

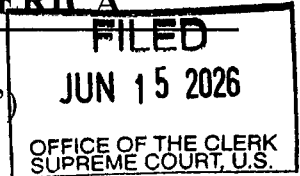
26-5028

Docket / Case Number:

ORIGINAL

SUPREME COURT OF THE UNITED STATES OF AMERICA

In Re: Daniel Clemans (PETITIONER - "Father" / "D.C.")



On Petition for Writ of Mandamus/Prohibition to the Kentucky Court of Appeals,
Meade County Circuit and/or Meade County District Court, Kentucky

PETITION FOR WRIT OF MANDAMUS AND PROHIBITION

Verification and Certificate: I, Daniel Clemans (*Pro Se*), an "inmate confined in an institution," hereby declare, verify and state under penalty of perjury that all in this document is true and correct, executed **this 20th Day of May, 2026.**

PROOF OF SERVICE: I also hereby certify that a true and exact copy of this document AND the attached Motion For Leave To Proceed *In Forma Pauperis* was served upon all of the following via U.S. Prepaid Registered Mail with Tracking, this 20th Day of May, 2026 :
Kentucky Court of Appeals, Judges Cetrulo, Moynahan and Taylor, 669 Chamberlin Avenue, Suite B, Frankfort, Kentucky, 40601; Meade County Circuit Court, Judge Bruce T. Butler, 516 Hillcrest Drive, Brandenburg, Kentucky, 40108; Meade County District Court, Judge Steven R. Crebessa, 516 Hillcrest Drive, Brandenburg, Kentucky, 40108; and "E.C." (Petitioner's 14-year old daughter), 1387 Central Avenue, Noblesville, Indiana, 46060.

WORD COUNT CERTIFICATE: I also hereby Certify that, excluding portions of this document exempted by Supreme Ct. Rule 33(1)(d), this document is in compliance with 8487 words (limit 9000).

Respectfully Submitted,

Daniel Clemans (*Pro Se*)
Lee Adjustment Center
168 Lee Adjustment Center Drive
Beattyville, KY 41311

Daniel Clemans

Petitioner respectfully requests leniency and liberal construing, as he is a pro se litigant fighting for his and his daughter's Constitutional familial rights to be reunited after over 4 years of arbitrary government intervention (via a hand-written / oral "No Contact Order"). See: Boag v. MacDougall, 454 U.S. 364, 365 (1982).

Questions Presented For Review

- 1.) Does a State violate a Father's Fourteenth Amendment Due Process Rights by constructively and effectively terminating his (and Daughter's) Parental / Familial rights via a "No Contact Order" being kept in full force for OVER four years while NEVER having ANY Termination Proceedings and with NO "clear and convincing evidence" at a minimum to do so ?
- 2.) Does a "No Contact Order" that completely severs Father and Daughter, being fully enforced for OVER four years and denying ALL requested modifications for reunification, violate Father's (and Daughter's) Fourteenth Amendment Due Process protections and Seventh Amendment right to jury trial when Father was NEVER found to be an "unfit parent" but held a surprise "Adjudication Hearing" WITHOUT Father being present OR given Notice ?
- 3.) Does a "No Contact Order" that completely severs Father and Daughter, being fully enforced for OVER four years and denying ALL requested modifications, violate Father's (and Daughter's) Fourteenth Amendment Familial protections and guarantees when "the best interests" of Daughter have NEVER been properly assessed by the State Courts, on ANY record or Order beyond a mere mention ?
- 4.) Does a State Court violate a Father's Fourteenth Amendment Parental protections and guarantees of Due Process and his First Amendment protections of Retaliation when it DENIES Father / Petitioner ANY form of contact between him and his daughter, after OVER four years, solely due to Father / Petitioner "having a pending appeal" AS A MATTER OF RIGHT in an UNRELATED criminal case ?
- 5.) Does a State Court violate a Petitioner's / Father's (and Daughter's) Eighth Amendment protections against Cruel and Unusual punishment when it enforces a PROVEN HARMFUL over four-year old No Contact Order with no end date solely due to Petitioner / Father being incarcerated ?
- 6.) Does a State Court violate a Petitioner's First Amendment right to redress grievances and Fourteenth Amendment Due Process rights to "NOTICE" and "OPPORTUNITY" when it DENIES relief for a PROVEN NEVER TIMELY SENT Notice of Entry / ORDER Entered, thus denying Petitioner the opportunity to timely file for Review with the higher Courts ?

- 7.) Does a State Court violate a Father's / Petitioner's Fourteenth Amendment Equal Protection rights when it NEVER implemented or held ANY sort of hearing or proceeding for a No Contact Order on his "similarly situated" CoDefendant (and her daughter) who was arrested WITH Petitioner and had the SAME EXACT criminal charges pending for Two years ?
- 8.) Does a State Court violate a Father's Fourteenth Amendment Due Process protections when it cites to and relies on allegations of Dependency, Neglect, and Abuse of Father's child which were PROVEN to be "UNSUBSTANTIATED" but keeping fully enforced a No Contact Order between them ?
- 9.) Does a State Court violate a Father's (and Daughter's) "fundamentally fair" and lawful procedures required by Due Process of the Fourteenth Amendment when the State Court waits SEVERAL YEARS to hold an "Adjudication Hearing" while Daughter drifts from Foster Home to Foster Home (strangers) awaiting a permanent residence with actual family who were available from Day One ?
- 10.) Does a State Court violate a Father's (and Daughter's) Due Process rights of the Fourteenth Amendment when the Court takes Daughter into supposed "temporary custody" for several years and places her with "strangers" called Foster Homes while DENYING "fictive kin" or "immediate" family members trying to get custody of Daughter, while "appointed counsel" is Constitutionally ineffective ?
- 11.) Does a State Court violate a Father's (and Daughter's) Due Process rights and protections of the Fourteenth Amendment when Father PROVES the custody with "strangers" called Foster Homes is NOT in best interest of the child and in fact is harmful, yet the State Courts ignore the proof ?
- 12.) Does a State Court abuse its discretion and violate The Supremacy Clause, Federal mandates and unambiguous precedent, when it COMPLETELY IGNORES clearly-cited guiding Federal precedent ?
- 13.) Does a State violate a Father's substantial Due Process rights of the Fourteenth Amendment when it DENIES completely Father's significant decisions about Daughter's continuing in her Christian faith and Church, and DENIES completely Father's decisions regarding his Daughter's Medical and Mental Health actions allowed and forced upon her by State interventions ?
- 14.) Is Father's Equal Protection of Law (14th Amend) violated when State's Statutes are disregarded ?

