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MONTANA SEVENTH JUDICIAL DISTRICT COURT, WIBAUX COUNTY

In Re the Marriage of:

CHRISTOPHER B. SHAEFFER,

Case No.: DR-55-2025-02

Petitioner,

vs.

LARISA S. WOODRUFF,

Respondent.

MOTION TO RECUSE JUDGE

COMES NOW Petitioner, Christopher B. Shaeffer, pro se, and respectfully moves this Court for the recusal of the presiding judge based on demonstrated impartiality and failure to consider material factual allegations, as follows:

I. FACTUAL BACKGROUND

1. On or about April 17, 2025, Petitioner filed an Emergency Hearing Motion seeking protective relief and custody-related orders based on serious concerns regarding the safety and well-being of the minor children.
2. Petitioner alleged that the Respondent, the mother, had left Montana for Pennsylvania, with the children, and refuses to return.
3. Petitioner also alleged that Respondent has made frequent comments indicating self-harm, raising grave concerns about her mental health.

4. Additional allegations included that Respondent's family members have installed surveillance cameras on the property and that the children do not have their own rooms, which raises safety and privacy concerns.

5. Despite these material factual allegations demonstrating an imminent risk to the children's safety and welfare, the Court denied the Emergency Hearing Motion, ruling that because the petition did not allege any of the enumerated crimes under **Montana Code Annotated § 40-15-102**, no emergency relief was warranted.

II. GROUNDS FOR RECUSAL

6. A judge must recuse themselves if their impartiality might reasonably be questioned or if they have demonstrated bias or failure to consider critical evidence or legal arguments relevant to the case. See Montana Code of Judicial Conduct, Rule 2.11(A) and applicable case law.

7. The Court's denial of the Emergency Hearing Motion, solely on the narrow legal ground that the petition lacked allegations of enumerated criminal offenses under § 40-15-102, ignores serious and relevant factual concerns relating to the children's safety, Respondent's mental health, and the potential for harm.

8. This ruling evidences a failure to properly consider the totality of circumstances and Petitioner's detailed allegations, thereby demonstrating a potential appearance of bias and a denial of due process.

9. Given the importance of the issues and the demonstrated failure to address critical allegations, Petitioner has a reasonable basis to question the Court's impartiality in this matter.

III. ARGUMENT

10. A judge must recuse themselves from a proceeding when their impartiality might reasonably be questioned or when they exhibit a failure to consider material facts bearing on the safety and

welfare of minor children. Under Rule 2.11(A) of the Montana Code of Judicial Conduct, a judge is required to disqualify themselves in any proceeding where their impartiality "might reasonably be questioned," including circumstances where the judge has demonstrated bias, prejudice, or a failure to engage with the merits of the party's claims in a fair and impartial manner.

11. In this case, Petitioner presented the Court with specific, credible, and concerning allegations demonstrating a clear need for emergency relief, including:

- The unilateral removal of the children by Respondent from Montana to Pennsylvania;
- Respondent's stated refusal to return the children to Montana, depriving Petitioner of any ability to ensure their care or protection;
- Multiple threats and indications of self-harm made by Respondent, raising urgent mental health and safety concerns;
- The presence of surveillance cameras operated by Respondent's family within or near the children's living space;
- The lack of a stable or appropriate living environment, including the fact that the children do not have their own bedrooms.

12. Instead of evaluating these factual allegations under the best interest of the child standard pursuant to MCA § 40-4-212, or considering them as potentially constituting or supporting a reasonable apprehension of harm under MCA § 40-15-102, the Court summarily denied the Emergency Motion on the narrow ground that none of the specific enumerated offenses under § 40-15-102 were alleged.

13. This legal conclusion disregards the plain language of the statute, which also provides for protection where the petitioner is in "reasonable apprehension of bodily injury by the petitioner's partner or family member." Petitioner expressly alleged facts giving rise to such reasonable

apprehension — including the children's removal across state lines, Respondent's erratic behavior, and her expressed suicidal ideation — all of which should have triggered either a hearing or an in camera evaluation.

14. The Court's failure to acknowledge or weigh these factual concerns, coupled with its overly narrow statutory interpretation, creates the appearance of bias, partiality, or predisposition, and undermines confidence in the fairness of these proceedings. At a minimum, such conduct satisfies the standard under Rule 2.11(A) for recusal.

15. Petitioner is not seeking recusal based on disagreement with a judicial ruling alone, but on a reasonable belief that the judge's failure to meaningfully consider urgent and material facts has compromised the fairness of the process. When a parent seeks emergency protection for children and provides specific evidence of mental instability, removal from the jurisdiction, and a potentially unsafe environment, the law requires careful judicial consideration — not categorical dismissal.

IV. CONCLUSION

WHEREFORE, Petitioner Christopher B. Shaeffer respectfully requests that this Court:

- Grant this Motion for Recusal and enter an order disqualifying the presiding judge from further participation in this matter pursuant to Montana Code of Judicial Conduct Rule 2.11(A);
- Transfer this case to a different judge within the Seventh Judicial District or such other judicial district as may be appropriate;
- Vacate or reconsider the denial of the April 17, 2025 Emergency Hearing Motion, so that it may be fully and fairly heard before a newly assigned, impartial judge;

- Grant such other and further relief as the Court deems just, necessary, and proper in the interests of justice and the welfare of the minor children.

DATED: June 23, 2025

Respectfully Submitted,

A handwritten signature in black ink, appearing to be "Al Shereef", written over a horizontal line.