

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 20-139

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Judge:

Complainant:

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**ORDER**

September 15, 2020

The Complainant alleged a superior court judge failed to timely rule on child support and made other improper rulings in a family law matter.

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).

Commission members Gus Aragón and Michael J. Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 15, 2020.

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

**FOR OFFICE USE ONLY**

20-139

**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.

We had a custody agreement signed off by this judge in \_\_\_\_\_ of \_\_\_\_\_ where we had equal decision making immediately and equal parenting time when \_\_\_\_\_ turned \_\_\_\_\_. Right after \_\_\_\_\_ turned \_\_\_\_\_ in early \_\_\_\_\_ moved to \_\_\_\_\_ which is \_\_\_\_\_ miles away. She wasn't willing to talk to me about any changes to where we could make it work she just wanted to move and figure it out later. It took over \_\_\_\_\_ or this judge to see us and in the month of \_\_\_\_\_ I missed \_\_\_\_\_ almost half my time that month) of my time with my son because she was making me drive down there to get him so I went when I was able to. This judge has completely ignored the law, with him there is no justice just a waste of time and money. I hope this commission can do something so he can't do this to other people. \_\_\_\_\_ violated by moving \_\_\_\_\_ as far as allowed, making me miss time with my son, all the cost of traveling, and when its time for him to start school it will be impossible for us to have anywhere near equal time because he will have to be in the same place \_\_\_\_\_ and traveling that far isn't feasible. This judge let her move and did nothing except say she was responsible for \$ \_\_\_\_\_ worth of attorney fees. He said we were to meet in \_\_\_\_\_. He found her in contempt of court and even though he should have ordered her to move back or make me the primary parent and done something about the missed parenting time and assess her all attorney's fees, I would have been fine had he given me educational decision making so that we didn't have to run into this same issue in a couple years. She brought no evidence of any kind to court, she just kept saying she had to help her mom and she said I told her in a text message that she could move but that I deleted it on my phone so it deleted it on her phone, which isn't possible. He also took over \_\_\_\_\_ to make a decision on child support.

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF

Petitioner,  
vs.

Respondent.

Case No.:

ORDER

After a final hearing and review of the pleadings, the Court submits the following Order:

DISCUSSION

The parties, Father \_\_\_\_\_ and Mother \_\_\_\_\_, have one minor child in common, \_\_\_\_\_ whose date of birth is \_\_\_\_\_. The parties were never married. Paternity has been established and jurisdiction and venue are proper in this Court.

On \_\_\_\_\_ a stipulation by the parties was signed as an Order regarding paternity, legal decision-making authority, and parenting time. The parties agreed to joint legal decision-making authority and a detailed parenting plan wherein the minor child would reside primarily with Mother and have parenting time with Father which would increase as \_\_\_\_\_ got older. The parties agreed that when \_\_\_\_\_ reached the age of \_\_\_\_\_ the parties would have a 50/50 parenting plan, with exchanges on Sundays, Tuesdays and Thursdays, with the parties alternating weekends with \_\_\_\_\_.

On \_\_\_\_\_ the Mother filed a Petition for relocation pursuant to Arizona Revised Statute § 25-408. Mother's reasons for relocating from \_\_\_\_\_ to \_\_\_\_\_ were that she needed to move to take care of her disabled mother, that she also wished to further her education in \_\_\_\_\_ and that she felt she could improve her employment situation in \_\_\_\_\_. Mother assured the Court in her pleadings that Father's parenting time would remain unchanged.

On \_\_\_\_\_ Father filed a Petition for Contempt/ Petition to Prevent Relocation. Father noted that Mother failed to comply with A.R.S. § 25-408 and its forty-five-

day notice requirement. Father requested that Mother be held in contempt for moving the minor child to \_\_\_\_\_ in violation of the statute and existing Court Order. Mother replied that she had no choice but to move due to her mother's health and that Father has not lost any parenting time.

A hearing was held on \_\_\_\_\_ on the foregoing issues and based on the evidence taken at the hearing, the pleadings and A.R.S. § 25-408, the Court Finds:

1. Mother, \_\_\_\_\_ is in violation of A.R.S. § 25-408 and the current Court Order since she did move to \_\_\_\_\_ without proper notice as required by statute.
2. Mother has made a great effort to afford Father all of his parenting time as outlined in the current Order.
3. The Court noted at the hearing and finds that exchanging the child every few days from a long distance ( \_\_\_\_\_ ) ins not in the child's best interests. The parties and the child are making too many trips which is not safe, and the child is only \_\_\_\_\_
4. The Court finds, based on testimony, that Mother is not in a good position financially.

WHEREFORE, the Court Orders:

1. Mother is in contempt of Court as she did not follow the statute (A.R.S. § 25-408). Her contempt is mitigated by her dire situation with her Mother's ill health.
2. As a sanction, Mother shall pay \$ \_\_\_\_\_ toward Father's attorney's fees. The Court would Order all of Father's fees be paid by Mother if not for her poor financial condition.
3. The parties shall go to a week on/ week off schedule as suggested by the Court at the hearing on \_\_\_\_\_. The parties shall exchange the child at \_\_\_\_\_ in \_\_\_\_\_ at \_\_\_\_\_ every \_\_\_\_\_
4. The Court will not order \_\_\_\_\_ to move back with the child due to the circumstances which prompted her move.
5. Also, before the Court is the matter of child support. Since the parties have nearly equal incomes and parenting time is equal, the Court Orders Father to pay Mother \$ \_\_\_\_\_ per month beginning \_\_\_\_\_

As to the period from \_\_\_\_\_ to \_\_\_\_\_ it is Ordered that Father shall pay Mother \$ \_\_\_\_\_ per month. Father may pay the \$ \_\_\_\_\_ payments at the rate of \$ \_\_\_\_\_ per month until paid in full.

6. The Court notes that Mother has not completed her parenting classes (or has not submitted them to the Court) nor is the Court in receipt of a Financial Affidavit from Mother.

7. If further disputes arise between these parties, they will be directed to mediation. The parties have been litigating matters since shortly after the child's birth and will have to learn to communicate better and resolve their disputes without resorting to the Courts.

FINAL APPEALABLE ORDER. Pursuant to *Arizona Rules of Family Law Procedure*, Rule 78(c), this final judgment/ decree is settled, approved and signed by the Court and shall be entered by the clerk.

Done this        day of

Honorable  
County Superior Court

Copies of the foregoing mailed/delivered  
this        of        to:

**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.**