List of All Parties to the Proceeding

Kentucky Court of Appeals, Judges "CETRULO, MOYNAHAN, AND TAYLOR."
669 Chamberlin Avenue, Suite B
Frankfort, Kentucky 40601

Meade County Circuit Court, Judge Bruce T. Butler
516 Hillcrest Drive
Brandenburg, Kentucky 40108

Meade County District Court, Judge Steven R. Crebessa
516 Hillcrest Drive
Brandenburg, Kentucky 40108

Daniel Clemans 333945 ("Father")
Lee Adjustment Center
168 Lee Adjustment Center Drive
Beattyville, Kentucky 41311

"Corporate Disclosure Statement" - Not Applicable

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APPENDIX ONE: KCOA “ORDER DENYING” Petitioner from Belated Discretionary Review

ENTERED April 13, 2026 (Invoking this Court's Jurisdiction - infra)

APPENDIX TWO: Petitioner's “Motion For Leave To File Belated Motion For Discretionary Review”

(“Belated” Due to State Court Clerk NEVER timely sending Notice of Entry, infra)

APPENDIX THREE: Social Worker REPORT Proving E.C. being HARMED and Life at Risk

due to Government's complete Severing from Father / Petitioner

APPENDIX FOUR: Meade Circuit Court Denying 60.02 relief, entered February 17, 2026

APPENDIX FIVE: Petitioner's filed Kentucky “CR 60.02 Motion To Correct” (Due to AND

PROVING State Court Clerk NEVER timely sent Notice of Entry of ORDER)

APPENDIX SIX: Appeal Brief timely filed by Petitioner to Meade Circuit Court for review of Meade

District Court's ORDER “OVER-RULING / DECISION” entered May 21, 2025

APPENDIX SEVEN: ORDER “OVER-RULING” entered May 21, 2025 by Meade District Court,

after “Hearing to Vacate or Amend No Contact ORDER / Have Supervised Mail /

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APPENDIX EIGHT: Petitioner's “Motion to Vacate / Amend No Contact Order” file-stamped

February 21, 2025, in the Meade County District Court

APPENDIX NINE: Petitioner's “Motion To Vacate Stipulation / Adjudication” entered on

May 31, 2024

APPENDIX TEN: “Adjudication Hearing” ORDER, ENTERED May 9, 2024

APPENDIX ELEVEN: “Temporary Removal Hearing.” Hand-written No Contact ORDER,

ENTERED January 12, 2022

All Proceedings in State and Appellate Court Directly Related to the Case in this Court

AND Citations of the Official and Unofficial Reports of the Opinions and Orders

(In Chronological Order)

Meade County District Court, Case No. 22-J-0004-001

- “Temporary Removal Hearing.” ORDER ENTERED January 12, 2022 (**APPENDIX ELEVEN**).
- “Adjudication Hearing.” ORDER ENTERED May 9, 2024 (**APPENDIX TEN**).
- Petitioner filed “Motion To Vacate Stipulation / Adjudication” (**APPENDIX NINE**) entered on May 31, 2024 as Petitioner was NEVER noticed of OR present at “Adjudication Hearing.”
- Petitioner AGAIN filed “Motion to Vacate / Amend No Contact Order” (**APPENDIX EIGHT**) file-stamped February 21, 2025, clearly citing FEDERAL RIGHTS, LAW AND PRECEDENT.
- Petitioner's May 20, 2025 “Hearing to Vacate / Amend No Contact ORDER / Have supervised phone/mail contact;” ORDER OVER-RULING entered May 21, 2025 (**APPENDIX SEVEN**).
- Petitioner PROVED to the State Courts the No Contact Order and COMPLETE severing of E.C. from Petitioner / Father WAS and IS HARMING E.C. (APPENIDX EIGHT, APPENDIX SEVEN, APPENDIX SIX, AND **APPENDIX THREE**).

Meade County Circuit Court, Case No. 25-XX-00001

- “Appeal Brief” timely filed by Petitioner (**APPENDIX SIX**) for review of Meade District Court's “DECISION” and “ORDER” entered May 21, 2025, keeping in full force a hand-written No Contact Order (Petitioner's Brief extensively cites / relies on FEDERAL LAW / Precedent).
- Meade County Circuit Court, on October 27, 2025, enters “OPINION AFFIRMING” Meade District Court's “DECISION” conceding that Meade District Court “based its 'decision' on the simple fact that [Petitioner's] criminal case is on appeal” (VR 5/20/25, 10:20:32); it was and is **PROVEN** Meade Circuit Court CLERK NEVER timely sent this “OPINION AFFIRMING” or “NOTICE OF ENTRY OF ORDER” to Petitioner (See Below).

- Petitioner filed a Kentucky “CR 60.02” Motion To Correct (APPENDIX FIVE) entered January 30, 2026, upon finally learning of Notice of Entry, PROVING Petitioner's Mail Room NOR Petitioner EVER received the “OPINION AFFIRMING” or “NOTICE OF ENTRY” or ANY MAIL FROM MEADE CIRCUIT COURT WHATSOEVER after October 27, 2025.
- Meade Circuit Court enters an “ORDER” Denying 60.02 relief (APPENDIX FOUR) entered February 17, 2026, relying purely on an inapplicable “Rule” (relief was simply to RE-ENTER on the Court's Docket to RESTART the time in which to timely file Motion For Discretionary Review to Kentucky Court of Appeals; the Proper Lawful avenue for such relief in Kentucky Precedent when ORDERS / NOTICE OF ENTRY are untimely sent by Clerks – See “Kurtsinger” infra).

Kentucky Court of Appeals (KCOA), Case No. 2026-CA-0086-D

- Petitioner filed with KCOA, a “Motion For Leave To File Belated Motion For Discretionary Review” (APPENDIX TWO) on **January 14, 2026**, IMMEDIATELY UPON learning the Meade Circuit Court Clerk NEVER timely-sent Petitioner the court's “OPINION AFFIRMING” or “NOTICE OF ENTRY” from October 27, 2025 (supra), and AGAIN PROVEN in Motion.
- KCOA entered on April 13, 2026, ORDER DENYING Petitioner from Discretionary Review (APPENDIX ONE) SOLELY due to “strict rules” and “no legal authority existing” for a Father of a Child demanding relief “arising from a civil Dependency Neglect Abuse Action.”

Statement of the Basis For Jurisdiction in This Court

Judgments / ORDERS sought to be reviewed :

1.) Kentucky Court of Appeals, the State Court of LAST RESORT, "ORDER DENYING"

[Belated] Discretionary Review (APPENDIX ONE, supra) entered April 13, 2026.

2.) Meade Circuit Court's "DENIAL" of "CR 60.02" Relief (APPENDIX FOUR, supra)

entered February 17, 2026, regarding its **PROVEN** never timely-sent "ORDER AFFIRMING" / "Notice of Entry."

3.) Meade County District Court's original Hand-written "No Contact ORDER" (APPENDIX ELEVEN), and ORDER "Over-Ruling" Petitioner "Contact" or "supervised visitation or phone calls" with his Daughter E.C., via ANOTHER "Hand-written" "No Contact Order" (APPENDIX SEVEN, supra) entered May 21, 2025.

The Jurisdiction of this Court is invoked under the All Writs Act / 28 USCS § 1651 and/or 28 U.S.C. § 1257(a) as the writ will be in aid of the Court's appellate jurisdiction, and exceptional circumstances involving sensitive Constitutional Parent/Child Familial Rights that warrant the expeditious exercise of the Court's discretionary powers, and adequate relief cannot be obtained in any other form or from any other court as Petitioner clearly exhausted all State Court channels to no avail (USCS Supreme Ct R 20), now ongoing for OVER 4 and a Half years to date (infra).

Likewise, Petitioner has CLEARLY extensively cited and guided the State Courts with unambiguous Federal Law, in Motions (supra) and Appeals (supra). The State Courts' "decisions" "CONFLICT WITH RELEVANT DECISIONS OF THIS COURT." Supreme Ct R 10 (c) and (b). There are no "rehearings" / pending "extensions of time" in this matter; fully exhausted in State courts.

Constitutional Provisions, Treaties, Statutes, Ordinances and Regulations Involved

Supremacy Clause (USCS Const. Art. VI, Cl 2):

“This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and **the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.**”

28 USCS § 1651:

“**The Supreme Court and all courts** established by Act of Congress **may issue all writs** necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law. An alternative writ or rule nisi may be issued by a justice or judge of a court which has jurisdiction.”

