

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-292

Judge:

Complainant:

ORDER

September 5, 2025

The Complainant alleged a superior court judge showed favoritism and failed to follow the law 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 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, Roger D. Barton, Regina L. Nassen, and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 5, 2025.

2025-292

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 filing this complaint regarding the conduct of _____ in my family law case no _____ . I believe his pattern of rulings, failure to enforce court orders, and apparent disregard for the best interest of the children reflects judicial bias, neglect of judicial responsibility, and possible violations of the Arizona Code of Judicial Conduct, including Canons 1, 2, and 3.

Grounds for the Complaint:

1- Repeated Failre to Enforce Court Orders

Judge _____ has consistently failed to enforce his own prior rulings. In my case:

- The mother of my children relocated the children out of state in direct violation of the courts denial of her relocation request.
- She failed to return the children following multiple orders and withheld the address and school information for extended periods.
- Despite multiple documented violations, the judge issued no consequences for her non compliance. At a RMC in _____ , issued a warning that he will order a pick up order if not returned by the status conference, yet failed to issue a pick up order.

This undermines the court authority and sends a message that violating custody orders has no repercussions.

2. Ignoring educational neglect and endangerment:

- My children were not enrolled in school for multiple months (_____ of _____ , _____)
- Despite overwhelming evidence of educational neglect, including truancy and excessive tardiness, Judge _____ failed to take any emergency or corrective action to protect their right to educaton.
- Ignoring conditions of the children living in squalor. There was signifcant evidence that the mother of my children was living in squalor. Pictures were submitted and testimony from the landlord describing the conditions of the home and how filthy it was. Does not even make a mention of it in the order.

3. Judicial inconsistencies and improper findings:

- Judge _____ intially calculated my income as _____ /month without credible evidence leading to an unsustainable spousal support award. Also, while submitting in reconsideration of highlighting the mistakes in the final divorce order, as he was calculating income off of _____ months, while we highlight, this was over a case of the year. We submitted every single paystub for the year showing year to dates. He issues a minute entry just denying without explanation. Also, it was showing that _____ /month was never earned in my career.
- He incorrectly stated in his final order that temp support began in _____ of _____ when the original order was _____ of _____ - likely adding an additional year of paying spousal support for a _____ year marriage. (He noted in the decree of almost _____ years, while rounding up has no grounds) Resulting in me

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paying spousal support almost the entire duration of my marriage. Which would be an abuse of discretion.

-He then noted in the _____ order that my income is around _____ / month and created no recalculation of spousal support or child support.

-He failed to properly allocate child support, where the mother would have to include the spousal support amount plus min wage and then my calculation would be my income, minus my spousal support. When mentioning that in the reconsideration, again, does not correct his mistake.

4. Apparent bias against the father despite rebutted presumption:
-the court intially denied me legal decision making due to an old domestic violence presumption, which was defined as "_____" . Yet later found my probation was terminated (early), I voluntarily completed a high conflict parenting course, I was the parent more likely to facilitate the children's relationship with the other parent (even stating mother was not).

-Even after acknowledging these facts and the mother's violations, _____ left sole legal custody with the mother, a parent who absconded, withheld information, and failed to enroll the children in school. Even noting in the order, if mother was allowed to relocate, she would NOT follow the court order, which goes against best interest of the children.

5. Pattern of abusing the father with rulings while trying to enforce his legal rights.
-When mother absconded and had to incur legal cost for mother's actions, no reasonable legal fees were ordered, as he notes that niether parent acted in good faith, while I am trying to enforce the current orders that he created.
-Rules a _____ purge payment within 30 days or father will face a warrant for his arrest. Which due to his miscalculations of income, made me fall behind on spousal support payments, yet, ignores mother's violations and delays a total of _____ months of myself not seeing my children. The unbalanced enforcement destroys the intergrity of the court, basically saying, if you are a father, we will rule against you no matter what.
-Failure to follow the law. Mother was not entitled to filed for another petition for relocation less than a year from order, yet he allowed it after multiple filings to dismiss their motion. Murray V. Murray clearly states that the children's physical and emotional welling being has to be impacted, yet, the motion and pretrial statements even stated that mother would agree to equal parenting time if father was to relocate to _____. Which is trying to force the hand of the father to relocate to see his children. The petition and pre-trial statements clearly state that the children had no harm what so ever, but father had to legal fight for his rights- this is a direct violation of my rights.

_____ repeated inaction, disregard of violations, and inconsistent rulings indicate more than just error- they reflect misconduct, a lack of impartiality, and systemic failure to uphold best interest of children under ARS 25-403. I respectfully request the Commission investigate whether conduct violates ethical and procedural standards expected of judicial officers of Arizona.

ORDER

Pending before the Court are Respondent's _____, *Petition to Enforce Spousal Maintenance and Spousal Maintenance Arrears*; Petitioner's _____, *Petition to Modify Child Support*; Petitioner's _____, *Petition to Modify Spousal Maintenance*; Petitioner's _____, *Petition for Writ of Habeas Corpus and Emergency Motion for Return of Minor Children*; Respondent's _____, *Petition for Relocation of Minor Children and for Modification of Parenting Time*; Petitioner's _____, *Petition to Enforce Parenting Time and Request for Order for Immediate Return of Minor Children*; and Petitioner's _____, *Cross-Petition to Modify Parenting Time and Legal Decision-Making*.

