

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-495

Judge:

Complainant:

ORDER

March 28, 2025

The Complainant alleged a superior court judge made improper and/or inconsistent rulings, where the written rulings were different than what was said on the record 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).

Copies of this order were distributed to all appropriate persons on March 28, 2025.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2024-495

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 continuation of an evidentiary hearing regarding minor child [] on [] At [] That time the judge ordered a BIA for the child and determined that father was indigent in regards to paying for the BIA so one would be appointed and the cost would be covered by []. An order was received stating that same information and then several days a separate order was received stating petitioner and respondent were responsible for 50% each of the BIA fees and an email was received from the appointed attorney stating she would need [] from [] to start the case. An motion for clarification was filed per advisement from the judge's office, as to date we have still not received any clarification.

Issue number 2: Judge [] changed the temporary order allowing mother [] to have unsupervised visits with child, stating that no charges were filed against mother and her now husband in regards to the death of child's younger sibling []. CHARGES were in fact filed and Judge [] was aware of this several months ago. The county attorney denied the charges stating the burden of proof was too high. There is a [] page police report (which the court has a copy of) stating the charges that were filed and there is also a [] page report from [] stating their concerns regarding mother [] and her husband and their ability to keep a child safe. The order dated [] is very contradictory of what was said in court vs what was ordered and in fact very confusing and puts child at great risk of danger, not only being exposed to abuse from mother and her husband the great risk of mother leaving the state with child during an unsupervised visit. The child's best interests have not been considered in this last hearing and it seems that the only concern is what the mother wants, who abused and neglected her toddler son age [] months, resulting in his unfortunate death.

We are not sure why the orders are so different from what was discussed in the hearing but child should not be having unsupervised visits with her mother at this time. The police report and [] report need to be read at full length as there is substantial evidence contained the reports that will show you that mother and her husband are guilty of [] death. There is also a forensic pathology report that was submitted that the judge chose to strike out after she said she wanted a chance to read the report. Again the orders are very contradictory and it is very concerning as it puts a child's well being and safety at risk.

Verbatim from the order dated [] : " No charges related to the abuse or death of mother's toddler son, [] (who is a child not common to the parties or []) have been filed against mother or her husband." It then goes on to say verbatim that "Law enforcement submitted charges to the County Attorney's office which declined prosecution" Charges were in fact filed.

It also states that "parenting time that ensures [] will have substantial frequent, meaningful and continuing contact with the child would ENDANGER the child's physical, mental, and moral or emotional health because mother and her now husband [] were investigated for [] death" But then the orders state that mother can now have UNSUPERVISED visits even though Judge [] is stating it isn't safe for child. It also states that [] shall not be around or have contact with child. There is now no one to enforce that and make sure contact is not made now that visits are unsupervised. Mother can't be trusted to not expose child to []

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The judge issued orders that are completely different from what was discussed in court pertaining to the BIA attorney for minor child

The judge issued new temporary orders ordering unsupervised visits for child with mother putting child in danger. The orders need to be revised and go back to the previous orders where a supervisor was required to be present at all visits. No changes to the visitation schedule should have been made until the BIA was able to interview child. Child does not like visiting her mother and always wants the visits to be canceled, child is afraid of mother and afraid of getting into trouble and being punished for doing things a normal year old child does.

The safety and best interest of child needs to be reconsidered and the currents orders from need to be clarified.

It should also be noted that there is a pending hearing in juvenile court for _____ to have mother's rights terminated because she did in fact abuse and neglect her children and that abuse and neglect resulted in the death of one of her children

**COURT OF ARIZONA
COUNTY**

Filing ID

HONORABLE

Case Number:

Petitioner

AND

Respondent

TEMPORARY ORDERS

The Evidentiary hearing in this matter occurred on . During the proceedings, the Court has considered the evidence which includes where applicable/presented, the demeanor of the witnesses, reviewed the exhibits as well as the case history, and considered the parties' arguments and agreements.

