

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 19-255

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Judge:

Complainant:

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**ORDER**

October 23, 2019

The Complainant alleged a superior court judge granted a guardianship without proper notice to the ward.

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).

Copies of this order were distributed to all appropriate persons on October 23, 2019.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2019-255**

**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.

ON \_\_\_\_\_ A HEARING WAS HELD UPON MY DAUGHTER'S, \_\_\_\_\_ PETITION TO  
HAVE ME DECLARED PERMANENTLY INCAPACITATED AND TO APPOINT \_\_\_\_\_ AS MY  
PERMANT GUARDIAN. AFTER THE HEARING, cOMMISSIONER SIGNED AN ORDER FINDING ME  
TO BE PERMANENTLY INCAPACITATED, APPOINTING \_\_\_\_\_ AS MY PERMANENT  
GUARDIAN STATING, INTER ALIA, IN PARAGRAH b., PAGE ONE, THAT i, THE WARD, HAD BEEN  
SERVED AS REQUIRED BY LAW.

IN FACT i HAD NOT RECEIVED ANY PRIOR WRITTEN NOTICE REGARDING THE HEARING OF  
OR ANY OTHER DOCMENT OR PLEADING WHATSOEVER REGARDING ANY ASPECT  
OF THE GUARDIANSHIP PROCEEDING UNTIL jON OR ABOUT, \_\_\_\_\_ WHEN i RECEIVED IN  
THE MAIL A COPY OF THE PETITION OF \_\_\_\_\_ TO BE DISCHARGED AS MY GUARDIAN.  
LONG AS I WAS " \_\_\_\_\_ " OF THE PROCEEDING ( \_\_\_\_\_ ) REPOED TO ME THAT THEN COMMISSIONER  
SERVE ME. \_\_\_\_\_ TOLD HER THAT SO  
THERE WAS NO NEED TO

MY LIFE HAS BEEN A NIGHTMARE SIBCE THE \_\_\_\_\_ FIDUCIARY BECAME  
THE FAUX GUARDIAN IN MY CAE. \_\_\_\_\_ ARE  
CRIMINALS SEE ATTACHED COPY OF ARS 4309 ABD PROVISIONS OF 18 U.S.C. 242 . PLEASE  
HELP ME END THIS NIGHTMARE.

ALSO ATTACHED IS ORDER APPOINTING \_\_\_\_\_ HER PHONE # IS \_\_\_\_\_

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# Arizona Revised Statutes § 14-5309 Notices In Guardianship Proceedings

## ~~14-5309. Notices in guardianship proceedings~~

A. In a proceeding for the appointment or substitution of a guardian of a ward or an alleged incapacitated person other than the appointment of a temporary guardian or temporary suspension of a guardian, notice of a hearing shall be given to each of the following:

1. The ward or the alleged incapacitated person and that person's spouse, parents and adult children.
2. Any person who is serving as guardian or conservator or who has the care and custody of the ward or the alleged incapacitated person.
3. In case no other person is notified under paragraph 1 of this subsection, at least one of that person's closest adult relatives, if any can be found.
4. Any person who has filed a demand for notice.

B. At least fourteen days before the hearing notice shall be served personally on the ward or the alleged incapacitated person, and that person's spouse and parents if they can be found within the state. Notice to the spouse and parents, if they cannot be found within the state, and to all other persons except the ward or the alleged incapacitated person shall be given as provided in section 14-1401. Waiver of notice by the ward or the alleged incapacitated person is not effective unless that person attends the hearing.

Section: Previous ([14-5308.html](#)) [14-5304 \(14-5304.html\)](#) [14-5304.01 \(14-5304.01.html\)](#) [14-5304.02 \(14-5304.02.html\)](#) [14-5305 \(14-5305.html\)](#) [14-5306 \(14-5306.html\)](#) [14-5307 \(14-5307.html\)](#) [14-5308 \(14-5308.html\)](#) [14-5309 \(14-5309.html\)](#) [14-5310 \(14-5310.html\)](#) [14-5310.01 \(14-5310.01.html\)](#) [14-5311 \(14-5311.html\)](#) [14-5312 \(14-5312.html\)](#) [14-5312.01 \(14-5312.01.html\)](#) [14-5312.02 \(14-5312.02.html\)](#) [14-5313 \(14-5313.html\)](#) Next ([14-5310.html](#))

State Laws

Court Opinions

## DEPRIVATION OF RIGHTS UNDER COLOR OF LAW

Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prison guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim.

The offense is punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

### TITLE 18, U.S.C., SECTION 242

***Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnaping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.***

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Was this page helpful?

Yes No

Person Filing: COURT  
Address (if not protected): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Lawyer's Bar Number: \_\_\_\_\_  
Licensed Fiduciary Number: \_\_\_\_\_



Representing  Self, without a Lawyer or  Attorney for  Petitioner OR  Respondent

**IN COURT OF ARIZONA**

In the Matter of Guardianship of:

Case Number: \_\_\_\_\_

**ORDER OF APPOINTMENT OF A  
PERMANENT GUARDIAN OF AN ADULT**  
Or  Person at least 17.5 years of age to  
become effective at 18.

\_\_\_\_\_  
Name of Incapacitated Adult

**Warning:** This appointment is not effective until the *Letters of Appointment* have been issued by the Clerk of the \_\_\_\_\_.

The Court has read the sworn Petition for Permanent Appointment of Guardian, and held a hearing to determine whether the court should enter the Order requested in the Petition.

**THE COURT FINDS:**

- A. Petitioner is entitled to file the Petition under Arizona law, A.R.S. 14-5303(A);
- B. Petitioner has given Notice of Hearing as required by law or Notice of Hearing was waived by all interested parties;
- C. Venue in this county is proper;
- D. The reports of the physician (or other health professional authorized under A.R.S. § 14-5312) and the court investigator have been considered by the Court.

**E. GUARDIANSHIP:**

1. The above-captioned person is an incapacitated person and in need of the continuing care and supervision of a GUARDIAN.

**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.**