28 U.S.C. § 1257(a):

“**Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ** of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, **OR** where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.”

USCS Supreme Ct R 10 (c) and (b): (supra)

USCS Supreme Ct R 20: (supra)

First Amendment of the United States Constitution:

“Congress shall make no law respecting an establishment of **religion, or prohibiting the free exercise thereof**; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, **and to petition the Government for a redress of grievances.**”

Fifth Amendment of the United States Constitution:

“NO PERSON SHALL . . . be deprived of life, liberty, or property, without due process of law.”

Seventh Amendment of the United States Constitution:

“In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.”

Eighth Amendment of the United States Constitution:

“Excessive bail shall not be required, nor excessive fines imposed, **nor cruel and unusual punishments inflicted.**”

Fourteenth Amendment of the United States Constitution:

“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

Kentucky Constitution § 1:

“**All men** are, by nature, **free and equal**, and have certain inherent and inalienable rights, among which may be reckoned . . . The **right of enjoying and defending their lives and liberties . . . The right of worshipping Almighty God according to the dictates of their consciences . . . The right of seeking and pursuing their safety and happiness . . .** The right of freely communicating their thoughts and opinions . . . The right of acquiring and protecting property . . . The right of assembling together in a peaceable manner for their common good, **and of applying to those invested with the power of government for redress of grievances or other proper purposes, by petition, address or remonstrance.**”

Kentucky Constitution § 2:

“**Absolute and arbitrary power over the lives, liberty** and property of freemen **exists nowhere** in a republic, **not even in the largest majority.**”

Kentucky Constitution § 7:

“The ancient mode of trial by jury shall be held sacred, and the right thereof remain inviolate, subject to such modifications as may be authorized by this Constitution.”

Kentucky Constitution § 14:

“All courts shall be open, **and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law,** and right and justice administered without sale, **denial or delay.**”

Kentucky Constitution § 115:

“**In all cases, civil** and criminal, there **shall** be allowed **as a matter of right at least one appeal to another court . . . Procedural rules shall provide for expeditious and inexpensive appeals.** Appeals shall be upon the record and not by trial de novo.”

Kentucky Revised Statutes ("KRS") § 446.010 (39):

"Shall" is [defined as] 'mandatory'."

KRS § 625.090 "Grounds for involuntary termination of parental rights" in the State of Kentucky:

(5) "The child shall remain in temporary custody with the cabinet for a period of time **not to exceed forty-five (45) days from the date of the removal from his home. The court shall conduct the adjudicatory hearing and shall make a final disposition within forty-five (45) days of the removal of the child.** The court may extend such time after making written findings establishing the need for the extension **and after finding that the extension is in the child's best interest.**"

KRS § 620.090(2) :

"In placing a child under an order of temporary custody, **the cabinet or its designee shall use the least restrictive appropriate placement available.** Preference shall be given to available and qualified relatives of the child considering the wishes of the parent or other person exercising custodial control or supervision."

KRS § 600.020(28) :

"**Fictive kin**" means an individual who is not related by birth, adoption, or marriage to a child, but who has an emotionally significant relationship with the child, or an emotionally significant relationship with a biological parent."

KRS § 610.125(1)(d) :

"The Court SHALL . . . Ask the child about the desired permanency outcome; and Make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency goal for the child and provide compelling reasons why it continues to not be in the best interest of the child to return home, be placed for adoption, be placed with a legal guardian, or be placed with a fit and willing relative or fictive kin.

Kentucky Rules of Civil Procedure ("CR") 60.02:

"On motion a court may, upon such terms as are just, relieve a party or his legal representative from its final judgment, order, or proceeding upon the following grounds: (a) mistake, inadvertence, surprise or excusable neglect . . . or (f) any other reason of an extraordinary nature justifying relief. The motion shall be made within a reasonable time, and on grounds (a), (b), and (c) not more than one year after the judgment, order, or proceeding was entered or taken." As guided by Kentucky precedent in Kurtsinger v. Bd. of Trs. of Ky. Ret. Sys., 90 S.W.3d 454, 456-457, fn. 8 (Ky. 2002) citing Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238, 64 S.Ct. 997 (1944).

Statement of the Case Setting Out the Facts Material to Consideration of the Questions Presented

This case and "No Contact Order" dates back to starting over 4 and a half years ago to-date (APPENDIX ELEVEN) where many "material facts" and violations have occurred as time passes, and STILL occurring. Petitioner / Father NOW respectfully requests leniency and liberal construing from this Honorable Supreme Court of the United States, as he is not trained in law and presents this Petition to the best of his ability though very likely to be in-artfully pleaded and legally redundant. See: Boag v. MacDougall, 454 U.S. 364, 365 (1982) (Federal Courts are "instructed" to liberally construe pro se litigants inartful pleadings). Petitioner ONLY fights and has been fighting for over four years (over 14 years since E.C. has been born!) for the best interest of his Daughter E.C., to "strike" or modify this "No Contact Order" so Father and E.C. can have each other back in each others' lives (AT A MINIMUM, supervised phone/ mail contact), as they have been demanding OVER FOUR YEARS.

The Government intervention is arbitrary and NOWHERE in the Record supported by ANY "Powerful GOVERNMENT INTEREST." E.C.'s "best interest" has NEVER been sufficiently assessed ON ANY RECORD OR HEARING beyond a mere mention by the State Court (infra). A "No Contact Order" was implemented purely to Punish Petitioner (and E.C.) which is cruel and unusual and constructively and effectively terminates Father's (and Daughter's) Parental / Familial rights while completely dodging ANY SORT of Termination Proceeding. The RECORD will show NO PREVAILING/POWERFUL GOVERNMENT INTEREST to keep in FULL FORCE a "No Contact ORDER" between Father and Daughter, FOR OVER FOUR YEARS WITH NO END-DATE. Moreover, Petitioner proved to the courts E.C. is being HARMED by this severing from her Father (infra)(APPENDIX THREE), AND, E.C. threatens often still today she "is going to kill herself if she doesn't get her dad back soon" (infra), calling for EXPEDITED writ.

The Material Facts, State and Federal guidance and Federal Constitutional precedent were clearly laid out to Meade County District Court (proven by APPENDIX NINE and APPENDIX EIGHT), and AGAIN ON APPEAL (APPENDIX SIX, pages ii – iv) to Meade Circuit Court showing

clear Federal and State Constitutional violations in Petitioner's "Brief For Appellant" (**APPENDIX SIX**) with VIDEO RECORDED TIME-STAMPS and ATTACHMENTS/EVIDENCE APPENDICES.

In effort to avoid repetitiveness, **Please read the attached "APPENDIX SIX"** for the cited and time-stamped Facts Material to Consideration of the Questions Presented. However, Petitioner / Father will touch on some details of "**APPENDIX SIX**" and related Material Facts here below.

E.C. was born on November 17, 2011, despite much argument of natural mother and her mom and step-dad wanting an abortion. Petitioner vehemently objected to an abortion, and Petitioner and Petitioner's Mother ("Grandmother") were present at E.C.'s birth. Just after E.C. turned two years old, Petitioner and E.C.'s Natural Mother ended their relationship due to her infidelities, drug use, abusive acts and neglect on E.C. (photographs available for proof), and Natural Mother's step-dad and mother having an obsession with harassing Petitioner constantly attempting to get Petitioner into legal trouble.