As a preliminary matter, the Court notes that a temporary order is always subject to reassessment. A temporary order “[d]oes not prejudice the rights of the parties or of any child that are to be adjudicated at subsequent hearings in the proceeding,” A.R.S. § 25-316(D)(1). A temporary order “[t]erminates when the final decree is entered . . .” A.R.S. § 25-316(D)(4); see Ariz. R. Fam. P. Rule 47(j)(1) (“Temporary orders become ineffective and unenforceable upon termination of an action either by dismissal or following entry of a final decree”). Even before the final decree, a temporary order “[m]ay be revoked or modified.” A.R.S. § 25-316(D)(2). A.R.S. § 25-403 findings are not required on temporary orders. *Gutierrez v. Fox*, 242 Ariz. 259, 268, 394 P.3d 1096, 1105 (App. 2017).

The Court emphasizes that the rulings set forth herein arise out of requests for temporary orders. As such, these rulings are provisional only and should not be read as the Court's final determination regarding any issue. The rulings are based on the limited evidence presented in an abbreviated hearing and with the understanding that the parties might not have completed all of their discovery and disclosure. Consequently, the parties should be aware that, at a future hearing, additional evidence might be produced and that such additional evidence might compel different rulings than those made herein.

The Court makes the following findings and enters the following orders:

TEMPORARY LEGAL DECISION MAKING

Because the Court is addressing requests for temporary orders, the Court notes it is not required to make the type of detailed findings that would accompany final orders. The Arizona Court of Appeals has explained that the statutory requirement, set forth in A.R.S. § 25-403(B), for specific findings in disputed custody cases, “exists not only to aid an appellant and the reviewing court, but also for a more compelling reason—that of aiding all parties and the family court in determining the best interests of the child or children both current and in the future.” *Reid v. Reid*, 222 Ariz. 204, 209, 213 P.3d 353, 358 (App. 2009). As to the latter reason, the specific findings “provide the family court with a necessary ‘baseline’ against which to measure any future petitions by either party based on ‘changed circumstances.’” *Id.* By implication, this means that specific findings are not required for temporary orders. Thus, while the Court has considered all of the statutory requirements the Court declines to make detailed factual findings on each statutory factor on the various issues set forth below. However, the Court rules as follows:

For

**COURT OF ARIZONA
COUNTY**

HONORABLE

Case Number:

No charges related to the abuse or death of Mother's toddler son, (who is a child not common to the parties or) have been filed against Mother or her husband. unsubstantiated all claims related to the reports regarding death. However, evidence presented showed that Mother's husband, , acknowledges that he could lose control of his temper when with , which causes the Court concern regarding his ability to safely engage with the child.

IT IS ORDERED awarding and joint legal decision-making authority regarding , as defined in A.R.S. § 25-401(2). For the purpose of this order,

“Joint legal decision-making” means both parents share decision-making and neither parent’s rights nor responsibilities are superior except with respect to specified decisions set forth herein. Shared or joint legal decision-making authority does not necessarily mean equal parenting time (A.R.S. § 25-403.02(E)).

Specific Terms

Decision-Making Authority – Parental decisions shall be required for major issues in raising the child and in meeting on-going needs. When they arise, each parent shall give good faith consideration to the views of the other and put forth best efforts to reach a consensus decision. If the decision involves medical or schooling issues, the parties may further elect to seek input from treating physicians or educators. Both parents shall be provided with such input.

TEMPORARY PARENTING TIME

The Parties share joint legal decision making of the child. “Shared legal decision-making does not necessarily mean equal parenting time.” See A.R.S. § 25-403.02(E).

THE COURT FINDS that the following parenting plan is practical and also maximizes each parent’s parenting time to the extent it is in the child’s best interests.

