

Custody battle near resolution

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Court: Utah case sent to Colorado to determine custody

By Whitney Jones

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A Los Alamos's father's four-year custody battle could reach resolution later this spring.

"It's so exciting because we're at a point where we're getting somewhere," Robert Manzanares said. "The finish line is in sight — there will be a determination."

Manzanares has been fighting for custody of his daughter after the girl's mother, Carie Terry, fled to Utah in 2008, gave birth to the girl and put her up for adoption, according to court documents. Meanwhile, Manzanares testified he had no knowledge of Terry's actions and was under the impression she would return from visiting her ailing father in Utah.

Earlier this year, the Utah Supreme Court rendered an opinion stating that Manzanares did, in fact, have parental rights to his daughter and remanded the case back to a lower court, where he would have to fight the adoption separately.

But last week, a Salt Lake City District Court judge dismissed that adoption — which had not been finalized — because the higher court's ruling essentially put Manzanares's name on the birth certificate and rejected Terry's parental rights.

Manzanares said a child cannot be put up for adoption without the consent of the father.

"She can't be adopted right now without my consent," he said. "I never have and never will I."

That means that the case will head to Colorado, where Manzanares initially filed for custody.

That court will determine if he met the requirements for establishing his parental rights in the state. Until then, Manzanares said he's going to file for temporary custody of his daughter.

Utah-based attorney Larry Jenkins represented Brandon and Julissa Byington — the adoptive parents — in the Utah adoption case. He said his clients asked him not to comment on the case, but said that the Byingtons agreed to have the custody case sent over to Colorado.

"We just need to have things wrapped up in this end," he said. "It is what it is."

Manzanares said during the April 27 hearing in Colorado, the adoptive parents will likely try to prove that he is an unfit father, but remained hopeful, stating that he has done everything possible to show otherwise, since he learned of his daughter's birth.

"I just want my daughter to be returned to me and I want this to be over with," he said.

And it appears that could happen sooner than initially anticipated. Manzanares had first told the Los Alamos Monitor that he expected the custody battle to last into the fall.

But now, he said the judge hearing the case in Colorado will expedite it.

"I believe in my heart that this is going to go really fast," Manzanares said.

He said there will likely be ruling in the case by the end of May.

Manzanares said he can't wait to bring his daughter home to Los Alamos "where she can flourish and be with her family."



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Robert Manzanares, Los Alamos, has been fighting for the right to parent his daughter since 2008. Manzanares now awaits a decision from a Colorado district court, which will determine if he met all the requirements for that right.