Petitioner and E.C. moved away to a new house Petitioner bought with no objections whatsoever from natural mother, where Petitioner regularly took E.C. to natural mother's family's functions, most of which natural mother never showed up at. Petitioner raised E.C. by himself as a single father for the next 8 years of E.C.'s life, where she had a very good upbringing, making great grades in school, playing a plethora of sports where Petitioner was her team's soccer coach, strong family support, attending Christian Church services and functions, vacations around the United States, etc (APPENDIX SIX, pages 13-14) all the way up to Petitioner's unrelated arrest January 12, 2022.

Months prior to "arrest," the Cabinet for Health and Family Services ("the Cabinet") opened an investigation in November 2021 due to E.C. (age 9 at the time) being pulled out of class for "seeming down that day," where E.C. then told a teacher that Petitioner physically abused her and did illegal acts (**APPENDIX SIX**, supra, page 11). **The "allegations" were PROVEN false and officially "UNSUBSTANTIATED"** upon Petitioner working proactively directly with the Cabinet and Police. The Cabinet closed the case (**APPENDIX SIX**, page 11). E.C admitted she "was just mad at Dad." Meade Circuit and District Court completely fail to acknowledge this vital "UNSUBSTANTIATION."

Petitioner was arrested with his Codefendant Kayla Irwin, on January 12, 2022, due to the death of Kayla's son, where they were both charged with "Complicity to murder" despite her son's PROVEN ongoing serious illnesses while in Kayla's exclusive custody, her son's arrival at Petitioner's house already exhibiting serious illness and injuries, several Emergency Room visits just days prior while in his father's custody with extreme abdominal pains in the EXACT location as "cause of death," AND reported eye-witnessed dirtbike accidents he was in just prior to Petitioner and E.C. having to call 911 (The facts of Kayla and her son passing away, trial facts and medical findings are summarized and Video- Recording Time-Stamped in APPENDIX SIX, supra, pages 1-2). The Meade District Court NEVER had ANY "Temporary Removal" hearing for Kayla Irwin and her 11 year old daughter R.I. And NEVER implemented ANY No Contact Order OR ANY proceedings whatsoever despite IDENTICAL CHARGES AND CIRCUMSTANCES (arguably far more inculpatory to Kayla).

SOLELY due to Petitioner being arrested and incarcerated on January 12, 2022, though lawfully presumed innocent (AND ACTUALLY / FACTUALLY INNOCENT STILL TODAY), the Cabinet RE-opened a case and went to Petitioner's Mother's house ("Grandmother," who had been highly involved in E.C.'s life and lived just down the road) and TOOK E.C. from her (APPENDIX SIX, pages 3-4) and placed E.C. with "Strangers" called "Foster Homes" and what was lawfully supposed to be "temporary custody" (APPENDIX ELEVEN) but lasted OVER TWO YEARS (APPENDIX SIX, page 3). The Meade District Court simultaneously ARBITRARILY implemented a handwritten "No Contact ORDER" between E.C. and Petitioner (APPENDIX ELEVEN), during E.C.'s most-stressful time of her entire life at that point, when she needed her Father the most. NO FINDINGS OF FACT OR CONCLUSIONS OF LAW BEYOND "CHECK-MARKED" BOXES were offered by the State Court (APPENDIX SIX, page 3) (APPENDIX ELEVEN) to sever completely Father's and Daughter's relationship, violating "CR 52.01" / Goodlett v. Brittain, 544 S.W.3d 656, 661 (Ky. App. 2018).

These "Foster Homes" were in ● different Kentucky Counties, which took E.C. out and away from her school she grew up in, away from ALL her affiliated school functions and sports she was

involved in, away from ALL her friends AND family, and away from her pets AND Church, etc.

(APPENDIX SIX, page 4). The Cabinet illegally (infra) NEVER sought "immediate family" members OR "fictive kin" to place E.C. with, despite them persistently contacting the Cabinet to get her (APPENDIX SIX, page 4).

Petitioner PROVED to the Courts and offered additional PROOF that this "temporary custody" with strangers, being moved from foster home to foster home for years, was DIRECTLY HARMING HER and NOT "in E.C.'s best interest" (APPENDIX SIX, pages 4 AND 14) (~~APPENDIX THREE:~~ **Social Worker Report**) causing "serious psychological issues," placed in Inpatient Treatment facilities for suicide, cutting her wrists, troubles and fights at schools, bad grades, no sports or church or activities and "WANTS HER DAD BACK IN HER LIFE" (APPENDIX SIX, pages 4 AND 14) ALL TO NO AVAIL. Father also signed a REFUSAL with the Cabinet for E.C. to be administered ANY Medical vaccinations and procedures without Prior approval with Father, yet one set of Foster parents made E.C. get several "shots," forced her to take "Physch Meds," and would NOT LET E.C. ATTEND HER CHURCH SHE GREW UP IN OR ITS FUNCTIONS, NOR practice her religion in any meaningful way, not even allowing her "to pray at the dinner table." Foster Parents also encouraged E.C. that she could "identify/transition as a boy," all of which is AGAINST Father's parental interests, guidance and control of her upbringing. NONE of this EVER remotely occurred in Father's custody.

The Record indisputably shows Petitioner continued to file several "motions" / letters with the Meade County District Court and the Cabinet to "strike" (to at a minimum, modify) the arbitrary "No Contact Order" so that E.C. and Petitioner / Father "could have each other back in each other's lives, even if only via supervised phone calls, where Father could emotionally support E.C.," to NO AVAIL.

The Record indisputably shows Petitioner PROVED to the Meade District Court he proactively worked with the Cabinet, even while incarcerated, and COMPLETED ALL the Cabinet's "Reunification Goals" as well as COMPLETED course work and a plethora of classes specifically related to "Parenting" and Self help, submitting to the Court over 14 Certificates of Completion for

verification (**APPENDIX SIX**, pages 6 and 13), all of which disregarded by the court. **Notably, the Cabinet moved the District Court several times to withdraw and “to close the case!”** (**APPENDIX SIX**, pages 11 and 13; i.e.: VR 7/16/24, 12:07:17; VR 9/3/24, 9:00:30).

The Meade District Court, AFTER TWO YEARS of this “temporary custody” with Strangers, on May 7, 2024, held an “Adjudication Hearing” WITHOUT NOTICE OR HAVING FATHER PRESENT (**APPENDIX TEN**; **APPENDIX SIX**, pages 5-6), WITHOUT FATHER HAVING ANY OPPORTUNITY TO CALL WITNESSES OR PRESENT MEANINGFUL EVIDENCE (**APPENDIX SIX**, page 5) which would have more than a “reasonable probability of a different outcome,” and where it was somehow arbitrarily found E.C. had been “abused OR neglected” by Father. Immediately upon Petitioner / Father learning of said SURPRISE Hearing and “Adjudication,” Father filed a Motion to Strike the Adjudication / Stipulation (**APPENDIX NINE**). The Court decided to “place” E.C. with natural mother, who had ALREADY STIPLUATED TO DEPENDENCY, NEGLECT AND ABUSE on her part (VR 3/22/22, 9:31:55) who HAD NOT BEEN PART OF E.C.'S LIFE IN 8 YEARS, LIVES IN A DIFFERENT STATE (Proved in **APPENDIX SIX**, page 14), AND, E.C.'s Guardian At Litem specifically informed the court she “has grave concerns of E.C. going to mother's” (VR 10/17/23, 10:34:26). The Court ignored these facts and forced E.C. to leave the state of Kentucky to Mother's.

