State of Arizona

COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-416

Judge:

Complainants:

ORDER

June 28, 2023

The Complainants alleged biased and improper rulings by a superior court judge hearing a dependency 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). It is further ordered denying the Complainants' request for a public hearing in this matter.

Commission members Colleen E. Concannon and Scott C. Silva did not participate in the consideration of this matter.

Copies of this order were distributed to all
appropriate persons on June 28, 2023.

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

RE: Judicial Complaint – the Honorable

Dear Members of the Commission on Judicial Conduct:

It is with a heavy heart that we as complainants submit this judicial complaint. We have had no prior experience with court proceedings except for what we've seen in movies and television until our own contested dependency beginning in . Our understanding of the justice system is that parties present their arguments, sometimes a jury deliberates, and the judge renders a ruling. Our experience is that the Hon. behaved in a manner that can only be described as judicial misconduct. Our complaint will detail a fact pattern demonstrating violations of the following laws during the proceedings of :

- ARS 1-601
- ARS 1-602, "Parental Bill of Rights"
- First Amendment - related to the complainants' use of the legal name and biological sex of their minor child and ideologically driven opposition to the complainants' sincerely held beliefs
- 14th Amendment - related to due process, specifically, res judicada

It is important that we provide some context in order to understand the why and how of these violations. In , our daughter asserted a transgender identity at age . We found ways to support her as she explored a male identity and began counseling services, meanwhile, we began educating ourselves to this phenomenon. immediately dove into the peer-reviewed research and read personal testimonies of detransitioners. In , our daughter stated that she made a suicide attempt and we admitted her to a behavioral health facility. Prior to admission, her diagnoses were anxiety, depression, and gender dysphoria, and she was taking infrequent medication, per doctor's advice, for anxiety. The advised us to exercise caution in selecting therapeutic services, that many clinicians practice gender affirming care (social affirmation, puberty blockers, crossover hormones, surgeries) and recommended additional studies and references. His professional assessment was consistent with our survey of the research: the majority of adolescents experiencing gender dysphoria will return to their natal sex; often, there is underlying trauma which must be addressed therapeutically; and a

watchful waiting approach is best so as not to inflict permanent bodily damage. During our child's stay, she reported that inappropriate touching had occurred between her sibling ending prior to both reaching adolescence; consequently, became involved and took custody. Her mental health rapidly deteriorated in care and she declined family visits. We consulted with expert in transgender healthcare for youth. He conducted a psyche evaluation of our daughter, provided therapeutic recommendations for our daughter and for our family to heal, provided expert testimony, and later evaluated a potential therapeutic placement. The lengthy dependency hearings proceeded and on dismissed the dependency in a lengthy ruling that frequently disregarded or contradicted the testimony of clinical experts.

The following day we attempted to bring our daughter home, yet because of the lack of transparency of her mental state from and no personal contact with our daughter, we did not anticipate her unstable condition. She self-harmed and threatened to kill us and herself if she came home. She never left the contractee group home in which she had decompensated the day we attempted to reunite. Instead, the police considered her threat serious and advised us to permit them to take her to a juvenile stepdown facility to cool down.

In the meantime, reinserted itself and executed a second *ex parte* removal, despite her never leaving the property of the contractee group home . Despite our negotiating and agreeing upon a safety plan with a supervisor and ....., and without our knowledge or permission, admitted her to another behavioral health facility, , the hospital with the worst public health scores in the state. Her diagnoses upon admission were: major depressive disorder (recurrent, severe with psychotic features), alcohol use disorder, cannabis use disorder, gender dysphoria. In the meanwhile, a family member hostile to us was granted Intervenor status by and together with Minor's Counsel, and a new GAL, and CASA, to remove the parties sympathetic to our case in the previous dependency. All have collectively worked against our efforts, as parents, to pay for and deliver carefully researched, clinically appropriate, trauma-informed mental health care throughout the reinstated dependency.

In , after being exhausted of nearly every financial resource, including the sale of our home and most of our goods, we could no longer pay to fight as we were months deep with a demand for another dependency trial in or . We had no recourse but to sign a dependency stating that we were unwilling and unable to raise our dearly loved, female, mentally ill child as a boy. And due to the hostile GAL and intervenor's demands that make care decisions, we recently acquiesced and have offered to relinquish our parental rights. We take the time to provide this thumbnail of what transpired because actions ultimately facilitated the physical, psychosocial, and mental abuse of our daughter, entirely while under her court's authority.

1. Violation of ARS 1-601 and 1-602 (3):

Demands use of pronouns by parents in opposition to the biological sex of the minor, who late in adolescence (age) for the first time had asserted a transgender identity. Complainants were pushed and bullied by judge to stop using accurate biological

pronouns, and instead use what she asserted are child's preferred pronouns, based on the input of a mentally ill minor child entirely in Level I, or Level II, treatment for the duration of the proceedings through . This is despite absolutely no expert witnesses testifying about the matter in such a way as to support her contention. See

2. Violation of ARS 1-601 and 1-602 (4):

Refused to permit placement for a mentally ill child to Level II "Second Chances" that, as noted, treated children with a worldview that comported with the sincerely held religious views of the parents. See motion to dismiss and placement hearing final ruling transcript .

Frequently contradicted and interrupted complainant when he used the biological sex appropriate pronouns for his daughter and continued to threaten the parents for speaking truthfully when referencing their daughter's legal name and biologically accurate pronouns, which also is in accordance, as noted in earlier transcripts, with his sincerely held religious beliefs. See previous references.

