

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-068

Complainant: No. 1437700091A

Judge: No. 1437700091B

ORDER

The complainant alleged that a superior court judge improperly denied her custody of her child and ignored relevant evidence.

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 case history, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to investigate the legal sufficiency of the judge's rulings. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: April 30, 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 April 30, 2012.

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

On 1/19/2010 at 1:30PM [redacted] denied me custody based on her independent diagnosis saying I was suffering from schizophrenia without any Medical Documentation to support this allegation. This allegation was made by an anonymous caller to CPS. She ignored letter that was provided to her from my Medical Doctor stating that I suffer from Depression and anxiety disorder and have been under the care of Terros for the last 6-years. This letter was presented to [redacted] 8/31/2010. This is unprofessional conduct of [redacted] you do not diagnosis someone without any supporting Medical records of such.

She also dismissed my son's interview with [redacted] MSW because my son stated I told him to just tell them what he told me and tell them you want to live with me. She claimed this statement alone made his interview not creditable. He was told to tell the truth and that is what he did.

She also ignored police report made against father for physical abuse and verbal and emotional abuse once again assuming this information was not true.

She also ignored a letter from my son that he wrote in all honesty about his situation with his father and the reason why he lied to CPS. Father threatened him that he would never see him again if he did not comply. This was very scary for a 15-year old whose father had not seen him for 5 years.

She ignored the fact that he is now living with his step brother that his father never raised due to the fact his parents would not let him due to his abusive personality. And the fact that [redacted] was molested by this half brother when he 5 years old. His brother carries a lot of anger towards [redacted] due to him telling what happened to him and his brother is also abusing [redacted] He has beaten him up as well as his father and hit him in the head with a 22 rifle. They both have taken video's of these beatings while they laughed. [redacted] was unable to obtain chip from camera due to it disappeared after father was aware that [redacted] was telling what happened to him.

[redacted] also reprimanded me telling me that the way I served [redacted] was not acceptable when I followed instructions to a tee. I read that as of January 1, 2006 you may now serve family court papers in state by U.S. mail. I told the clerk that I needed a signed confirmation of delivery and that you will need a copy of the signature on the confirmation receipt. I also requested Restricted Delivery requesting the signature of the other party. I have received the documents mailed to [redacted] for he never picked them up.

She also ignored the fact that [redacted] granted me sole custody and this order could only be reversed if father took child to CPS and he said he was in fear. [redacted] has explained father forced him to do this and in the meeting he only stated he didn't want me to put him in a behavior health clinic for help. I was concerned because I had received over 200 text messages calling me whore, cunt, talking about me sucking cocks, and many more messages that where so disturbing and they were coming from [redacted] phone. I later learned this was the father sending me the messages from [redacted] phone. [redacted] has stated he had no fear of me what

so ever and said father made him say he did. He actually was very happy that I had won sole custody and had been crying and depressed with being away from me.

Since [redacted] orders of not granting me custody or visitation [redacted] checked himself in Aurora Behavior Health for suicide and homicidal thoughts. He spent 11 days there. I will be requesting a copy of records from this facility regarding [redacted] stay there. Father refused to even take this serious despite his son saying he wanted to kill himself and has began cutting himself. [redacted] also ignored the fact that [redacted] was cutting himself. [redacted] fought with staff and refused to even sign anything and the meeting he attended became so hostile that [redacted] had to leave due to fathers cussing and name calling in front of staff.

[redacted] has acted in an unprofessional manner caring nothing for my son's mental health and also ignored the fact that father has removed [redacted] from Orap which he takes for his Tourette's syndrome and he also is pre-diabetic and was taking metformin. His Doctor who put him on this medication said his blood work was the worst she has seen. [redacted] also suffers from insomnia due to the Tourette's syndrome.

Her decision making is putting my son's mental health and physical health in danger. I am once again filing for sole custody of my son and request that I am not to go before [redacted] for she has shown she cares nothing for my son and refuses to dismiss false diagnosis of schizophrenia made by some lay person making a false CPS report.

[redacted] also stated that I was schizophrenia without any supporting medical documentation and as [redacted] guardian ad liem stated she had met with me several times and in fact I had not met her personally or spoken to her at all. [redacted] had attended every single meeting I attended and is a witness to this.

[redacted] motivating factor to obtain custody was to obtain my SSD for [redacted] in the amount of \$700 a month, and now is working for the Gila Ben Indian reservation and is not even paying the \$464.00 a month in arrears due to the fact that the reservation is not required to report his earnings. Clearinghouse informed me of this and said they will try to attempt to enforce this order but usually it is unsuccessful due to the laws of the Indian reservation.

Sincerely yours,

2/22/2010