THE COURT FINDS that parenting time that ensures will have substantial, frequent, meaningful and continuing contact with the child would endanger the child's physical, mental, moral or emotional health because Mother and her now-husband, , were investigated for death. Law enforcement submitted charges to the County Attorney's Office, which declined prosecution. The child has not spent unsupervised parenting time with Mother since . conducted a Family Functioning Assessment regarding Mother and during its investigation in the aftermath of death. noted several text conversations between Mother and in which Mother addresses apparent propensity to give "whoopins". was less than months old at his death. Further, Mother admonished because he wanted to " []." Additional information related to Mother's and conversations show that their relationship was often strained by the rigors of raising two young children. The Court is concerned about capacity to help care for the child and for Mother's ability to recognize when someone is a danger to her child. Until further order of the Court, will have no contact with the child.. The Court, therefore orders the following parenting plan to protect the child's physical, mental, moral, or emotional health. In that regard, the following parenting plan is practical and also maximizes each parent’s parenting time to the extent it is in the child's best interests. *See* A.R.S. § 25-403.02(E).

IT IS THEREFORE ORDERED that parenting time shall be exercised as follows:

1. shall be the child’s primary residential parent. The child shall reside with

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2. Effective _____ shall have parenting time as follows: MOTHER SHALL NOT ALLOW OR FACILITATE, OR HAVE ANOTHER ALLOW OR FACILITATE, CONTACT BETWEEN THE CHILD AND _____ . THE PARTIES MAY AGREE TO CHANGE ANY OF THE DETAILS RELATED TO EXCHANGES TIMES OR PARENTING TIME DAYS, SO LONG AS THE CHANGE IS IN THE CHILD'S BEST INTEREST.

THE PARTIES SHALL EXCHANGE THE CHILD AT A MUTUALLY AGREED UPON LOCATION, MIDWAY BETWEEN THE PARTIES RESIDENCES BY EITHER TIME OR DISTANCE (DEPENDING ON THE TIME OF DAY AND TRAFFIC). IF THE PARTIES ARE UNABLE TO AGREE ON AN EXCHANGE LOCATION, THEY SHALL SUBMIT A BLIND LIST OF 4 LOCATIONS ON OR BEFORE _____ , AND THE COURT WILL CHOOSE.

Phase 1: Father is designated as the child's primary residential parent. Mother shall exercise the following unsupervised parenting time: every Saturday, from 10:00 a.m. to 2:00 p.m. and every Wednesday from 3:00 p.m. to 6:30 p.m. Phase 1 shall terminate after 4 weeks, so long as Mother (1) has exercised all her parenting time, unless good cause is shown, (2) has completed an age-appropriate parenting class, and (3) completed no less than 2 sessions with a qualified forensically-informed therapist.

Phase 2: Father is designated as the child's primary residential parent. Mother shall exercise the following unsupervised parenting time: every other weekend from Saturday at 10:00 a.m. to Sunday at 10:00 a.m., and every Wednesday from 3:00 p.m. to 6:30 p.m. Phase 2 shall terminate after 6 weeks, so long as Mother (1) has exercised all her parenting time, unless good cause is shown, (2) completed the FIT program, and (3) completed no less than 4 sessions with a qualified forensically-informed therapist during Phase 2.

Phase 3: Father is designated as the child's primary residential parent. Mother shall exercise the following unsupervised parenting time: the first, second, and third weekend of every month beginning Friday at 3:00 p.m. and ending Sunday at 6:00 p.m., and every Wednesday from 3:00 p.m. to Thursday at 8:00 a.m. or before school or pre-school, whichever is earlier. Mother will continue to engage in forensically-informed therapy with a qualified therapist during this phase. The Court shall not consider an equal parenting time schedule until a hearing is held to determine if it is in the child's best interest for the child to have contact with Mr. Reidhead.

Holiday Schedule:

Holidays	Petitioner (_____)	Respondent (_____)	Details
Easter	Even Year	Odd Year	From 9:00 a.m. on until 6:00 p.m. on the day of
Mother's Day	None	Every Year	From 9:00 a.m. on until 6:00 p.m. on the day of
Father's Day	Every Year	None	From 9:00 a.m. on until 6:00 p.m. on the day of
4th of July	Even Year	Odd Year	From 9:00 p.m. on July 4th until 9:00 a.m. on July 5th
Halloween	Odd Year	Even Year	From 3:00 p.m. to 9:00 p.m. on October 31st
Thanksgiving	Even Year	Odd Year	From 9:00 a.m. on until 8:00 p.m. on the day of

**THE COMMISSION'S POLICY IS
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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
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CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**