Frequently corrected and threatened complainant when she used her daughter's biological sex-appropriate pronouns, which also is in accordance, as noted in earlier transcripts, with her sincerely held religious beliefs. See previous references.

In letter dated after months of delay, answered a request made by in to provide the basis for her "judicial training" upon which she said she was relying when denying placement in a fully licensed therapeutic setting in , at the complainants' sole expense. In this letter she indicates she attended four judicial trainings, including three concerning transgender-identifying (TGI) children. Upon examination, all training material is provided by ideologically-inspired activists, in most cases, entirely absent any clinician support (see brief bio sketches). See attached documents in Judicial Training. Each of these are prima facie hostile and in opposition to the sincerely held religious beliefs of the complainants, the parents of the minor child. She provides no evidence of alternative and equally valid viewpoint-based training.

3. Violation of ARS 1-601 and 1-602 (5):

Refused to permit placement to Level II "Second Chances" for a mentally ill child that had demonstrated health care expertise for minor's comorbidities. This was confirmed by the extensive research, interviews, expert testimony of , and onsite visit by the parents. See motion to dismiss and placement hearing final ruling transcript .

Ignored clinical advice from the sole expert witness psychiatrist with a significant clinical and published background in TGI adolescents, on for same placement, and no other expert witnesses testified about having read or reviewed any further detail on the placement "Second Chances." See .
Note that, within the same time frame, is filing the motion to dismiss the case against the complainants. The judge refers to her "judicial training" and

non-expert viewpoint, over that of any witness testifying. , a witness who the previous day indicated he had not spoken with employees, nor read, anything about Second Chances. The judge simply inserts her own viewpoint, violating the choices of the parents to make placement at "Second Chances" who, at this point, are not even accused of being unwilling or unable to parent the child. Instead, she took the sole step counter to all expert evidence available to continue the case, dragging out the suffering of the minor child at a Level I hospital for over consecutive days of placement. This resulted as the clinical evidence of the case shows, in the child decompensating, requiring five different psychotropic medications, multiple attempts at self-harm, and the purposeful destruction of any chance at family therapeutic activity. See motion to dismiss and placement hearing final ruling transcript

Activist judicial training, referring to judicial training exposed by FOIA request letter. Each of these "trainers" on "gender affirming care" has a view entirely at odds with the last years of clinical practice, at the extreme edge of radical activism, without taking into consideration the fact that none of the clinical methods cited are FDA approved, and in fact are in direct opposition to medical practice here in the US, and around the Western world, where activist "gender affirmative care" has been banned for minors (see: UK, Sweden, Denmark, Finland, Norway). No evidence was offered that she sought balanced or contra-opinions from any other sources related to the care of mentally ill TGI children.

4. 1st Amendment (1st A) violations related to complainants' use of minor child's legal birth name, and sole nickname used throughout her life, and biologically accurate pronouns.

repeated indicates hostility to a TGI minor child's legal first name and biological sex pronouns being used by the complainants, or the attorneys for complaints, throughout both first and second proceedings.

Threatened complainants for use of child's legal name, birth name, nickname ". ." When an appeal was made to 1st A rights by complainants' attorney specifically following the threat, stated " " after stating "

" See

5. **14th A: res judicada**

Following dismissal of petition on :

filed another ex parte removal on the evening of , before the parents were able to even retrieve the minor daughter, from the contractee placement ," in . The charges, ignoring obvious judicial

deception during the ex parte removal, were identical to those dismissed "unwilling and/or unable to parent the child." Though knew her duties under the law, she permitted the to proceed, and ultimately ruled to uphold the removal despite a conversation with confirming the charge, and *confirming that the child was entirely in the custody of and on the property of the* contractee when the second ex parte was filed and signed by a . See marked transcript .

Removed GAL , who served as GAL during previous proceedings ; through . wrote an official record recommending minor be returned without delay to parent's care, affirmed our choice of decisions, and castigated for failing to care for the child's rapidly declining mental state in their care. Did not permit to speak or provide any official record prior or during to second PPH hearing. See marked transcript .

Chose GAL , a known party to the most horrific child abuse has seen in years, who twice ignored prima facie evidence of the abuse of , with two separate placements in two grossly abusive homes over objections of mother and notice from contractees.

Did not remove MC or CASA , adversarial to parents' sincerely held beliefs and hostile throughout previous dependency.

6. 1st A: judicial retaliation

Despite no additional evidence nor change in complainants' financial situation, chose to request new affidavit of income, showing there was no change. She subsequently removed complainant public defender. At each step: removal, the choice of in GAL role, and violation of 14th A rights, a vindictive voice and pattern emerges. This despite no "new" charges filed by in the subsequent reactivated dependency petition.

7. Activist rulings during the proceedings - argumentative, creating objections, taking time from complainants' counsel from the bench:

frequently created her own objections to complainants' counsel's questions. This was done in absence of a single uttered work by opposing counsel. She also rephrased the questions for opposing counsel.

--Selected ex 1: This is one of the most egregious. objected, interrupting witness, refused to permit attorney to proceed. When attorney spent valuable minutes explaining the matter, then she reversed herself, partially. See

--Selected ex 2: Continues to permit and encourage the phrase "sexual assault" when describing the activities of the minor child's minor brother, months older, despite the fact that no witnesses described this event as such. In fact, the investigating officer with , on court record states this was likely consensual activity, and not sexual assault. No charges or formal investigation was ever pursued. See testimony of

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.