

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-241

Judge:

Complainant:

ORDER

October 8, 2024

The Complainant alleged a superior court judge was biased in a family law case.

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, Barbara Brown, and Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 8, 2024.

2024 - 241

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.

I am writing to formally file a complaint against Judge _____ regarding her conduct and decisions in my ongoing custody case. The severity of my concerns and the adverse impact on my daughter's well-being compel me to bring these issues to your attention.

1. Conflict of Interest and Failure to Recuse:
Judge _____ should have recused herself from our case due to a prior personal interaction we had on a dating platform. Although this interaction did not develop further, it creates a potential conflict of interest. The impartiality required in such a sensitive matter, particularly one involving the custody of my daughter, is compromised by this prior connection. My hesitation to address this issue initially stems from the unexpected recall of this interaction and the gravity of the custody matter.

2. Complicity in Abuse and Neglect:
Judge _____ judgments have contributed to my daughter being subjected to physical and mental abuse, and neglect. Evidence presented includes instances where my daughter went _____ days without bathing or changing clothes. Despite this, Judge _____ decisions have consistently favored the mother without adequate justification. For instance:

- The mother missed several hearings and mediation sessions, arrived late, and repeatedly violated court orders without consequence.
- On _____ the mother filed a request to move from _____ to _____ which was denied. However, she moved regardless, and during an emergency hearing on _____ Judge _____ took no action against this violation, despite it being the third such incident.
- My emergency hearing filing revealed inappropriate touching at the mother's residence. Despite presenting evidence, including a doctor's examination, Judge _____ dismissed these concerns and ended my temporary custody without supporting the mother's claims.

3. Bias and Misrepresentation:
Judge _____ has demonstrated clear bias and has misrepresented facts in her rulings. Examples include:

- Misstating that I, the father, was unemployed when it was the mother who declared unemployment on record.
- Ignoring critical evidence and objections during hearings, favoring the mother despite her non-compliance and providing false testimony.

4. Improper Conduct and Communication:
_____ associated with Judge _____ made inappropriate comments after an emergency hearing, indicating personal bias against me. He instructed me to inform him when dropping off my daughter, which was unusual and unprofessional.

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

FOR OFFICE USE ONLY

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5. Inadequate Enforcement of Court Orders:

Despite clear violations by the mother, including withholding school records and violating move restrictions, Judge _____ failed to enforce court orders or impose penalties. This lack of enforcement has enabled continued neglect and abuse.

6. Unjust Rulings:

Judge _____ rulings have consistently favored the mother without basis, including:

- Awarding sole legal custody and decision-making to the mother despite evidence of her unfitness.
- Rejecting my evidence while accepting the mother's, despite procedural inconsistencies.

7. Ignoring Safety Concerns:

Recent incidents, such as the mother living out of a motel, physically abusing our daughter, and lying about her residence, were ignored by Judge _____. Emergency orders were denied without proper consideration of the facts and safety concerns.

Conclusion:

Judge _____ actions have repeatedly jeopardized the welfare of my daughter and demonstrated clear bias and misconduct. Her failure to recuse herself, improper handling of evidence, and disregard for court orders necessitate immediate investigation and appropriate action.

I request a thorough review of Judge _____ conduct in this case and the reconsideration of her decisions to ensure justice and the safety of my daughter and her willingness to ignore Rule 48.

Finally, as I was completing this form, somehow my daughter's mother was informed that I filed for Emergency Orders, and I had not shared this information with her or anyone else. Nor was the information posted _____ at _____. Only Judge _____ and her staff knew what I had filed... Judge _____ is complicit in the neglect and abuse of the child. She is using her position to even block and ignore emergency issues noted by governmental authorities in order to prevent evidence that will expose her complicity in our case.

IN THE FAMILY COURT OF

COUNTY, AZ

Petitioner,
v.

Respondent.

