

[SUPPORT LETTER & STATUTORY LEGISLATIVE PROPOSAL]

Subject: Support Letter & Request for Brief Zoom Call: The Active Parent Time Spent Act (Securing Parental Standing and Preventing the Weaponization of Remedial Due Diligence Absences Under KRS Chapter 403 / 620)

Kentucky's Active Parent Time Spent Act

Dear Rep. [_____],

I am writing to request your sponsorship for a ready-made legislative fix to a pervasive and unjust trap in Kentucky family law: the **Active Parent Time Spent Act**. Under current judicial practice, when a parent is structurally, fraudulently, or unlawfully separated from their children by systemic errors, institutional deprivation, or fabricated petitions, any resulting physical separation is frequently weaponized against them. Courts and opposing parties routinely cite the parent's absence during active litigation to argue "*diminished involvement*" or "*abandonment*," penalizing the parent for the very time they were forced to spend behind the scenes performing grueling legal due diligence to correct the underlying injustice.

This is a profound perversion of justice. Time spent navigating administrative appeals, drafting pro se motions, exposing fraudulent pleadings, and fighting to restore unblemished parental standing is not time away from a child; it is active, foundational parenting and relentless advocacy designed to clear the roadblocks imposed by the system itself. Yet, fit parents are systematically penalized for fighting back.

Fortunately, statutory solutions exist to stop this malicious catch-22.

To bring actionable solutions rather than mere critique, I have drafted statutory remedies to legally redefine, protect, and quarantine any period of physical separation or reduced contact that directly stems from a parent's active, documented pursuit of legal remedies against systemic or fraudulent custodial deprivation. No court shall treat time spent curing legal injustice as evidence of parental desertion. I also kindly request a brief 10-to-15-minute Zoom call this week to walk you through how it works.

The initiative below solves this inequity by establishing statutory protections for remedial legal advocacy, barring the introduction of litigation-induced absence as negative evidence of parental fitness, and preserving the legal standing of parents fighting state or private deprivation. I welcome the opportunity to discuss the details and earn your support via Zoom.

Respectfully,
Jared A. McCarthy, Founder of F.A.I.R.
Family Advocacy for Integrity & Reform (F.A.I.R.)
FAIR-Initiative.org
Act@FAIR-Initiative.org
Florence, Kentucky

BACKGROUND MEMO AND NEED FOR REFORM

Current family law and child welfare proceedings frequently create multi-month or multi-year delays while a parent fights fraudulent or flawed state actions. During this forced interim, parents expend enormous energy and time attacking the legal defects that separated them. Regrettably, family courts often mischaracterize this defensive legal struggle as a lack of daily involvement or bonding, punishing parents for the very due diligence required to overcome state or private overreach. This Act provides the precise statutory corrections needed to insulate a parent's legal standing from being eroded by the very injustice they are working around the clock to correct.

LEGISLATIVE FINDINGS AND PURPOSE OF PROPOSED ACT

It is the public policy of the Commonwealth that time spent by a parent actively challenging fraudulent, erroneous, or unlawful custody deprivations, administrative overreaches, or judicial errors does not constitute voluntary absence, abandonment, or lack of parental interest, and that no parent shall have their legal standing, custodial rights, or relational bonding penalized due to time dedicated to behind-the-scenes legal due diligence and the correction of systemic injustice.

STATUTORY LEGISLATIVE PROPOSAL

Kentucky's Active Parent Time Spent Act

Drafted by: Jared McCarthy

AN ACT relating to parental rights, standing preservation, prohibition against weaponizing litigation-induced absence, recognizing remedial legal due diligence as active parental involvement, and providing statutory protections under KRS Chapters 403 and 620.

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

SECTION 1. A NEW SECTION OF KRS CHAPTER 403 IS CREATED TO READ AS FOLLOWS:

403.XXX Preservation of Parental Standing; Prohibition Against Weaponizing Remedial Due Diligence and Litigation-Induced Absence

(1) **Definition of Active Parental Involvement via Remedial Due Diligence:** For purposes of any custody, visitation, dependency, neglect, or abuse proceeding under this chapter or KRS Chapter 620, time expended by a parent, guardian, or person exercising custodial control in the active pursuit of legal remedies, administrative appeals, evidentiary challenges, motion drafting, or the exposure of fraudulent, erroneous, or unlawfully procured custodial restrictions shall be legally classified and recognized as "**Active Parental Involvement via Remedial Due Diligence.**"

(2) **Prohibition on Characterizing Remedial Absence as Abandonment or Disinterest:** No court, state agency, cabinet, or opposing party shall introduce, argue, or utilize any period of physical separation, reduced contact, or absence as evidence of parental desertion, neglect, disinterest, or diminished bonding if that physical separation is directly traceable to:

(a) An initial unlawful, fraudulent, or non-compliant emergency custody order, dependency petition, or administrative separation;

- (b) Institutional roadblocks, court-imposed barriers, or agency-enforced visitation restrictions that the parent is actively challenging through legal or administrative channels; or
 - (c) The necessary allocation of time and resources required to perform behind-the-scenes legal investigation, document compilation, and procedural filings to correct an ongoing family law injustice.
- (3) **Inadmissibility of Litigative Time as Negative Factor:** Any time, effort, or financial resource dedicated by a parent to reversing a wrongful deprivation of custody or standing shall be treated by the tribunal as an affirmative demonstration of parental devotion, protective vigor, and deep commitment to the child's long-term welfare. It shall be strictly inadmissible for any evaluator, guardian ad litem, or court to frame a parent's legal fight for justice as a failure to maintain regular contact or parental engagement.
- (4) **Preservation of Baseline Parental Standing:** A parent actively engaged in correcting a wrongful or fraudulent deprivation of custodial rights shall maintain their foundational legal standing, presumption of fitness, and pre-deprivation status, and shall not suffer any legal detriment, waiver of rights, or dilution of custody claims due to the passage of time consumed by the litigation process itself.

SECTION 2. A NEW SECTION OF KRS CHAPTER 403 IS CREATED TO READ AS FOLLOWS:

403.XXX Judicial Remedies, Motions to Expunge Prejudicial Findings, and Sanctions

- (1) **Motion to Strike and Expunge Prejudicial Absence Claims:** A parent may file a motion to strike and permanently expunge any finding, recommendation, evaluation, or court pleading that attempts to characterize time spent in remedial litigation or forced separation as voluntary absence or lack of parental interest.
- (2) **Mandatory Judicial Correction:** If the court finds that an agency, opposing counsel, or court-appointed evaluator has weaponized a parent's litigation-induced absence against them, the court shall issue a formal order rejecting the characterization, barring the argument from being entered into the final adjudication, and affirming that remedial due diligence constitutes active parental participation.

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.