

[COMBINED SUPPORT LETTER & STATUTORY LEGISLATIVE PACKAGE]

Subject: Legislative Sponsorship Request: The Kentucky Child Welfare Accountability & Pleading Reform Package (The Investigative Pre-Escalation Confrontation Act and The Child Welfare Petition Drafting Rules Act Under KRS Chapter 620)

Kentucky's Investigative Pre-Escalation Confrontation Act; Kentucky's Child Welfare Petition Drafting Rules Act

Dear Rep. [_____],

I am writing to request your sponsorship for a ready-made, two-part legislative package fixing systemic flaws in child welfare proceedings: **The Investigative Pre-Escalation Confrontation Act** and **The Child Welfare Petition Drafting Rules Act**.

Currently, DCBS and Cabinet agencies rush unsubstantiated allegations straight to emergency court petitions without a thorough, face-to-face investigation. Resulting dependency, neglect, or abuse (DNA) petitions rely on inflammatory buzz-phrases, uncorroborated hearsay as fact, and prejudicial framing. Un-counseled parents bear an unfair burden to halt escalation and strike improper language.

It's a glaring trap. Families face prejudice, fit parents defend against sensationalized administrative narratives before evidence testing, and systemic shortcuts *create interference and deprivation* that undermine family integrity.

Actionable solutions. Not mere critique. This synchronized package operates across two distinct measures:

- **The Investigative Pre-Escalation Confrontation Act:** Governs fieldwork. Mandates face-to-face investigations, in-person parent environmental audits, direct parental confrontation, and a sworn Pre-Escalation Findings Report before filing legal action.
- **The Child Welfare Petition Drafting Rules Act:** Governs documentation. Establishes strict pleading standards, bans inflammatory-intensified buzz-phrases, prohibits unverified hearsay as fact, and enforces mandatory source attribution with strict judicial striking mechanisms.

Together, these measures stop field shortcuts and eliminate courtroom prejudicial narratives. Importantly, *safeguarding due process—protecting family integrity*.

I request a brief 10-to-15-minute Zoom call this week to walk you through this companion package and earn your sponsorship. Full legislative texts for both proposals follow below.

Respectfully,
Jared A. McCarthy, Founder of F.A.I.R.
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PART I:

Kentucky's Investigative Pre-Escalation Confrontation Act

BACKGROUND MEMO AND NEED FOR REFORM Current child welfare investigative pipelines allow caseworkers to skip rigorous, localized verification and rush straight to court petitions on unsubstantiated claims. This Act provides the precise statutory corrections needed to enforce mandatory pre-petition confrontation, ensuring no parent faces judicial action or family separation without a complete, face-to-face evaluation of their actual environment, demeanor, and perspective.

LEGISLATIVE FINDINGS AND PURPOSE It is the public policy of the Commonwealth that state agencies must exhaust thorough, in-person investigative confrontation before seeking judicial intervention, that no family shall face court petitions based solely on unsubstantiated reports without a direct home and environmental assessment, and that parental due process and fundamental fairness must be protected at the administrative threshold.

STATUTORY LEGISLATIVE PROPOSAL

Kentucky's Investigative Pre-Escalation Confrontation Act

Drafted by: Jared McCarthy

AN ACT relating to child welfare investigations, mandatory pre-petition parental confrontation, in-person environmental assessments, due process protections, and administrative thresholds prior to judicial filings under KRS Chapter 620.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

620.XXX Mandatory Pre-Petition Investigative Confrontation, In-Person Environmental Assessments, and Evidentiary Thresholds

- (1) Prohibition on Direct Petition Filing Without Pre-Escalation Confrontation:** Prior to the Cabinet or the Department for Community Based Services (DCBS) filing any dependency, neglect, or abuse petition, or seeking emergency custody orders under this chapter based on an independent or initial investigation, the agency shall execute a mandatory "*Pre-Escalation Confrontation*" with the parent, guardian, or person exercising custodial control against whom allegations are directed.
- (2) Mandatory In-Person Investigation and Environmental Audit:** The pre-escalation confrontation shall not be satisfied by remote communication, paper review, or phone correspondence alone. It shall include:

- (a) An in-person visit by agency personnel to the primary residence or living environment of the parent in question to directly inspect and evaluate physical conditions, circumstances, and safety;
 - (b) A direct, documented opportunity for the parent to present their side of the story, explain context, and provide exculpatory evidence or witness identification; and
 - (c) Direct observation by the investigator of the parent's demeanor, living arrangements, and daily interactions to establish an authentic baseline of parental capacity free from secondhand speculation.
- (3) **Documented Pre-Petition Findings Report:** The Cabinet shall compile a sworn "Pre-Escalation Findings Report" detailing the results of the direct confrontation and environmental assessment. No court shall entertain a petition or dependency action unless this report is attached, certifying that direct in-person confrontation and physical evaluation have been fully exhausted.
- (4) **Exemption for Imminent Life-Threatening Danger:** The pre-escalation confrontation requirement may be bypassed only where the Cabinet presents immediate, verifiable, and objective medical or law enforcement documentation proving an active, life-threatening emergency requiring split-second physical intervention. Speculative, anonymous, or unsubstantiated allegations shall never satisfy this exemption.

