

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-311

Complainant: No. 1433010268A

Judge: No. 1433010268B

ORDER

The complainant alleged that a superior court judge improperly held a dependency hearing without providing notice or an opportunity for the father to appear.

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.

After reviewing the information provided by the complainant and the judge's response, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission has no jurisdiction to determine the legal sufficiency of the judge's decisions. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: March 29, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on March 29, 2012.

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

To whom it may concern,

On December 21, 2011 a Preliminary Protective Hearing (Dependency) was conducted without the father's notification. The father was not served documentation, nor had any correspondence what-so-ever of the hearing.

The case JD , resulted in the father losing custody of his daughter. The ruling states the father is only allowed to have supervised rights in seeing his daughter.

Honorable Judge conducted and ruled on the case, JD , without ensuring the father was aware of the hearing.

The subject matter was previously ruled on in Superior Court of Arizona Maricopa County, case FC 2010- . The ruling awarded both parents equal joint custody of the child.

Since the date of the hearing, FC 2010- the father has spent every minute of his custody time with his daughter.

Additionally, the ruling of case JD , came just a mere 4 days before Christmas; resulting in the father and daughter not being able to spend time together on Christmas.

The trauma to both the father and daughter in this matter is excessive and unwarranted. The ruling subjects the child to confusion as to why her father wasn't able to see her for Christmas. The father doesn't understand how it is possible a hearing was set without his acknowledgement resulting in losing custody of his child.

The father isn't able to focus on his job and has taken every day off of work since the hearing, further risking losing his employment.

The child is being traumatized by an unjust custody battle.

The mother has manipulated the system by alleging false sexual abuse of the father against the child.

Through this process, the maternal grandmother has gone as far as to coaching the child into stating sexually explicit content, against the father, to authorities. The father's concern is during this time of alienation from the father and child, this conduct from the maternal grandmother will be re-instantiated against the child; further encouraging the child believe the false allegations.

Below are five paragraphs from a professional's opinion regarding a child's wellness in such a situation:

If a child is led by adults, wittingly or unwittingly, to be involved in the development of a false allegation of sexual abuse, this is not a benign or innocuous experience for the child.

It is destructive of the child's ability to distinguish between reality and unreality and runs the risk of training the child to be psychotic.

The research evidence strongly suggests that the effect on a child of being involved by adults in a false allegation of sexual abuse is devastating to the child.

The long term effects include depression, anxiety, fear, loss of self-esteem and learning to be a victim.

It may also run the risk of training a child to be psychotic if the child is coerced into extreme, bizarre, and highly improbable accounts.

The father's complaint is the judge didn't ensure the father's knowledge of the hearing and hastily ruled on the matter. This decision appears to have been made without evaluating the effects it would have on the child. This ruling was made just before Christmas further traumatizing the child and father.

To this date no one has made the father aware of how to facilitate seeing his daughter under the guidelines of visitation.

In resolution, the father requests an emergency hearing be set forth correcting this action immediately.

Currently the father has a January 11, 2012 hearing set regarding the matter, but that is two weeks from the initial hearing and further prolongs the trauma of the father and daughter to facilitate the hearing until that date. Immediate resolution is mandatory in this unjust situation.

12/27/2011