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See Okla.Sup.Ct.R. 1.200 before citing.

IN THE COURT OF CIVIL APPEALS OF THE STATE OF OKLAHOMA

DIVISION II

IN THE MATTER OF THE ADOPTION)
OF L.R.L., a minor child:)

KAYLYN MAE JORDAN,)

Appellant,)

vs.)

JEDIDIAH LESLEY and BRITTANI)
LESLEY,)

Appellees.)

FILED
COURT OF CIVIL APPEALS
STATE OF OKLAHOMA

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APPEAL FROM THE DISTRICT COURT OF
BRYAN COUNTY, OKLAHOMA

HONORABLE ABBY ROGERS, TRIAL JUDGE

AFFIRMED

Chris D. Jones
JONES LAW, PC
Durant, Oklahoma

For Appellant

Ellen Quinton
McAlester, Oklahoma

For Appellees

Morgen Potts
POTTS LAW FIRM, PLLC
Atoka, Oklahoma

For Minor Child L.R.L.

OPINION BY JOHN F. FISCHER, JUDGE:

In this stepparent adoption proceeding, Kaylyn Mae Jordan (Mother) appeals from the district court's entry of a final decree of adoption of minor child LRL by Brittani Lesley (Stepmother). Mother claims that the district court lacked proper venue to enter its decree. Mother also claims that the district court erred in finding that she failed to maintain a substantial and positive relationship with LRL in twelve consecutive months of the fourteen months preceding the filing of the adoption such that her consent to adoption was unnecessary.

The record establishes that the District Court of Bryan County was a proper venue for instituting the adoption of LRL without Mother's consent. The district court's determinations related to the adoption are supported in the record by the requisite clear and convincing evidence and, therefore, we affirm.

BACKGROUND

LRL was born in July of 2014 to Mother and Father as unwed parents. A paternity action was filed in March 2015, and initially the parties were awarded joint custody. Father was named primary custodian and Mother was awarded visitation. Father began dating Stepmother when LRL was four years of age, and Father married Stepmother on May 22, 2019. LRL lived with Father and Stepmother full time during this time frame. Father and Stepmother likewise welcomed Mother's eldest child, TJ, into their home from 2018 through early

2020,¹ until Mother moved to Arizona and took TJ with her. On June 2, 2021, Mother and Father entered into an agreed order awarding sole custody of LRL to Father, while Mother was awarded visitation with LRL every other weekend from Friday at 4:00 p.m. until Sunday at 4:00 p.m. Mother was also granted additional visitation for any day that school was not in session that was contiguous with her weekend visits.

On April 4, 2023, when LRL was nine years of age, Father and Stepmother filed their Petition for Adoption of Child by Stepmother Without Consent of Natural Mother. They alleged in their petition that Father had maintained physical custody of LRL since February 21, 2017, and that Mother had failed to maintain a substantial and positive relationship with LRL for a period of twelve consecutive months out of the last fourteen months immediately preceding the filing of their petition.² Therefore, citing 10 O.S.2021 § 7505-4.2(H)(1), Father and Stepmother asserted that Mother's consent to adoption was not required. Mother filed an answer denying that Father and Stepmother were entitled to pursue adoption without consent, prompting the district court's appointment of an attorney for LRL pursuant to 10 O.S.2021 § 7505-1.2.

¹ Father has no biological relationship to TJ.

² Father and Stepmother also alleged that Mother's consent to the adoption was not required pursuant to 10 O.S.2021 § 7505-4.2(B) because Mother had failed, refused, or neglected to contribute to LRL's support. However, the district court did not determine LRL eligible for adoption without consent under that authority, and no party has appealed that determination.

A. The Consent Hearing

A hearing on the application to determine LRL eligible for adoption without Mother's consent was held on October 25, 2023. Father, Stepmother, and Mother were the witnesses who testified. The parties agreed that for purposes of the consent hearing the statutory period for the district court to consider was February 4, 2022, to April 4, 2023.

Stepmother testified that she kept a calendar of phone calls and visits between Mother and LRL for calendar years 2022 and 2023, and that Mother exercised two weekend visitations (on May 27-28 and July 22-23) in the 2022 calendar year and came to two football games (on September 17 and October 1). Stepmother testified that in 2023 Mother did not exercise any of her visitation periods until after she was served with the petition for adoption. The 2022 and 2023 calendars supporting Stepmother's testimony were entered into the record as exhibits without objection.