Petitioner / Father further filed various Motions (and letters not now included) to the Meade District Court citing Federal and State Caselaw and Material Facts showing Father's and Daughter's Constitutional rights were being violated and that the No Contact Order was arbitrary and should be stricken, or at a minimum, modified to allow supervised phone and mail contact (**APPENDIX EIGHT**; **APPENDIX NINE**). Father, for the very first time after over two years of letters to the Cabinet and letters and motions to the court and over two years of the No Contact Order being in place, was finally brought to a surprise “hearing” on July 16, 2024, AGAIN without ANY Notice or Opportunity to calls witnesses or prepare and present evidence (**APPENDIX SIX**, page 5-6). This hearing consisted of Father Respectfully asking the Court “what exactly the hearing was for” only to be

cussed out by the Meade District Court Judge Steven Crebessa (VR 7/16/24, 12:00:17; 12:01:03; 12:01:28).

Father clearly informed the Judge at this hearing that E.C. had been persistently contacting family members and “third parties” “wanting contact with her Dad” (Id., 12:05:37; 12:06:45), and how it is “NOT in the best interest of E.C. to not talk to her father” (Id., 12:07:06), and how Father has persistently challenged the No Contact Order on grounds of “NOT being in the best interest of the child” and being a manifest injustice violating Father's and Daughter's Constitutional rights (Id., 12:07:06; and in the various Motions and letters). Again, at this hearing, the Meade District Court assessed in NO WAY E.C.'s best interests or Father's parental “fitness” and made ABSOLUTELY ZERO “written findings of fact” or “conclusions of law” in ANY part of the Record, but kept a No Contact Order in full force despite the extreme Constitutional protections being relinquished.

The Meade District Court finally held a hearing on May 20, 2025, upon an “appointed” Attorney (that Father “never met” - **APPENDIX SIX**, page 5-6) filing a supplemental Motion for supervised phone or mail contact. Father presented MANY Certificates of completed Parenting Classes and explained what was learned and proved how Father had completed “more than the Cabinet recommended” for Reunification with E.C., the Cabinet's supposed “ultimate GOAL” (**APPENDIX SIX, page 6**; VR 5/20/25, 9:36:20; 9:36:30 through 9:36:51; 9:37:03 through 9:39:17; 9:39:10; 9:42:07; 9:45:50). Father also indisputably showed the court he had been in Regular contact with natural mother to ensure E.C.'s well-being and offered natural mother a \$5,000 credit card that was active at that time to help support E.C. (Id., 10:04:41; 10:04:51). In other words, Father / Petitioner showed the court “clear and convincing evidence” that Father DID EVERYTHING possible to have his relationship back and Reunified with his daughter (**APPENDIX SIX**, page 13) and that Father and E.C. having contact was in E.C.'s best interest, AND how the No Contact Order / “government interference” with father's and daughter's familial relationship was and IS CAUSING GREAT HARM TO E.C. (**APPENDIX SIX, page 14**). Most notably, the Meade District Court admitted that “the Cabinet

has withdrawn from this case” (VR 5/20/25, 10:20:18; APPENDIX SIX, page 13) thus further proving no need for State government intervention and that ALL “goals” and “Reunification” complete.

Petitioner's motions to Vacate or Amend No Contact ORDER and/or Have supervised phone or mail contact was DENIED / OVERRULED (APPENDIX SEVEN), again without EVER ADDRESSING E.C.'S BEST INTEREST OR DETERMINING FATHER'S “PARENTAL FITNESS”.

The Meade County District Court “OVERRULED” Father's Motions AND refused modifying the No Contact Order that has been enforced for OVER FOUR YEARS to date, SOLELY BASED ON: “an appeal pending in Father's criminal case” and “I don't know if anything can be done in this court, from me, as far as visitation goes” (VR 5/20/25, 10:20:32; APPENDIX SIX, page 7); and E.C.'s answering a few UNRELATED irrelevant questions at Petitioner's trial. Needless to say, it is illogical for a Judge to say he cannot “undue” what HE himself implemented years prior!

Notably, Father's criminal appeal was executed AS A MATTER OF STATE AND FEDERAL RIGHTS in an UNRELATED criminal case, where he is actively demonstrating Actual / Factual innocence. The Matter of Right Appeal will be pending until approximately Mid-2027 or longer according to the average finalization of pending Appeals in the Supreme Court of Kentucky. Regardless of the outcome of the Appeal, there is no legal bearing or “powerful countervailing governmental interests” anywhere in the Record that override Father's and E.C.'s parental / familial Constitutional rights.

Petitioner / Father timely *pro se* appealed the Meade District Court's Decision / ORDER “OVER RULING” to the Meade County Circuit Court (APPENDIX SIX), with the “ARGUMENT” being : “The Meade District Court abused its discretion and violated a plethora of Daniel's and E.C.'s State and Federal Constitutional Rights by depriving Daniel and E.C. of their parent-child relationship via No Contact ORDER and complete absences of Daniel at Critical Stages in proceedings.” (APPENDIX SIX, page 7-8).

While Father notified and argued on this Appeal the ineffectiveness of Assistance of Appointed

Counsel (APPENDIX SIX, pages 4-6), a violation of Father's Sixth Amendment rights through the Fourteenth Amendment (infra), the Meade County Circuit Court NEVER addressed or mentioned it. The Meade County Circuit Court NEVER ADDRESSED EVEN ONE SINGLE CONSTITUTIONAL ISSUE clearly presented and argued by Father, NOR the **OVER FIFTEEN (15) HEARINGS** involving Father and Daughter that Father was NEVER noticed of or made Present (**APPENDIX SIX, page 5**). The Meade County Circuit Court NEVER addressed E.C.'s best interest beyond a mere citation and mention, **and NEVER determined Father to be an "unfit" parent.** And there can certainly NOT be found ANY "risk of harm" from Father to E.C. with E.C. being forced to go live with natural mother, in a different state, over 300 miles away, against E.C.'s will and Father's Objections.

The Meade County Circuit Court rendered an "OPINION AFFIRMING" and "ORDER" entered on October 27, 2025, based solely on saying the Meade District Court did not abuse its discretion and relying on PROVEN UNSUBSTANTIATED allegations (supra) as well as Father's pending Appeal. The Circuit Court's "OPINION AFFIRMING" / ORDER was PROVEN TO HAVE NEVER BEEN TIMELY SENT TO FATHER, UNTIL JANUARY 13, 2026 (**APPENDIX FIVE, MOTION FOR CR 60.02 RELIEF to CORRECT THE ERROR,** The State of Kentucky's procedural and precedented mechanism for relief for these EXACT circumstances, supra/infra).

Father IMMEDIATELY filed for CR 60.02 Relief when Father's Mother ("Grandmother") found the Meade Circuit Court Clerk lied to her in November 2025 saying Father's "appeal had not been ruled on yet and was still on the judge's desk" (**APPENDIX FIVE,** attached appendices/affidavit). The Circuit Clerk FINALLY sent the "OPINION AFFIRMING" and "ORDER" by the Meade Circuit Court (**APPENDIX FIVE**), where Father received it so late it procedurally barred Discretionary Review (infra)(**APPENDIX ONE**) in the State Court of Last Resort OR TIMELY Review by This Court.

The Meade Circuit Court DENIED Father CR 60.02 relief, which would of consisted of MERELY "REENTERING ON ITS DOCKET" the "Notice of Entry," therefore resetting the time to file for State Discretionary Review AND time to file for a Writ to this United States Supreme Court.

