

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-167

Complainant: No. 1337310285A

Judge: No. 1337310285B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The issues raised involve legal determinations made by the judge. The commission is not a court and cannot review evidence to determine whether or not a judge's decision or interpretation of the evidence is correct. Therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: August 14, 2008.

FOR THE COMMISSION

 /s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on August 14, 2008.

This order may not be used as a basis for disqualification of a judge.

E. Keith Stott, Jr.
 Executive Director
 Commission on Judicial Conduct
 1501 W. Washington St., Suite 229
 Phoenix, AZ 85007

JUL 07 2008

Dear Sir:

I'm writing to you to make a complaint
 against Judge [redacted] He is a judge with the juvenile Division.
 Arizona Superior Court. He has been the judge
 for our custody case for my grandchildren. The
 court case all happened

when my family and I voluntarily placed the children at
 due to my being ill. E.P.S. came
 involved. They came in on the pretense of giving us services
 to help with my illness. This never happened. my
 Daughter signed for 90 day voluntary placement.

I got your name
 the Children's Bureau in Washington, D.C. I had written a letter
 to President Bush to ask for help in gaining custody of my two
 grandchildren. He was unable to help due to the law.

I'm not sure exactly what you need me to tell
 you but I'll do my best.

There were two cases before judge
 1. Custody of my two beautiful grandchildren
 2. intervention for me to be considered for placement of the children
 My complaints are as follows:

1. I believe he is discriminating against my Daughter. He is
 saying that my Daughter can't parent or co-parent with me
 due to having a seizure disorder, mental illness, and is mildly
 Retarded. My Daughter does have a seizure disorder but is well
 controlled on her medications.

80-060

No Doctor has ever told us that she has a mental illness or is mildly Retarded. This sounds like Discrimination to me. Isn't Discrimination of any form no matter who says it against the law in this country? I believe alot of parents have a seizure disorder and are allowed to parent their children. My Daughter should be allowed to parent also. She wants to co-parent with me. My Daughter is a very capable young woman if given the chance.

2. Judge Borek is also using my Granddaughter's birth defect against us. This is so wrong. We did where this child is concerned and her defect is concerned whatever the Doctor's asked us to do. My Granddaughter was born with

If this isn't corrected it causes alot of infections. At the advice of her Pediatric Surgeon she had four surgeries in less than one year before she was a year ^{old} old. ^{Just}ist surgery was done

another surgery was done
This had to be corrected for the child's sake and put in the proper place. These four surgeries

were all done at the advice of my Granddaughter's Pediatric Surgeon. We believe the Surgeon was very pleased with our sweet child's progress at a yearly office visit. The Surgeon noticed a small

He told us this is normal for this condition and happens with normal. He also told us that it will need to be snipped in an outpatient surgery. He also told us that it will most likely come back and need to be snipped again. They usually do and this is normal. She had it done

My Daughter and the CPS case worker met with the surgeon to go over the surgery. He went over alot of questions. CPS had felt that the

was causing accidents. The Surgeon told them that the ^{and} ~~on~~ the surgeries had ^{nothing} ~~anything~~ to do with the accidents, it was due to age being too busy to stop to go potty. Judge

put in his ruling that this is one of the reasons CPS became involved. We never heard anything about this until the ruling. As for the accidents when we placed the children at

my granddaughter was in the process of being toilet trained. The Pediatric Surgeon told us not to train her until she was 3. We followed his directions the best we could. I did try to toilet train her. The complaints of accidents came the longer she was at the first I asked someone we believe my granddaughter was being molested. If CPS or Judge were concerned that we caused problems with her birth defect why wasn't the Pediatric Surgeon brought in to testify. Also this birth defect was found in the delivery room. I don't believe this is any reason to keep these two beautiful children.

3. Judge is using abuse and neglect against my daughter. My daughter never said she couldn't care for the children. She has always said she was having trouble caring for them due to my illness. When the children arrived at I don't believe there was any sign of neglect or abuse. We thought it was the right thing to do to place the children at. We never thought we would be punished for asking for help.

4. Judge claims that my granddaughter was having behavior never saying what she was. We only knew of when she's tired which we've been told is normal.

5. Judge Bork has allowed the state and CPS to drag this case on and on. Now he is using they've been out of the home too long to give them back.

6. My daughter and her lawyer asked for a continuance as my daughter was ill. They questioned her health care provider. He wanted her excused from court. Judge believed she was ill but did not grant a continuance but he did excuse her from the proceedings. He says she just walked out of the court room. Shouldn't the trial have been stopped due to her illness.

7. My Judge had thought my Daughter had the mental illness and is severely retarded. Why did he allow my Daughter and her lawyer to discharge her guardian ad litem. I don't remember the date he did this.

I have a copy of the ruling if you need it I've all so written down my answer to the rulings.

I feel this whole case to be unfair and unjust. I also believe the evidence to be based on lies. My family and I believe he only listened to the State. As far as we know he doesn't have proof of anything he's just going on his feelings. I also feel that E.P.S did not do much of anything to help us gain these children. I believe they had their mind made up and never changed their mind.

Please see what you can do to help my Daughter and I gain custody of these two beautiful children. We deserve to raise these two children. We have done nothing wrong. I hope I've told you what you need to help.