

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaint 17-291

---

Judge:

Complainant:

---

**ORDER**

The complainant alleged a superior court judge failed to follow the law in a dependency matter. The complaint also made allegations of misconduct against various individuals and entities over which the commission lacks jurisdiction.

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.

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

Commission members Art Hinshaw and Anna Mary Glaab did not participate in the consideration of this matter.

Dated: December 20, 2017

FOR THE COMMISSION

/s/ Margaret H. Downie

Margaret H. Downie

Executive Director

Copies of this order were distributed to all appropriate persons on December 20, 2017.

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

Comp  
17-291  
OCT 20 2017

To Whom It May Concern:

I am writing this letter hoping for some justice for our family. My family and I found ourselves fighting of . Due to the fact that , her rights were terminated . We believed the statement given by as mission for Arizona "

" are the most vulnerable individuals in the state of Arizona and our family trusted to do right by them. failed to follow Federal, State and Legislative policies in this case. They did not perform due diligence in an extensive or any type of search for family members (chpt 5 sec: 3). would have found our on the child registry five months prior for a non-relative from . There are and admitted in court on that they called no family members. never should have been placed in with in the for

is unable to understand the process of her being terminated. She screamed and cried the day the papers came stating she of . She cries daily and now has a bleeding ulcer. She is dying a slow death from heart break not being able to see No one cares. The people in power and able to help individuals with special needs treated her case differently by not making sure was placed with so that she could still have a bond and relationship with the for decided before meeting the that she did not like them or anyone in the family. Stated this in court that is the reason she did not want to place with us. There was no criminal case but she made one out of a and low positive

I wrote giving up out of fear of losing my I saw how wrote motions filled with lies and half-truths and worried if had access to my home she would lie and have taken to win.

, after is no longer working a did not know the reason was taken by On the paperwork it states Neglect/Mental Health. told me that was taken because one of did not know which ; of This never happened. There is no police record of any domestic dispute between any of and the in . This is the case made in court without any police report or court hearings against any siblings in our family in regards to fighting the . Stating that no one in our family should have and the reason they do not like our family. How does the not know why a :aken into

When I met with the the and the on I stated my concerns that no proof was provided or name given of who fought I also have a letter from stating that they could not substantiate any neglect. It never happened. informed me that they do not need to have legal facts or do any research that they are allowed to tell the judge hearsay because they do not want to end up in the news. That is very disturbing to know that an agency that is responsible for making sure can lie to the court about family without any proof or legal foundation to support the assignation of a person's character. The malicious and unjustified harming of a person's good reputation is what they did to our family which is now public record.

I would like the case investigated to see why policy has not been practiced. It is appalling and unacceptable that the [redacted] has written lies about me and our family to the judge. We have been denied access to [redacted] for visits on the weekend to help transition [redacted] to our home as ordered by the court on [redacted]. Isn't this kidnapping? Why has [redacted] been allowed to ignore a court order from a judge? As a [redacted] taking the [redacted] signed a document stating a commitment to keeping families together and would be willing to return [redacted] to their birth family. This is [redacted] first [redacted] and I pray last because our family has suffered heartache, emotional stress and unnecessary pain fighting [redacted] to keep that by all rights should be placed with family.

My husband and I passed the [redacted] and home study in [redacted]. [redacted] should have been placed with us in [redacted]. Most families that pass a background check and the home study have [redacted] placed in the home quickly.

Any family member, there are so many of us willing to care for [redacted] and keep [redacted] our family. It would not have cost the state any funds if [redacted] placed with us, neither now nor in the future. The state has no resources and no funding from what the [redacted] last motion against my husband stated. Yet, they have money to pay the [redacted] dollars daily. The state still pays if [redacted] by [redacted].

The [redacted] and the [redacted] kept saying the [redacted] had [redacted], therefore; filed motions for [redacted] to keep [redacted] are sent out-of-state to relatives they have never met after living with [redacted] for three years. Why was this case different? We had a relationship with [redacted] prior [redacted] being placed in [redacted] at [redacted]. If placed with [redacted] could keep [redacted] bond with [redacted] in a safe, loving, nurturing environment provided by [redacted]. Why have we been denied the right to raise [redacted]. Who will investigate and give us answers? We have had no voice in court or with [redacted]. Our family is crying out and in desperate need for answers.