Not to be repetitive, CR 60.02 Relief / Motion To Correct IS THE EXACT PROCEDURAL MECHANISM / CHANNEL FOR RELIEF FOR THESE EXACT SAME CIRCUMSTANCES, when a Notice of Entry is not timely received by a party (JUST AS APPENDIX FIVE CLEARLY POINTED OUT THE LAW AND PRECEDENT to Meade Circuit Court). However, the Meade County Circuit Court insisted on disregarding its own Kentucky precedent and DENIED Father 60.02 relief (APPENDIX FOUR), reasoning that a “Rule of Appellate Procedure” “forecloses” such relief despite ADMITTING it would be “a simple matter” (APPENDIX FOUR, page 3). Likewise, the Circuit Court Judge admitted to impermissible and violative Ex Parte “communications with the Clerk” in which was used to justify denying CR 60.02 Relief (APPENDIX FOUR, page 2, lines 14-15).

Now, Father's Constitutional concerns and protections for Father and E.C. to be Reunited have been “redirected” to fighting for procedural protections in the State Courts, and causing FURTHER DELAY of Father and E.C. being Reunited, approaching FIVE years of a No Contact ORDER remaining in full force. Father immediately filed a Motion to File a Belated Motion For Discretionary Review (APPENDIX TWO) considering the clear circumstances for the “belatedness” which was PROVEN NO FAULT to Father and UNAVOIDABLE. The Kentucky Court of Appeals DENIED Father from Discretionary Review (APPENDIX ONE), SOLELY reasoning “strict rules” and “no legal authority” existing to support a belated motion for discretionary review (APPENDIX ONE, page 2).

Father and E.C. remain completely severed of their familial relationship and long-developed arguably relatively unique stronger bonds, as Father raised E.C. by himself as relatively rare single father. For 10 years upon E.C. being born, E.C. came to Father for EVERY grievance in life and for guidance and emotional, psychological, spiritual, and physical support. Father AND E.C. continuously battle and beg for the government intervention TO STOP and put the No Contact ORDER to AN END. We approach FIVE YEARS of no direct contact solely due to arbitrary government intervention that has NO sufficient COUNTERVAILING INTEREST to OVERRIDE Father's and E.C.'s familial

relationship. This is Cruel and Unusual, especially considering ALL Father has done, even while incarcerated, to better himself and meet and exceed "the Cabinet's" GOALS for ReUnification (GOALS AND CERTIFICATES APPENDED TO APPENDIX SIX). ONLY THIS HONORABLE SUPREME COURT OF THE UNITED STATES IS LEFT FOR HELP AND TO ENSURE FATHER'S AND E.C.'S FEDERAL CONSTITUTIONAL RIGHTS ARE NOT FURTHER VIOLATED.

Arguments Amplifying the Reasons for Allowance of an Extraordinary Writ

1.) The Constitutional issues and "Questions" (supra) presented herein are of great Public Importance, especially concerning State Courts side-stepping Due Process and FAIR Proceedings/Procedures while ex parte implementing "No Contact Orders" between Parents and their Children, and other deceptive means to sever familial bonds while disregarding the State's own protective Statutes guised to be in place and implemented.

2.) "No Contact Orders" and other familial-severing government interventions MUST entail "fair procedures," have an "end date" set, or at a minimum, regular "status" or "update" hearings, ESPECIALLY when "goals" and "reunification measures" are set, and in Petitioner's case, successfully COMPLETED for the family to be ReUnited (in a most-expeditious manner possible), but to no avail.

3.) There CAN BE NO DOUBT, a No Contact Order in full force, and kept in FULL FORCE for OVER FOUR YEARS is more than "severing," and IS UNCONSTITUTIONAL, especially without fair procedures mandated to protect Family's Due Process of the Fourteenth Amendment. Although, there is ZERO LAW or guidance from the U.S Supreme Court pertaining to "No Contact Orders." Instead, as in Father's / Petitioner's case (and Many Father's / Mother's in Kentucky and United States), the State Courts / Government implement most-general No Contact Orders with no end date, to sever a family/Parent from his child. THIS IS UNCONSTITUTIONAL and must be narrowed.

Direct and Concise Arguments Amplifying the Reasons Relied on For Allowance of the Writ :

1.) The State Courts constructively and effectively terminated Father's / Petitioner's Parental Familial rights via an ex parte initiated "No Contact Order" while NEVER having ANY "Termination Proceedings" OR proper assessments of E.C.'s "best interests" anywhere in the Record beyond mere mention. This is a violation of Petitioner's Fourteenth Amendment Due process rights.

a.) Santosky v. Kramer, 455 U.S. 745, 747-748, 102 S.Ct. 1388 (1982) (The court held that before a state could sever completely and irrevocably the rights of parents in their natural child, **due process required** that the state support its allegations by **at least clear and convincing evidence**). "A natural parent's "desire for and right to 'the companionship, care, custody, and management of his or her children'" is an interest far more precious than any property right." Id., at 758-759, citing Lassiter v. Dep't of Soc. Servs., 452 U.S. 18, 27, 101 S.Ct. 2153 (1981) which quotes Stanley v. Illinois, infra, 405 U.S., at 651.

2.) The State's implementation of a No Contact Order on Father and E.C. violated Father's (and E.C.'s) Fourteenth Amendment Due Process protections when NEVER even Discussing or mentioning on ANY Record that Father was "an unfit" parent.

a.) Just as HELD in Troxel v. Granville, 530 U.S. 57, 120 S.Ct. 2054 (2000), the state had an "overly broad statute" that was found to be Unconstitutional. In Father's case now, the State of Kentucky implements "No Contact Orders" to sever Families WITH NO Statutory or procedural protections whatsoever regarding "No Contact Orders." ZERO protecting Statutes or mandated "fair procedures" is more UNCONSTITUTIONAL than enforcing a "broad" statute.

b.) Troxel Held : "The Fourteenth Amendment's Due Process Clause has a substantive component that "provides heightened protection against government interference with certain fundamental rights and liberty interests," citing "Washington v. Glucksberg, 521 U.S. 702, 720,

138 L.Ed.2d 772, 117 S.Ct. 2258,” “including parents' fundamental right to make decisions concerning the care, custody, and control of their children,” citing “Stanley v. Illinois, 405 U.S. 645, 651. Pp. 5-8, 31 L.Ed.2d 551, 92 S.Ct. 1208.”

3.) The State Court gave Father “No Special weight to [Father's] determinations of [his] daughter's best interest” which Father REPEATEDLY asserted (proved) to the Court (supra); and “There is a presumption that fit parents act in their children's best interests; there is NO REASON for the State to inject itself into the private realm of the family to further question fit parents' ability to make the best decisions regarding their children.” Troxel, supra, at 68, 70, and as “HELD.”

a.) Father was NEVER even mentioned to be “unfit” yet a No Contact Order was implemented and in full force STILL TODAY. Father's demands for E.C. to remain with “Grandmother” (OR other readily wanting “fictive kin” -infra) who “the Cabinet” took her from instead of being bounced from stranger to stranger “as a creature” of the State of Kentucky, is and was UNCONSTITUTIONAL and completely HARMED E.C.'s “best interests” as shown by Father, and STILL HARMING HER TODAY (supra).

SEE: Santosky v. Kramer, supra, at fn. 10. This is **NOT** a “fair procedure” (Santosky at 753-54).