The Evidentiary Hearing in this matter occurred on _____. 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. The Court finds and orders as follows:

The parties were previously married, have _____ children together and were divorced by a Decree of Dissolution of Marriage filed _____. This Court maintains exclusive and continuing jurisdiction over this matter and the children.

Mother filed her *Petition to Enforce Spousal Maintenance* on _____. An Order to Appear was issued for a hearing on _____. On _____, Father filed a *Petition to Modify Child Support*. On _____, Father filed a *Petition to Modify Spousal Maintenance*. An Order to Appear was issued for a hearing on _____.

On _____, mother unilaterally moved the children to the State of _____ without advance notice to father or his consent. On _____, Father filed his *Petition for Writ of Habeas Corpus and Emergency Motion for Return of Minor Children*. The Court denied father's request for emergency orders and a Resolution Management Conference was set for _____.

On _____, at the conference, the Court ordered mother to return the children to Arizona for father to exercise his parenting time. The court stated that failure to do so may result in the court issuing a warrant to take physical custody of the minor children. Mother failed to return the children and failed to allow father the ability to exercise parenting time.

A Status and Resolution Management Conference was set for _____. On _____, Mother filed her *Petition for Relocation of Minor Children and for Modification of Parenting Time*. On _____, Father filed his *Petition to Enforce Parenting Time and Request for Order for Immediate Return of Minor Children*. On _____ the Court set Trial on all outstanding matters for _____. On _____, Father filed his *Response to Petition for Relocation and his Cross-Petition to Modify Parenting Time and Legal Decision-Making*. He also filed a *Motion to Dismiss Mother's Petition*

for Relocation. On _____, Mother filed her *Motion to Dismiss Father's Motion to Dismiss*. Mother's Motion was granted by the Court on _____.

On _____, Father filed his *Motion for Reconsideration of Order Granting Mother's Motion to Dismiss Father's Motion to Dismiss*. This motion was discussed at the commencement of the trial on _____ and was denied by the Court. The Court allowed time for father and his counsel to discuss if they wanted to stay the Evidentiary Hearing to request a Special Action on the issue of jurisdiction over the relocation petition. After discussion, this option was declined.

LEGAL DECISION-MAKING, PARENTING TIME AND RELOCATION

Best Interest Findings: A.R.S. § 25-403

A.R.S. § 25-403(A) enumerates specific factors for the Court to consider, among all factors that are relevant to the children's physical and emotional well-being. The best interest of a child is the primary consideration in awarding legal decision-making authority and parenting time. *Hays v. Gama*, 205 99, 102, ¶ 18, 67 P.3d 695, 698, ¶ 18 (2003).

In making the legal decision making and parenting time determination, the Court is mindful that as a matter of public policy, absent evidence to the contrary, "it is in a child's best interest: (1) To have substantial, frequent, meaningful and continuing parenting time with both parents[; and] (2) To have both parents participate in decision making about the child." See A.R.S. § 25-103(B).

As a precursor to the analysis of the children's best interest and because of the parents' inability to reach an agreement, the Court considers the following issues regarding the parents. See A.R.S. § 25-403.01.

- *Whether a parent's lack of agreement is unreasonable or is influenced by an issue not related to the child's best interests.*

No agreement was reached in this case. The Court finds the lack of an agreement is unreasonable on the part of both parents.

- *The past, present and future abilities of the parents to cooperate in decision-making about the children to the extent required by the order of joint legal decision-making.*

The Court finds the parents have historically had difficulty in communicating civilly with each other. When the Decree of Dissolution was filed, the Court expressed hope that they would be able to communicate better. This has not happened.

- *Whether the joint legal decision-making arrangement is logistically possible.*

The Court finds joint legal decision-making is not logistically possible.

THE COURT FINDS as follows regarding the children's best interests pursuant to A.R.S. § 25-403(A):

1 The past, present and potential future relationship between the parent and the child.

The Court entered a Decree of Dissolution of Marriage on . At that time, mother testified that she shared a loving relationship with the children. Father testified that the parents have been exercising an equal parenting time schedule, although he has alleged that mother has interfered with his parenting time. Since that time, mother has unilaterally moved the children to without father's consent or knowledge and has since interfered with his parenting time. Despite these findings, the Court finds that both parents have a healthy past and future relationship with the minor children. Father's present relationship with the children has been hampered by mother's actions. However, the Court finds that the parents will continue to have healthy and bonded relationships with the children.

2 The interaction and interrelationship of the child with the child's parent or parents, the child's siblings and any other person who may significantly affect the child's best interest.

Although father's relationship with the children recently has been hampered by mother, the Court finds that both parents share healthy interactions with the children and the children share healthy interactions with extended family.

3 The child's adjustment to home, school and community.

The children appear to be well adjusted to both parent's homes and communities.

4 If the child is of suitable age and maturity, the wishes of the child as to legal decision-making and parenting time.

The children were not interviewed.

5 The mental and physical health of all individuals involved.

Both parents challenge mental fitness of the other. The Court finds that both parents are physically healthy. The Court finds no evidence of a mental illness. The Court finds that the poor behavior by the parents is the result of their personal feelings about each other.

6 Which parent is more likely to allow the child frequent meaningful and continuing contact with the other parent. (This paragraph does not apply if the Court determines that a parent is acting in good faith to protect the child from witnessing an act of domestic violence or being the victim of domestic violence or child abuse.)

At the time of the dissolution trial, mother testified that she was the parent more likely to allow the children frequent, meaningful and continuing contact with Father. The Court

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