

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-043

Judge:

Complainant:

ORDER

December 7, 2022

The Complainant alleged improper delay by a superior court judge in providing signed final orders in a child custody case.

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 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 Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 7, 2022.

RE: Dereliction of Duty Regarding Court Case #

DATE:

Dear Governor

I am reaching out to you in desperation to get the above mentioned case handled immediately and properly. This case involves the custody of my grandchildren, age and age , along with the issuance of an arrest warrant that should have been filed for their biological father, , stemming from our court date of in the Court of . At the hearing the honorable Judge awarded myself and the children's grandfather, , permanent physical custody of the children and issued an arrest warrant for .

Please allow me to provide some background information regarding this case:

 and I applied for emergency custody of the children in and around , which we were initially awarded from the honorable , from County Court, due to neglect and abuse charges we asserted against . At the subsequent hearing that Judge resided over on , admitted that he left the children unattended for hours a day while he worked remodeling a condominium he was remodeling and squatting in with the children; there were witnesses willing to testify to this fact. Moreover, admitted to knowledge of a large, chemical burn on the back of my neck which was untreated for over weeks, till we brought him to

the emergency room in _____ after discovering the injury. He admitted to drinking several shots of whiskey everyday; driving the children around in a _____ without proper safety seats and driving with a suspended license; to not having _____ enrolled in school since because he and the children were living in a tent moving from campground to campground from _____ to _____; and not having the money to properly feed or care for the children till he started the condo remodeling job where we located him in _____. Additionally, Judge _____ ordered _____ was to submit for drug testing on the same day, _____. Much to our dismay, Judge _____ temporarily suspended our temporary guardianship returning the children to _____' custody while a _____ day investigation was to be performed by _____. Furthermore, Judge _____ order that we all return to Arizona for a final hearing in which _____ was supposed to produce the children.

The information that _____ provided the court during the _____ hearing as to where he was currently living, along with the schools he had enrolled the children in on the day of hearing were all lies. _____ could not locate _____ or the children till shortly before the final hearing date, as per the case manager _____. Apparently, _____ finally located them due to _____ The principal of the academy that _____ had actually enrolled the children in became growingly suspicion of _____' story regarding the lack of information he provided during enrollment, and his subsequent failure to produce the required documents for a proof of residency and the children's birth certificates. The principal eventually contacted the _____ and _____ to investigate the situation. The authorities showed up at the school shortly before what was supposed to be the final hearing, in and around _____, however he and the children had disappeared. Please note that this information was obtained via our own investigatory efforts after the above mentioned hearing.

To the best of my knowledge _____ was not aware of _____ previous testimony, which we provided the details ourselves to no avail; she was not aware that he did not possess a valid driver license and was driving a _____ that had been reported missing ignoring the fact that the truck only had two seats therefore one child was being driving around unsecured; nor was she aware of the fact that _____ was a wanted criminal in _____ and possibly other states with outstanding warrants for his arrest. Apparently, criminal background checks, reviewing _____ histories, or even contacting Arizona owns courts are not a part of _____ investigations which we find astounding.

Needless to say, _____ did not show up for what was supposed to be the final court date, in and around _____. Judge _____ asked if we knew why _____ report was incomplete, further commenting that he had not received the results from _____' drug screening either. We responded by saying that as far as we knew up till that moment she couldn't locate _____ or the children. Judge _____ issued an order to show cause for _____, rescinded his order that returned the children to _____, reinstituted our temporary guardianship, and gave us permission to appear via telephone at the newly rescheduled hearing for _____. Again _____ was a no show on _____ Judge _____ issued an arrest warrant for _____ with a secured _____ bail, and granted us permanent, physical custody of both children – this is where the plethora of problems began.

We have been waiting ever since to get an official, signed, stamped court order showing we have physical, permanent custody of our grandchildren along with the arrest warrant to be officially issued. We have contacted both the _____ County court _____, numerous times requesting the documents we need to secure the children from _____ who ran back to _____

We were informed that the judge had not signed the court order making it ineffectual; she had no explanation as to why this had occurred but said she would correct the situation. That was a month ago. Upon a follow up call we were told the judge had signed the documents and that they were mailed, but we did not received them. It was discovered that the numbers in the address were transposed and blamed us not receiving the documents on this error; that was weeks ago. She stated to _____ that they always seem to have problem when it comes to mailing documents. We were promised that the error would be corrected, and that we would receive the court order in a few days – this never happened but she was at least pleasant.

We then contacted _____, Judge _____ assistant several times, when we finally got in touch with her she insisted that the court minutes they provided us were sufficient for us to go to _____ and serve the e-mailed document to the authorities to gain custody of the children.

_____ tried to explain that this was not sufficient; she became indignant, nasty and passive aggressive. He ignored her rude mannerisms and continued to insist that we receive the official, signed, stamped court order. _____ told _____ that he could put a motion into the court to find out why they were inept in doing their job. Naturally, he protested again and requested that the proper court documents be sent to us. _____ e-mailed the same insufficient documents that we had already received, we still haven't received anything via mail. Once again, _____ called _____ who was very annoyed at our request, she e-mailed the same documents and said she'd mail them too after he insisted she do so, furthermore she said she didn't know why the arrest warrant wasn't issued. To date we have not received any official order for physical custody, and have never received anything by mail, nor has an arrest warrant been issued.

Having been a _____ working for the _____ I knew that court minutes were totally insufficient to gain custody of our grandchildren. We did our due diligence and contacted the _____ Court of _____ County in _____ Judge _____ office, to explain this situation and requested he review the documents we had received from the court via e-mail. He confirmed that my suspicions were correct. _____ would not accept minutes from a court hearing as proof of being granted permanent, physical custody of our grandchildren. Moreover, he insisted an official, original, stamped court order emphatically stating that we had been granted permanent, physical custody of the children before _____ would allow us to take our grandchildren. He warned that if we tried to take custody of our grandchildren on our own based on the documents we presented to him we could be arrested for interfering with parental rights!

The negligence of duty in this case has cost my grandson being _____ with a _____ till _____ were left on his _____, his sister witnessing more _____, and both children being subjected to more instability in their lives by being _____ across the country by an _____, _____ father. If this case was handled correctly they would not have suffered any further _____ because we would have had custody of them. How much more of a price do these children need to pay till justice is served? I am requesting that you bear the full weight of your

office upon the court to fulfil their duty to protect my grandchildren, whom were failed at every turn in this case including . There are not words that describe my distain for this ineptness especially given my background, and the dereliction of duty of the Arizona judicial system. If we do not have satisfaction and resolution of this situation immediately we are prepared to have our attorney prepare a wide-reaching. We are leaving the outcome of this situation at your feet.

Please use the above mentioned contact information listed above. We are expecting to hear from your office, or your representative immediately or we will be forced to take the next steps in resolving this horrific situation through litigation.

Sincerely,