4.) The State violated Father's Seventh Amendment right to a jury trial when it conducted a surprise “Adjudication Hearing” without EVER ensuring Father's presence at a Most-Critical stage where father never had Notice OR Opportunity to present evidence or witnesses that would have “a reasonable probability of a different outcome.”

a.) The Surprise “Adjudication Hearing” without Father's presence, where unrefuted “evidence” and “witnesses” were presented and used by the Meade District Court to conclude E.C. was “neglected or abused,” was most Unconstitutional and violative of Father's Seventh Amendment right to jury trial (and Kentucky's Section 7, supra). E.C.'s and Father's

familial rights are “far more precious” than the Seventh Amendment's “\$20” mandate, which incorporates the concept of Due Process of the Fourteenth Amendment. See: SEC v. Jarkesy, 603 U.S. 109, 121 (2024). See Also: MR. JUSTICE BLACK's concurrence, in Adickes v. Kress Company, 398 U.S. 144, 176 (1970): “The right to confront, cross-examine and impeach adverse witnesses . . . most fundamental . . . IN ALL CIVIL CASES.”

5.) E.C.'s “best interests” were never sufficiently assessed in ANY meaningful way by the State Courts on ANY Record beyond mere mention, yet implemented and is keeping enforced a completely-severing and complete Parental Rights Termination via a hand-written / oral “No Contact Order” while side-stepping its OWN STATE STATUTES (infra) concerning terminating parental rights. This is a Fourteenth Amendment Due Process violation AND an Equal Protection of Law violations and SHALL NOT be allowed. “CR 52.01” mandates Kentucky Courts for WRITTEN “findings”/“conclusions.”

a.) As quoted and mandated in Stanley v. Illinois, 405 U.S. 645, 649 (1972), “by denying him a [termination of rights] hearing and extending it to all other parents whose custody of their children is challenged, the State denies the father the equal protection of the laws guaranteed by the Fourteenth Amendment.”

b.) Thus, the State Court of Kentucky has violated Father's and E.C.'s Fourteenth Amendment Due Process rights and protections, and Equal Protection rights, and CANNOT FIND and NEVER DID FIND or determine with “clear and convincing evidence” the complete “Grounds for involuntary termination of parental rights.” Kentucky Revised Statutes § 625.090.

c.) It could NOT BE MORE CLEAR :

“The fundamental liberty interest of natural parents in the care, custody, and management of their child does not evaporate simply because they have not been model parents or have lost temporary custody of their child to the State. Even when blood relationships are strained, parents retain a vital interest in preventing the irretrievable destruction of their family life. If anything, persons faced with forced dissolution of their parental rights have a more critical need for procedural protections than do those resisting state intervention into ongoing family affairs.” (Santosky, supra, at 753-754).

d.) Moreover, merely “providing” “fair procedures” means NOTHING if not implemented by Courts. This would be analogous to leading a dehydrated horse to water to “provide” drink that is readily available in the stream, but denying the horse from drinking, while allowing others.

6.) The State Courts violated Father's Fourteenth Amendment Due Process and Equal Protection rights and First Amendment rights of protected-conduct retaliation by keeping Father and E.C. completely severed via No Contact Order by reason of the protected-conduct of “a pending appeal” (as a MATTER OF RIGHT) where Father is “protected” “to petition the Government for a redress of grievances.”

a.) Kentucky's Constitution Section 115 ALSO mandates Father was constitutionally protected to “at least one appeal to another court.” Father initiated a direct appeal in January 2024, days after his criminal conviction in an unrelated case. The State Courts (Circuit and District) reasoned that because of this “pending appeal” (supra) the “No Contact Order” would remain in FULL FORCE (without ANY repeatedly moved-for striking or amending, despite “meeting all goals of the Cabinet” and “doing more than ReUnification goals recommended” - supra).

b.) Thus, Father (and other similarly-situated Americans and Kentucky Citizens) is forced to cancel or do away with his protected appeal rights in order to move for the UN-severing of familial relationships. “Retaliation” is when government action deprives a person of a Constitutional right due to said person exercising a different protected Constitutional right.

c.) Now, even when Father's direct appeal is finalized, which will be approximately Mid-2027 (supra), Father (AND other citizens) will have to choose to do away with Post-Conviction proceedings, Appeals, and/or Habeas relief in order for the State Courts NOT TO USE said protected-conduct as a “reason” to keep Father and E.C. [families and children] FURTHER completely severed via “No Contact Order.”

This is a “straight forward” violation and UNCONSTITUTIONAL and MUST be addressed and corrected expeditiously.

7.) The State Courts violated Father's Eighth Amendment protections against Cruel And Unusual Punishment by implementing and keeping in full force an over four year old No Contact Order solely due to Father being incarcerated in a criminal action and having a pending appeal in a criminal action.

a.) The State Courts ALSO punished E.C. simultaneously by effectively and constructively and ACTUALLY treating E.C. as “mere creature of the State,” taking her from ALL her family, friends, school, etc. (supra) and shipping her around from Stranger to Stranger called “Foster Homes” across the State of Kentucky, then forced her to leave the entire State to live with another stranger called “Natural Mother” (supra), ALL AGAINST THE rights of Father and E.C. THIS IS CRUEL AND UNUSUAL PUNISHMENT to BOTH Father and E.C., and their Family, all due to Father's incarceration and pending appeal (as of Right). See: Troxel v. Granville, supra, at 65-66, quoting Meyer v. Nebraska, 262 U.S. 390, 399, 401, 67 L.Ed. 1042, 43 S.Ct. 625 (1923), Pierce v. Society of Sisters, 268 U.S. 510, 534-535, 69 L.Ed. 1070, 45 S.Ct. 571 (1925), Prince v. Massachusetts, 321 U.S. 158, 166, 88 L.Ed. 645, 64 S. Ct. 438 (1944), and Stanley, supra, 405 U.S. at 651.

b.) Even Kentucky Reviewing Courts concede, “Termination can be analogized with **capital punishment of the family** unit because it is 'so severe and irreversible.'” W.H.J. v. J.N.W., 669 S.W.3d 52, 54-55 (Ky. Ct. App. 2023) citing Santosky, supra, at 759). And, Kentucky precedent supposedly disfavors “terminating parental rights” for “incarceration alone” and “must be strictly scrutinized.” J.H. v. Cabinet for Human Resources, 704 S.W.2d 661, 663 (Ky. Ct. App. 1985).

8.) The State Courts violated Father's Fourteenth Amendment “minimal” Due Process rights to Notice and Opportunity and Equal protection of law, and, First Amendment right “to petition the Government for a redress of grievances,” by DENYING Father State-Procedural mechanisms of relief (“Belated” Discretionary Review DENIED, supra) though NEVER timely sending Notice of Entry / Order (supra). Kurtsinger v. Bd. of Trs. of Ky. Ret. Sys., 90 S.W.3d 454, 456-457 (Ky. 2002)(guiding CR 60.02 case).

9.) The Meade District Court violated Father's Fourteenth Amendment Due Process rights by NEVER Noticing or giving Father (CLEARLY A "PARTY" TO THE CASE) Opportunity to **PERSONALLY** attend the "critical stage" of "Adjudication Hearing" on May 7, 2024, for the "Placement" of his own Daughter, E.C., where NEITHER Father OR E.C. was made present or ever noticed of the Hearing.

a.) The Meade District Court's violation is analogous to In re Gault, 387 U.S. 1, 87 S.Ct. 1428 (1967) and Armstrong v. Manzo, 380 U.S. 545, 550 (1965) (It was found Constitutional violation of Due Process when father was not noticed by the Court) :

"At a minimum, the Due Process Clause requires that deprivation of life, liberty, or property **by adjudication** be preceded by notice and opportunity for hearing appropriate to the nature of the case. An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections."

SEE ALSO: Mullane v. Central Hanover Bank, 339 U.S. 306 (1950); Grannis v. Ordean, 234 U.S. 385.