[redacted] on [redacted] in our only face-to-face meeting proceeded to let me know that [redacted] does not support [redacted]. It is not their job to tell the court that we have followed and obeyed every impediment thrown our way with a great attitude and in a judicious manner. There was neither a case plan nor safety guideline discussed or shared with us. [redacted] showed noncompliance in several areas by not sending the denial letter [redacted] for us to file an administrative grievance. Then was made to send a denial letter [redacted] which had a different reason for the denial from [redacted]. How can [redacted] change the reason for denial? The Judge ordered the department to send a service letter to [redacted].

containing the referral information, this was ignored, and the visits to transition with a day visit, overnight visit than transition to our home, failed to materialize. This should have happened within two weeks.

According to emphasizes family reunification; refocus attention on by causing states to balance family preservation and reunification; which the act declares of paramount importance.

does not believe in this public law and declined to provide a to transport for weekend visits to facilitate a transition to our home. The for did not support nor did they follow the court order to transition to our home. office filed several motions of concern with regards to us being unfit to care for the well-being of ,yet let us have all visits unsupervised.

Normal transition for is usually two to four hours, half a day and then overnight stays. The transition is usually completed before the thirty days. Once physical custody is established, the case should have transferred quickly to the but in our case, it did not. had no intention of sending the file to while the stayed the physical placement, her words. The case is now in and I would like to know when it transferred.

The stated in court on she did not want to place with us because **she did not like our family**. On record, she said it had "**to deny** is supposed to have the of when making a decision that will impact the rest of life and . It seems the only "best interest" everyone was concerned about was placement with this in our case. Isn't this professional misconduct in words and action, i.e some form of discrimination, prejudice and bias?

is a trained community member appointed by a district court judge to investigate and determine the needs of petitioned into the court system by the The is paired with an Attorney Advocate to represent best interest in court.

#### **Qualifications**

possesses:

A sincere concern for the well-being

A commitment to advocate for until a safe and permanent home is established and court involvement is no longer required

The ability to be objective and non-judgmental

The ability to interact respectfully with people from diverse economic, educational, and ethnic backgrounds

I feel the in this case developed a clear dislike of one party that colored every aspect of the case and failed to investigate important issues. never came to our home to observe our living situation and to observe . The did however; for the past file motions that had no truth or legal foundations against myself and my husband. The agencies in the case were supposed to be unbiased, objective and not prejudice to rule using the legal policies to make a decision on . They did not honor the above criteria in this case from day one.

filed a motion that included a that was set aside in and a to state that we would not provide a safe, nurturing environment. There was no legal foundation to support this accusation. wrote a letter stating "**No Treatment**" because my husband has no substance abuse problems either in the past or present. has been given to

individuals with a felony record, prison time, kidnapping and robbery, if committed five years prior. We have \_\_\_\_\_ to prove these accusations are false. \_\_\_\_\_ is in honor classes. \_\_\_\_\_ are well-cared for, safe, affectionate Christian individuals that, very often, we get complimented on by friends, family and strangers.

Due to the harassment, false allegations and defamation of our character, my husband and I wrote the judge on \_\_\_\_\_ and gave up our \_\_\_\_\_. This does not mean that we do not wish to \_\_\_\_\_, but rather that we want a fair hearing, that should be enabled with a \_\_\_\_\_ a new \_\_\_\_\_ and a new \_\_\_\_\_ to facilitate and follow policy and procedures in regards to our family

I hope and pray someone clearly examines the issues and concerns in this case and feel the need to investigate. When I state investigate I am asking for the file to be read from the beginning to present. To interview all parties and explain to us how we are

I am looking forward to preventing this from happening to another family. To create a solution or put policy actions in place to monitor \_\_\_\_\_ for \_\_\_\_\_ who has no voice, \_\_\_\_\_ How do we fix this injustice we have suffered due to prejudice and discrimination?

\_\_\_\_\_ stated to me that only the judge can change the order or stop the \_\_\_\_\_ They tell me to write the judge. I write \_\_\_\_\_ per their referral and her replies seem angry because I did not follow protocol by sending letters to the \_\_\_\_\_ and No one told me that is what needed to be done. \_\_\_\_\_ states that she cannot do anything that my grievance is with the administration of \_\_\_\_\_ No one is taking ownership of the discrimination and prejudice that we encountered. No one is stepping up and stating that this is not how we treat our families in the state of Arizona, especially a special needs individual who can never understand the loss \_\_\_\_\_ No one is speaking out that from the beginning this case was not handled the same as thousands of other cases. That everyone knows \_\_\_\_\_ have been placed with families with felonies, prison time, drug offenses and worst because they are family

We can provide a caring, nurturing, loving, safe environment as we have for our \_\_\_\_\_ Why have we been made to give up and let \_\_\_\_\_ without us and live with a stranger?

Respectfully,

We have written letters to the following individuals or organizations and will continue to write letters until we get answers.

*Note - To be shared with all involved.*