



FACT SHEET ***Kutil v. Blake***

ABOUT Kutil v. Blake

The mother of an 11-month-old child (now 15 months old) had her parental rights terminated due to substance abuse problems. Because the whereabouts of the father were unknown, his parental rights were terminated as well, and the West Virginia Department of Health and Human Resources temporarily placed the child with a same-sex female couple. The couple now wants to adopt the child and claims that their desire is more important than the department's effort to place the child in a family with a mother and father as the law requires.

CURRENT STATUS OF Kutil v. Blake AS OF 3/10/09

In November 2008, a Fayette County Circuit Court judge found that it was in the child's best interests for the child to be placed in a home with a mother and a father. The same-sex couple subsequently appealed to the West Virginia Supreme Court of Appeals, which ordered the child to remain with the same-sex couple pending the March 11 hearing and its subsequent decision.

FOCUS OF HEARING – WHAT IS AT STAKE?

Numerous studies document that children do best when they are raised in homes with a father and a mother. West Virginia law acknowledges this. An adverse decision in this case could not only force foster children to be placed in less than optimal home environments, but also undermine the state's Defense of Marriage Act.

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ABOUT ADF

ADF is a legal alliance of Christian attorneys and like-minded organizations defending the right of people to freely live out their faith. Launched in 1994, ADF employs a unique combination of [strategy, training, funding, and litigation](#) to protect and preserve religious liberty, the sanctity of life, marriage, and the family.

ABOUT Byron Babione

Byron Babione serves as senior legal counsel with the Alliance Defense Fund at its Team Resource Center in Scottsdale, Arizona, where he litigates as a member of the Marriage Litigation Center. Babione is a member of the bar in the states of Virginia, New York, and Arizona, and he is also admitted to the U.S. District Courts for the Eastern District of Virginia, the Northern and Western Districts of New York, the Eastern District of Michigan, the District of Arizona, and the U.S. Court of Appeals for the Second, Fourth, Sixth, Ninth, and Tenth Circuits. Babione has practiced law since 1993, and is a graduate of the Regent University School of Law. He joined ADF in 2004.