Case No.:

PETITION FOR EMERGENCY CUSTODY ORDERS

COMES NOW the Petitioner, [Father's Full Name], and respectfully moves this Honorable Court for Emergency Custody Orders concerning the minor child, [Child's Full Name], born [Child's Date of Birth]. In support of this Petition, the Petitioner states the following:

Endangerment of the Child:

The Respondent, _____ has a documented history of endangering our child since birth. This endangerment includes physical and emotional abuse towards both our child and father, often in the presence of the child. There is a significant concern of retaliation from the Respondent towards both our child and father. The Respondent has also been witnessed trying to chase the child and father down, while having other minors not in car seats, driving recklessly. Mother also allowed daughter to stay the night with another child that had previously inappropriately touched the child. In addition, mother has had contact with brother and allowed him to speak to child. Brother in a convicted child sex-offender against. The Respondent, has subjected child to known drug dealers and users unattended. Finally the mother blocked off the Father's driveway and kicked in the Father's security door.

Escalation of Unhinged Behavior:

The Respondent's behavior has recently escalated. On _____ at _____ has been captured on video shoving and cursing at our _____ year-old daughter. The Respondent suffers from mental health and substance abuse issues. She has physically beaten our child for disclosing that they were living in a motel in _____ of _____. The child has been neglected on numerous occasions, resulting in behavioral regression and significant emotional distress.

Violation of Court Orders:

The Respondent has repeatedly fled cities and states with our child against court orders, without providing any notice. Her family has assisted in these actions, further alienating and withholding our child from me. Also when contacting the court about moving out of state (never informing the father), the court denied request. The Respondent moved anyway. Father found out during hearing.

Inadequate Living Conditions:

Currently, the Respondent has the child living with her aunt and foster children, where our daughter does not have her own room. Under oath the mother claimed that she was moving to an apartment at this same address on .., but it was this home, after she was evicted from her apartment on . The Respondent frequently fails to provide clean or weather-appropriate clothing, as evidenced by an incident on when I picked up our child in and she was dressed inadequately for the weather.

Medical Neglect and School Absences:

The Respondent has ceased communication with me regarding our child's medical issues and injuries, leading to Wellness reports. Since unlawfully relocating to and enrolling our child in a new school on , without informing me, our child has visited the school nurse over :imes between and . The Respondent also omitted our child's legal name and my information at a dental visit on which revealed cavities in teeth less than months old. Our child has missed days of school in the most recent quarter of .

Interference with School Communication:

The Respondent has instructed the school's social worker not to inquire about the residence in . I have observed our child exhibiting concerning behavior and crying when dropped off at school. Despite my requests for our child to see the school's social worker, the Respondent has resisted.

Mother purposely gave false information to schools, dentist and doctor regarding the child and father. Father has had to provide accurate birth certificate stating child's legal name and being listed as the child's father.

Neglect and Endangerment:

The Respondent has left our child unattended in a car while visiting a "Smoke" Shop and alone in a motel in a dangerous part of . She has violated state laws by driving without proper car seats or boosters, as noted by the County Sheriffs on . Our child has been exposed to environments smelling of marijuana, and the Respondent has been filmed encouraging violent behavior on social media.

Exposure to Dangerous Situations:

The Respondent has had our child present while under the influence of substances and in the company of multiple male companions. This behavior has led to our child bullying other students at her new school and being exposed to unsafe conditions.

Threats and Aggressive Behavior Towards Petitioner:

I am deeply concerned about further physical and mental harm to our child and myself. The Respondent often attempts to coerce me to other destinations for child exchanges, has shown aggressive behavior towards me in front of our child, and has stalked me, made false claims, kicked in my front door, sent threatening texts, and vandalized my neighborhood.

WHEREFORE, the Petitioner respectfully requests that this Court:

Grant Emergency Custody Orders to the Petitioner, granting immediate and temporary sole custody of the minor child,

Order that the Respondent, Mother to have no unsupervised contact with the minor child pending further court hearings.

Grant any other relief that this Court deems just and proper in the interest of the child's welfare.

Respectfully submitted,
