



FACT SHEET

Maniaci v. Kulstad

“The fundamental rights of parents to raise children the way they see fit should not be threatened by the wishes and desires of a legal stranger.”

ABOUT Maniaci v. Kulstad

Dr. Barbara Maniaci of Clinton, Mont., adopted two children, paid for the cost of the adoptions, nurtured the children, and supported them. She has always been their mother. Dr. Maniaci, who is now married, fears losing her two children to her former live-in girlfriend, who has no legal or biological connection to either child.

CURRENT STATUS OF Maniaci v. Kulstad AS OF 4/16/09

In 2008, despite clear Montana law protecting parents’ rights, and against Dr. Maniaci’s wishes, a judge awarded parental rights to Dr. Maniaci’s former partner, Michelle Kulstad, who is represented by the American Civil Liberties Union. ADF attorneys appealed that decision. Because of the court order, Kulstad continues, against the wishes of Dr. Maniaci, to interfere in various aspects of the children’s lives, including their schooling, medical care, and church activities.

FOCUS OF HEARING – WHAT IS AT STAKE?

The fundamental constitutional right in Montana of a fit natural parent to hold the ultimate decision-making power over who has access to his or her children will be either upheld or struck down. Children are not the property of the state, but they are treated as such when courts elect to give third parties access to children over the objections of a fit natural parent. The fundamental rights of parents to raise children the way they see fit should not be threatened by the wishes and desires of a legal stranger. The statute under which Ms. Kulstad was awarded visitation and parental rights, as erroneously interpreted by the trial judge, would give similar rights to babysitters or daycare workers merely for having a relationship with and/or temporarily caring for someone else’s children. That this case involves a dissolved same-sex relationship is irrelevant. Had Kulstad been a man making the same demands, the ADF legal arguments in favor of fundamental parental rights would be identical. Inventing a “right” of access to someone else’s children necessarily eliminates the fundamental and constitutionally mandated rights of fit natural parents under Montana law.

CONTACT

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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 Austin R. Nimocks

Austin R. Nimocks is senior legal counsel with the Alliance Defense Fund. Before joining the organization in 2007, Austin served more than 10 years in private practice, most recently at Austin R. Nimocks & Associates, P.L.L.C., in Biloxi, Miss. Nimocks earned his J.D. from the Baylor University School of Law in Waco, Texas.