

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 20-264

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Judge:

Complainant:

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**ORDER**

December 11, 2020

The Complainant alleged a superior court judge was allowing unnecessary delay in a dependency 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 Denise K. Aguilar and Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 11, 2020.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2020-264

**COMPLAINT AGAINST A JUDGE**

Name: \_\_\_\_\_ Judge's Name: \_\_\_\_\_ Hon. \_\_\_\_\_

**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.

I am the foster parent for \_\_\_\_\_ children impacted by the \_\_\_\_\_ case. I have attended all court hearings since my placement date ( \_\_\_\_\_ ). In the time of the case, the court has had ( \_\_\_\_\_ ) vacate & reschedules for the hearings related to the case - at least \_\_\_\_\_ of which were due to simple errors in process and reasoning for the others is unclear - and additional delays due to process errors. My concern is that proper care has not been taken for the case and as a result months of delays have occurred that unnecessarily impacted the permanency plan for the children.

Prior to my placement, I have been informed that a vacate took place on \_\_\_\_\_ I do not know the related delay. On \_\_\_\_\_ another hearing was vacated. On \_\_\_\_\_ the hearing for the case was vacated " \_\_\_\_\_ and rescheduled or \_\_\_\_\_

On \_\_\_\_\_ a hearing was held and the \_\_\_\_\_ attorney attempted to process a request to suspend parental visits due to significant no-shows. Due to a lack of formal notice/evidence sent to the parent attorneys and a claim that they did not have an opportunity to review, the hearing had to be rescheduled, delaying the case another week to \_\_\_\_\_. On \_\_\_\_\_ the judge did honor the request to have a standard set that parents could not miss more than \_\_\_\_\_ visits in a month or they would be suspended indefinitely. Promptly, both parents missed \_\_\_\_\_ visits in \_\_\_\_\_ and visits were suspended.

On \_\_\_\_\_ parents no-showed a mediation; at that time, and without noted reason, the pretrial hearing scheduled for the following week was vacated and rescheduled - a shift from \_\_\_\_\_ to \_\_\_\_\_ (to \_\_\_\_\_ day). The reason was not documented in minutes nor was it shared properly with the attorneys of the case (as confirmed by the judge when asked at the hearing). While the new date was in fact emailed to the necessary parties, as a result of this process failure, upon the date of the rescheduled pretrial hearing, the no-show of mom and dad was given an excuse of not properly being notified (although it was stated and the record will show that dad had access to the dial in and was expected). This excuse was honored by the court and once again the pretrial hearing was pushed back to \_\_\_\_\_. At this point, simply due to process failure, the trial has been delayed at least \_\_\_\_\_ (since \_\_\_\_\_, likely as much as \_\_\_\_\_ since the case opened). Not only are \_\_\_\_\_ in foster placements that are likely not permanent (kinship adoption is current case plan), \_\_\_\_\_ has been in a group home (at the age of \_\_\_\_\_ and has spent Christmas and her birthday outside of a loving family, all while aware that her \_\_\_\_\_ have families. This case has been communicated to me as " \_\_\_\_\_ and as the advocate for \_\_\_\_\_ in the case, I am deeply frustrated at the length of time it has been drawn out, especially given that parents have demonstrated that they are not interested in participating in the steps to reunification. The children have been in foster care for \_\_\_\_\_ as I write this, and a kinship placement has been available for over \_\_\_\_\_ but the process has failed the children yet again as the paperwork ( \_\_\_\_\_ process) was stuck in the system for \_\_\_\_\_ before even being transferred to \_\_\_\_\_ state for the process to begin in \_\_\_\_\_ here (still not complete). During the hearings no action was taken by the court to move this process along after \_\_\_\_\_ expressed frustration in lack of action. At this time I am horrified at the process for these \_\_\_\_\_ and I would like to see change. I hope this is a step in that direction. These \_\_\_\_\_ deserve their path to permanency and they deserve it on a fair timeline. The excuses for parents and process are egregious at this point.

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