SECTION 2. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

620.XXX Judicial Review of Pre-Escalation Compliance and Sanctions for Non-Compliance

- (1) **Motion to Dismiss for Failure to Confront:** In any action initiated by the Cabinet, the parent may file a motion to dismiss without prejudice if the Cabinet failed to adequately execute the mandatory pre-escalation confrontation and parent environmental audit required under Section 1 of this Act.
- (2) **Mandatory Dismissal and Remand:** If the court finds that the Cabinet escalated an unsubstantiated or minor allegation to judicial petition without completing the required in-person confrontation and physical evaluation, the court shall dismiss the petition, bar the admission of unverified administrative hearsay derived from shortcut investigations, and remand the matter for proper administrative compliance.

SECTION 3. SEVERABILITY CLAUSE

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

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PART II:

Kentucky's Child Welfare Petition Drafting Rules Act

BACKGROUND MEMO AND NEED FOR REFORM Current child welfare pleading standards permit agencies to draft DNA petitions using subjective terminology and uncorroborated claims that bias the tribunal before a trial even begins. This Act provides the precise statutory corrections needed to enforce objective, evidence-based drafting, ensuring every petition filed under KRS Chapter 620 adheres to strict standards of factual integrity and due process.

LEGISLATIVE FINDINGS AND PURPOSE It is the public policy of the Commonwealth that judicial pleadings in dependency, neglect, or abuse actions must reflect verified facts rather than speculative rhetoric, that inflammatory or conclusory buzz-phrases have no place in official legal charging documents, and that no allegation derived prior to direct parental confrontation may be asserted as an unassailable fact.

STATUTORY LEGISLATIVE PROPOSAL

Kentucky's Child Welfare Petition Drafting Rules Act

Drafted by: Jared McCarthy

AN ACT relating to child welfare dependency, neglect, or abuse petitions, establishing statutory pleading standards, prohibiting inflammatory-intensified terminology, mandating factual corroboration, restricting pre-confrontation allegations, and providing judicial remedies under KRS Chapter 620.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

620.XXX Statutory Pleading Standards for Dependency, Neglect, or Abuse Petitions; Prohibition of Inflammatory-Intensified Terminology and Unverified Fact Assertions

(1) Mandatory Compliance and Absolute Prohibition on Loaded, Prejudicial, or Misleading Pleading: Any dependency, neglect, or abuse (DNA) petition filed by the Cabinet, DCBS, or a county attorney under this chapter shall be drafted in objective, neutral, and fact-based language. Petitions shall strictly prohibit the use of inflammatory, highly subjective, or prejudicial buzz-phrases, loaded phrases, and subjective-phrases without specific factual backing, including but not limited to sweeping characterizations, catch-all labels, or unproven paradigms such as "pattern of neglect," "*high risk behaviors*," "*patterns of concerns*," "*unfit*," "*toxic environment*," "*severe endangerment*," or any other generalized-intensified assertions disconnected from specific, documented acts or omissions. Such prohibited loaded and subjective language includes:

- (a) Language intended to provoke judicial bias;
- (b) Phrasing that causes bias and prejudice;

- (c) Wording that can scare and alarm readers;
 - (d) Rhetoric that can unnecessarily alarm the alleged perpetrator;
 - (e) Representations that leave the alleged perpetrator at an undue disadvantage pre-adjudication and pre-trial; and
 - (f) **Preservation of Judicial Impartiality:** To ensure that the adjudicator—such as a judge, tribunal member, or arbitrator—has no personal stake in the outcome and applies established legal rules impartially, all pleadings must remain strictly objective. The adjudicator must enter the adjudication process unbiased and without prejudice, entirely protected from the corrupting influence of improper loaded, subjective, or inflammatory dependency, neglect, or abuse (DNA) petition language.
- (2) **Prohibition on Unverified Hearsay as Fact:** Uncorroborated statements, anonymous tips, or secondhand reports received by the agency shall not be pleaded as absolute statements of fact. Any allegation derived from unverified sources must be explicitly qualified on the face of the petition as an "*unsubstantiated report*" or "*allegation under investigation*," rather than stated as a verified occurrence.
- (3) **Prohibition on Pre-Confrontation Assertions:** No claim, observation, or conclusion arising from an initial or independent investigation that has *not* been subjected to the mandatory pre-escalation confrontation and in-person review required under law may be asserted as a substantive ground for dependency, neglect, or abuse in a formal petition.
- (4) **Mandatory Source and Evidence Attribution:** Every factual assertion contained within a DNA petition must reference its supporting evidentiary source (such as "police report # [Number]," "medical examination dated [Date]," or "direct agency observation on [Date]"). Unverified, unsourced assertions are strictly barred.

SECTION 2. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO READ AS FOLLOWS:

620.XXX Judicial Motions to Strike, Redact, and Sanction Defective Petitions

- (1) **Motion to Strike Prejudicial or Defective Pleadings:** A parent or guardian named in a DNA petition may file a motion to strike any portion of a petition that violates Section 1 of this Act, including inflammatory terms, unverified statements pleaded as fact, or pre-confrontation allegations.
- (2) **Mandatory Judicial Striking and Redaction:** If the court finds that a petition contains inflammatory buzz-phrases, uncorroborated claims stated as fact, or improper pre-confrontation assertions, the court shall issue an order striking those portions from the record, barring the agency from relying on the stricken language during hearings, and requiring the filing of a sanitized, compliant amended petition before proceeding further.
- (3) **Exclusion of Tainted Evidence:** The introduction of administrative testimony or evidence stemming directly from barred pre-confrontation allegations or unverified pleading claims shall be inadmissible in any adjudicatory hearing under this chapter.

SECTION 3. SEVERABILITY CLAUSE

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.