entitled to claiming my _____ youngest children. I can even claim my ex if I had provided her any spousal maintenance. When I went to the court on _____

CONFIDENTIAL

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

FOR OFFICE USE ONLY



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She maintained that I must keep on paying _____ because (according to her) I haven't met the child support and spousal maintenance. I defended myself that the wife can get even more than _____ a month on her second job. The judge not only is hurting me, she is hurting my children because I cannot borrow the money for the gas to just bring my children to visit me. I cannot afford to have another family that I take care of and have enough money to commute from _____ to _____. The judge has caused a total separation between the family due to her lawless ruling. The eldest son has reached _____ years old but Judge _____ said that she took the boy from the child support list but she compelled me to keep on paying the same amount of money I was paying _____. Meaning more than _____ of my take home even if it's against the law. None is above the law and I want her to be approached so that she can be reminded of the law. She accused me that I haven't paid the full amount of _____. I defended myself that I had no control over what the _____ takes from my check. In fact, the _____ and/or the CLEARINGHOUSE has fed the information on how much money I should be paying every month. Everyone was wrong because they were charging me exorbitant payments every month. CLEARINGHOUSE has all my payment records and the office can testify I have paid _____ up to end _____. As soon as the payment became direct deposit, I stopped paying child support through the clearinghouse. The money was going through the garnishment avenue.

-I want every penny I overpaid to come back to me.

-I want (in a _____ writing clear recommendation) that my ex cannot claim my youngest _____ children on taxes because I pay the full amount of child support.

-If any issue arises concerning the _____ taxes, I want _____ to be liable and make sure the discrepancies are corrected.

_____ has blindly used her office power to crush my financial standing when the law states otherwise. She has applied EMOTION in ruling when none of the concerned parties was disable yet. Everyone is able to work and earn the living. There is no reason one can be working _____ and paying for the child support at the highest price while another _____ is encouraged not to work.

Thank you.

Dear

We have been served with a modified income withholding order for child and/or spousal support from the COUNTY COURT,
Pursuant to Title 42 United States Code Section 659, we have authorized a change in the deduction from your pay to
comply with the order.

Payments of not to exceed percent of your disposable earnings will be remitted to
CLEARINGHOUSE for case number Payments will continue through

If you have any questions regarding this modification order, we suggest you contact your attorney or applicable support enforcement
agency or court. If you do not already have a copy of this order from the court or support enforcement agency and you desire a copy,
you must request one within days from the date of this letter by contacting us through the page
We will mail a copy of the requested order within business days of your request. Please note that
we cannot respond to any inquiries without your social security number.

Sincerely,

INCOME WITHHOLDING FOR SUPPORT

- ORIGINAL INCOME WITHHOLDING ORDER/NOTICE FOR SUPPORT (IWL)
 AMENDED IWO
 ONE-TIME ORDER/NOTICE FOR LUMP SUM PAYMENT
 TERMINATION OF IWO

Date: _____

Child Support Enforcement Agency (CSE) Agency
 Court
 Attorney
 F

NOTE: This IWO must be regular on its face. Under certain circumstances you must reject this IWO and return it to the sender (see IWO instructions www.acf.hhs.gov/programs/cse/resource/income-withholding-for-support-instructions). If you receive this document from someone other than a state or tribal CSE agency or a Court, a copy of the underlying order must be attached.

State/Tribe/Territory _____ Remittance ID (include w/payment) _____
 City/County/Dist/Tribe _____ Order ID _____
 Private Individual/Entity _____ CSE Agency Case ID _____

Employer/Income Withholder's Name _____ Employer/Income Withholder's Address _____ Employer/Income Withholder's FEIN _____ Child(ren)'s Name(s) (Last, First, Middle) _____ _____ _____ _____	RE: _____ Employee/Obligor's Name (Last, First, Middle) _____ Employee/Obligor's Social Security Number _____ Custodial Party/Obligee's Name (Last, First, Middle) _____ Child(ren)'s Birth Date(s) _____ _____ _____ _____
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ORDER INFORMATION: This document is based on the support or withholding order from Arizona (State/Tribe). You are required to deduct these amounts from the employee/obligor's income until further notice.