Stepmother also testified that during a post-filing visitation over the 2023 Memorial Day holiday, LRL stayed with Mother and Mother's then-boyfriend, who were living in a camper in the boyfriend's sister's front yard. Stepmother had to send a backpack of clothes with LRL for the visit, and LRL slept on an air mattress on the camper's living room floor. Stepmother testified that LRL was not allowed to wear the clothes sent with him in his backpack, which Mother instead

kept for TJ, and that LRL was sent home in size 4T clothing that belonged to one of Mother's younger children.

Stepmother testified that since she began dating Father, Mother's efforts to see LRL had been minimal. Mother did not provide shoes or clothing for LRL, did not contribute toward his school lunches, did not take him to the doctor, and did not attend any parent-teacher conferences or Individualized Education Plan (IEP) meetings at LRL's school. Stepmother expressed doubt that Mother was even familiar with the details of LRL's IEP. She testified that she and Father were the parents who performed the parental duties for the benefit of LRL. Stepmother testified that Mother always had their telephone numbers, but that on occasion Mother would obtain a new telephone number, would refuse to share her contact information with her or Father, and would block them on social media.

Because he was present in the courtroom during Stepmother's testimony, Father affirmed on the stand that the testimony offered by Stepmother was accurate. Father further testified that the last time LRL was in Mother's care he fell off his bicycle and sustained a laceration near his eyebrow. Father asked Mother to take him to the doctor because it appeared to him that LRL needed stitches. Mother refused, and instead put a Band-Aid on the wound. When LRL was returned to Father's custody, Father took him to the doctor and was told LRL

should have been provided stitches, and that a hematoma was present and the wound would leave a large scar.

Mother testified that she believed she had a “pretty good relationship” with LRL; that he was excited to come to her house, where he had his own clothes and could play with his own toys and play with his other siblings. Mother testified that LRL had close relationships with his siblings, but especially with TJ since TJ lived with Father and Stepmother for a time. Mother testified that LRL played football, and that she had been to a couple of practices and a couple of games.

Regarding the bicycle accident, Mother testified that LRL fell off the bike and hit his head on a rock. She cleaned the wound with hot, soapy water, patted it dry, and placed a “closed bandage” on the wound. Mother testified that she has worked in medical settings since seventeen years of age and was not concerned with any concussion or the need for any additional medical care.³

Mother testified that her visitation with LRL in 2022 was “minimal” because she was not local to him while living that year in Henryetta. During her direct examination Mother disputed that the 2022 calendar (showing only two weekend visits in 2022 with LRL) and the 2023 calendar (showing no visits before the filing of the petition) were accurate. Mother testified she had more visitations with LRL

³ Mother admitted, however, that she has no medical certifications and has never held a job as a medical professional.

than Father and Stepmother were aware. She testified Father and Stepmother were not always around when LRL was visiting other family, which presented additional opportunities for Mother to see LRL. Mother testified that at times when she and Father were not getting along, the only way she was able to see LRL was when he was in the care of other family members. Mother testified that she had never gone more than a full month without seeing LRL, unless it was a time when she was living in Arizona, which she believed was in 2020 or 2021.

But under cross-examination, Mother admitted that the 2022 calendar, reflecting four visitation days with LRL, and the 2023 calendar, reflecting no visitation prior to the filing of the petition for adoption, were accurate. She maintained that during these time periods she had more frequent phone calls than the calendars reflected. She admitted that she had no other witnesses who were present who could offer additional testimony to support her claim that she had more visits with LRL in 2022 and 2023 than what the calendars reflected. Mother likewise admitted that she had moved several times – as many as six – from 2020 to 2023.

The district court entered its order determining LRL eligible for adoption without Mother's consent on January 5, 2024.⁴ The court found by clear and

⁴ The district court entered an "Amended Order Determining Minor Child Eligible For Adoption Without Consent of Biological Mother" on March 27, 2024; however, both orders are

convincing evidence that, for a period of twelve consecutive months out of the previous fourteen months immediately preceding the filing of the petition for adoption, Mother failed to establish or maintain a substantial and positive relationship with LRL. The district court found that Mother did not engage in frequent and regular contact with LRL through frequent and regular visitation or communication and had not exercised parental rights and responsibilities, exercising only two weekend visitation periods and attending two football games. The court also found that Mother did not attend school meetings or participate in LRL's medical care. The district court concluded that LRL's best interests would be served by adjudicating him eligible for adoption without Mother's consent. Mother did not appeal the Consent Hearing Order.⁵

B. The Hearing on Adoption

The hearing on the petition to adopt took place on May 21, 2024. Mother, Father, Stepmother, and Deborah Cook (Mother's mother) were called as witnesses.

identical in form and substance. Consequently, both orders will collectively be referred to as the Consent Hearing Order.