10.) The Meade District Court ("State Court") violated Father's (a single, male, openly Christian-religion, father) (and E.C.'s) Fourteenth Amendment "Due Process" rights and "Equal Protections of the Laws," when it NEVER implemented a No Contact Order or held any "hearings" whatsoever as to Father's CoDefendant Kayla Irwin and her Daughter (R.I.).

a.) Kayla was arrested while with Petitioner and charged with identical charges as Petitioner on January 12, 2022. In fact, Kayla had more forensics done by law enforcement and there was far more inculpatory evidence against her (inculpatory hand-castings, cell phone ping analysis, PROVEN negligence, etc.). Yet, Kayla had full access and communications and visits with R.I. the entirety of the two years pending trial in the State Court, and while incarcerated at the same jail as Petitioner for the same charges and circumstances, with NEVER a "custody" proceeding.

b.) Father / Petitioner had / has the SAME State and Federal Constitutional Familial Due Process rights. While "absolute equality" may not be required, "A state can, consistently with the Fourteenth Amendment, provide for differences so long as the result **does not amount to a denial of due process or an invidious discrimination.** Ross v. Moffitt, 417 U.S. 600, 609 (1974).

11.) The State violated Father's Fourteenth Amendment Due Process rights and "Fair Procedures" when it knowingly-cited PROVEN UNSUBSTANTIATED / FALSE "facts" of "abuse or neglect" to implement a No Contact Order, and, to keep it fully-enforced without amending the No Contact Order.

a.) "A [adverse action] obtained through use of false evidence, known to be such by representatives of the State [a Judge], must fall under the Fourteenth Amendment."

Napue v. Illinois, 360 U.S. 264, 269, 79 S.Ct. 1173, 3 L.Ed.2d 1217 (1959).

12.) The State Court (Meade District Court) violated Father's (and E.C.'s) Fourteenth Amendment guarantees of "Fair Procedures," Due Process and Equal Protection of the Laws, when it TOOK E.C. from her family for "TEMPORARY PLACEMENT" that lasted OVER TWO YEARS, while E.C. drifted from Foster home to Foster home (Strangers to Strangers) with No "Adjudication Hearing" until OVER TWO YEARS LATER.

a.) Cabinet for Health & Family Servs. v. K.S., 610 S.W.3d 205, 211-213 (Ky. October 29, 2020) (Due Process and Fair Procedures "protected" in Kentucky, State and Federal).

b.) KRS 620.090(5) explicitly states:

"The child shall remain in temporary custody with the cabinet for a period of time not to exceed forty-five (45) days from the date of the removal from his home. The court shall conduct the adjudicatory hearing and shall make a final disposition within forty-five (45) days of the removal of the child. The court may extend such time after making written findings establishing the need for the extension and after finding that the extension is in the child's best interest."

c.) TWO YEARS AFTER "REMOVAL" is not within "forty five days" AND NO "WRITTEN FINDINGS" are ANYWHERE IN THE RECORD for "extension" PAST TWO YEARS, AND, E.C.'S "BEST INTERESTS" WERE NEVER "FOUND" via ANY "WRITTEN FINDINGS."

13.) The State Court violated Father's (and E.C.'s) Due Process rights and guarantees and Equal Protection of the Fourteenth Amendment when it TOOK E.C. from her Grandmother's house and "placed" her with Strangers called Foster Homes, WHILE NEVER CONTACTING ANY "fictive kin" or "immediate family members" to place her with, ALL OF WHICH were persistently contacting "the Cabinet" to get E.C.

a.) KRS 620.090(2) explicitly states:

“In placing a child under an order of temporary custody, the cabinet or its designee shall use the least restrictive appropriate placement available. Preference shall be given to available and qualified relatives of the child considering the wishes of the parent or other person exercising custodial control or supervision.”

b.) KRS § 600.020(28) : “**Fictive kin**” means an individual who is not related by birth, adoption, or marriage to a child, but who has an emotionally significant relationship with the child, or an emotionally significant relationship with a biological parent.”

c.) KRS § 610.125(1)(d) : “The Court **SHALL** . . . Ask the child about the desired permanency outcome; and Make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency goal for the child and provide compelling reasons why it continues to not be in the best interest of the child to return home, be placed for adoption, be placed with a legal guardian, or be placed with a fit and willing relative or fictive kin.”

14.) The State Courts violated Father's (and E.C.'s) Fourteenth Amendment Due Process protections and Eighth Amendment protections against cruel and unusual treatment, when Father ~~PROVED~~ E.C.'s “best interest” had been failed and that E.C. was ACTUALLY IN AND IS IN HARM (suicidal, cutting herself, inpatient facilities, troubles at school, etc., supra) due to being completely severed from her Father for so long, however completely IGNORED by the Courts. APPENDIX THREE.

This has never been directly addressed by the United States Supreme Court.

15.) The State Courts explicitly violated the “Supremacy Clause” by completely ignoring EVERY citation and argument of Federal Law and U.S. Constitution that Father unambiguously presented in Motions and Appeals (supra).

a.) Armstrong v. Exceptional Child Ctr., Inc., 575 U.S. 320, 324-326, 135 S.Ct. 1378 (2015).

16.) The State Courts ignored their OWN “temporary custody” and child-related Statutes (supra), Constitutional provisions and precedent (explicitly cited to the Courts at APPENDIX SIX, pages 3, 9, 10, 11, 14, 16, 17-18, and 20) utterly violating Petitioner's Due Process and Equal Protection of Laws guaranteed by the Fourteenth Amendment of the U.S. Constitution.

17.) Father's "appointed counsel" who "he had never met" (supra) provided ineffective assistance of counsel, throughout Termination / Placement proceedings AND "Critical Stages" in the Meade District Court, and causing Father to miss OVER 14 Hearings and the most "critical stage" "Adjudication Hearing," amounting to a Fourteenth Amendment violation of Due Process when the State mandates Sixth Amendment protections, which is a violation under the two prongs of Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052 (1984), and, "presumed prejudice" under United States v. Cronin, 466 U.S. 648, 104 S.Ct. 2039 (1984).

a.) Although addressed to the State Courts via "Appeal" and "Motions" (supra), this Constitutional violation was completely disregarded, ignored, and NEVER assessed by the State Courts.

18.) Father's Due Process Parental protections of the Fourteenth Amendment were violated when the government and/or its entities forced E.C. into medical decisions against Father's / E.C.'s demands (supra), and forced E.C. to relinquish her religion and practices, and encouraging sexual identification transitioning. Meyer v. Nebraska, 262 U.S. 390, 43 S.Ct. 625 (1923) – medical mental health decision Parental rights; Wisconsin v. Yoder, 406 U.S. 205, 92 S.Ct. 1526 (1972) – medical mental health religious development; Mahmoud v. Taylor, 606 U.S. 522, 145 S.Ct. 2332 (2025) – religion / mental health Parental rights; Addington v. Texas, 441 U.S. 418, 99 S.Ct. 1804 (1979).

CONCLUSION AND RELIEF SOUGHT

Accordingly, In Light of ALL the above, Petitioner/Father respectfully requests this Honorable Court to GRANT a WRIT of Prohibition Ordering the State Courts to Strike (or amend for at least supervised communications) the UNCONSTITUTIONAL over Four-Years Old "No Contact Order," and/or Mandamus to hold FAIR Proceedings with Notice and Opportunity especially when implementing family-severing No Contact Orders, and, ANY and ALL other Relief the Court sees fit.

Respectfully Submitted,

Daniel Clemans ("D.C.") ("Father" fighting for his and his daughter E.C.'s relationship back)

Daniel Clemans