\$ _____	Per	Month	current child support
\$ _____	Per	Month	past-due child support - Arrears greater than 12 weeks? <input type="checkbox"/> Yes <input type="checkbox"/> No
_____	Per	_____	current cash medical support
_____	Per	_____	past-due cash medical support
\$ _____	Per	Month	current spousal support
_____	Per	_____	past-due spousal support
\$ _____	Per	Month	other (must specify) <u>Clearinghouse Fee</u>

for a Total Amount to Withhold of \$ _____ per Month.

AMOUNTS TO WITHHOLD: You do not have to vary your pay cycle to be in compliance with the Order Information. If your pay cycle does not match the ordered payment cycle, withhold one of the following amounts:

\$ _____ per weekly pay period	\$ _____ per semimonthly pay period (twice a month)
\$ _____ per biweekly pay period (every two weeks)	\$ _____ per monthly pay period

Lump Sum Payment: Do not stop any existing IWO unless you receive a termination order.

Employer's Name: _____ Employer FEIN: _____
Employee/Obligor's Name: _____ SSN: _____
CSE Agency Case Identifier: _____ Order Identifier: _____

REMITTANCE INFORMATION: If the employee/obligor's principal place of employment is _____ (State/Tribe), you must begin withholding no later than the first pay period that occurs fourteen (14) days after the date of receipt of this Order. Send payment within two (2) working days of the pay date. If you cannot withhold the full amount of support for any or all orders for this employee/obligor, withhold up to fifty percent (50%) of disposable income. If the obligor is a non-employee, obtain withholding limits from Supplemental Information on page 3. If the employee/obligor's principal place of employment is not Arizona (State/Tribe), obtain withholding limitations, time requirements, and any allowable employer fees at www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information for the employee/obligor's principal place of employment.

For electronic payment requirements and centralized payment collection and disbursement facility information (State Disbursement Unit (SDU)), see www.acf.hhs.gov/programs/css/employers/electronic-payments.

Include the **Remittance Identifier** with the payment and if necessary this FIPS code: _____

Remit payment to _____ (SDU/Tribal Order Payee)
at _____ (SDU/Tribal Payee Address)

Return to Sender [Completed by Employer/Income Withholder]. Payment must be directed to an SDU in with 42 USC §666(b)(5) and (b)(6) or Tribal Payee (see Payments to SDU below). If payment is not directed to a Payee or this IWO is not regular on its face, you must check this box:

Signature of Judge/Issuing Official (if required by State or Tribal law): _____
Print Name of Judge/Issuing Official _____
Title of Judge/Issuing Official: _____
Date of Signature: _____

If the employee/obligor works in a state or for a tribe that is different from the state or tribe that issued this order, IWO must be provided to the employee/obligor.

If checked, the employer/income withholder must provide a copy of this form to the employee/obligor.

ADDITIONAL INFORMATION FOR EMPLOYERS/INCOME WITHOLDERS

State-specific contact and withholding information can be found on the Federal Employer Services website located at: <http://www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information>.

Priority: Withholding for support has priority over any other legal process under State law against the same income (USC 42 §666(b)(7)). If a Federal tax levy is in effect, please notify the sender.

Combined Payments: When remitting payments to an SDU or tribal CSE agency, you may combine withheld amounts from more than one employee/obligor's income in a single payment. You must, however, separately identify each employee/obligor's portion of the payment.

Payments To SDU: You must send child support payments payable by income withholding to the appropriate SDU or to a tribal CSE agency. If this IWO instructs you to send a payment to an entity other than an SDU (e.g. payable to the custodial party, court, or attorney), you must check the box above and return this notice to the sender. Exception: If this IWO was sent by a court, attorney, or private individual/entity and the initial order was entered before January 1, 1994 or the order was issued by a Tribal CSE agency, you must follow the "Remit payment to" instructions on this form.

Reporting the Pay Date: You must report the pay date when sending the payment. The pay date is the date on which the amount was withheld from the employee/obligor's wages. You must comply with the law of the state (or tribal law if applicable) of the employee/obligor's principal place of employment regarding time periods within which you must implement the withholding and forward the support payments.

Multiple IWOs: If there is more than one IWO against this employee/obligor and you are unable to fully honor all IWOs due to federal, state, or tribal withholding limits, you must honor all IWOs to the greatest extent possible, giving priority to current support before payment of any past-due support. Follow the state or tribal law/procedure of the employee/obligor's principal place of employment to determine the appropriate

**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.**