⁵ “[A] hearing on eligibility for an adoption without consent is not a termination proceeding.” *In re Adoption of G.D.J.*, 2011 OK 77, ¶ 38, 261 P.3d 1159, 1169. “The failure of a parent to appeal from an order declaring a child eligible for adoption without consent of the parent which does not terminate parental rights shall not preclude such parent from asserting error in the order after the final decree is rendered.” 10 O.S.2021 § 7505-4.1(I)(1)(b).

Mother testified that she did not believe it was in LRL's best interests that her parental rights be terminated. She testified that she has always been there for LRL when she can, that she "shows up for things even when [she's] just not told about them," and that she has always made sure LRL knows that she loves him. Mother testified that she did not know what kind of activities LRL was involved in because Father and Stepmother did not provide her with that information. She testified that if she had known about his games or activities, she would have attended all the games and practices that she could have attended. She was made aware of one football game from LRL's grandfather, who gave her information about the date and time for one of his football games. She testified that LRL was very close to TJ, whom he had not seen or spoken to since shortly after the petition for adoption was filed. She testified it was her belief that if her parental rights to LRL were to be terminated, "it would destroy him."

On cross-examination Mother admitted that although she was granted 50-50 custody of LRL at one point in time, she never exercised that custody arrangement, but rather had weekend visitations. She admitted that between herself and her fiancé they have eight children and were living in a two-bedroom mobile home, and yet "every kid has their own bed, every kid has their own room." Mother admitted that the best thing for her child was consistency and stability. And she

admitted that she was not providing consistency and stability in the months leading up to the filing of the petition for adoption.

Ms. Cook testified that LRL and his siblings on his mother's side, including TJ, had close relationships. That they would come to her house to fish, shoot BB guns, and play outside together. She testified that LRL was an integral part of their family, and that to sever the relationship they had with LRL would devastate LRL, his siblings, and the rest of their family. She admitted that during a time Mother lived with her in 2021 or 2022 she would see LRL when Father and Stepmother "let them" have LRL for Mother's alternating weekends.

Stepmother testified that for years leading up to the filing of the petition for adoption there were numerous weekends where Mother failed to exercise her periods of alternating weekend visitations. Stepmother testified to text messages between herself and Mother, during a time when Father and Stepmother were caring for both LRL and TJ, that Mother had not seen either of her children in weeks.⁶ Stepmother testified about the existence of text messages where Mother

⁶ One such exchange was as follows:

Stepmother: Okay. So are you not getting the boys [LRL and TJ] this weekend, once again?

Mother: Pretty much. I got called in to work for tomorrow on top of not having a car.

Stepmother: Okay. It seems like there's been a lot of excuses lately.

Mother: Yes, it sucks, but it's not like I'm trying [sic].

Stepmother: Last weekend you were too busy getting your tongue pierced and riding four-wheelers with random guys. You've admitted more than once that you've been hanging out with

admitted to staying with friends or with men she had met because she had nowhere else to go. Mother also admitted she could stay at her mother's house, she just chose not to. Stepmother testified that there were many times she or Father would ask Mother for her address, but Mother would refuse to provide it. Stepmother testified that Mother once told LRL that she fights for TJ because TJ was "more special than he was." Stepmother testified that she is the only mother figure LRL has ever known, and that it would not be in LRL's best interests to deny her request to adopt LRL because there is no consistency with Mother and LRL has never had a true relationship with her. Stepmother testified that Father is a wonderful father to LRL. As a family, they go to football games, take vacations on cruise ships, go to the waterpark, use their Six Flags passes, go to the zoo, and do other things as a family that prioritize LRL and his paternal siblings.

Father testified that Mother's visitation schedule with LRL was changed from 50-50 custody to alternating weekends to accommodate Mother, but that Mother did not fully meet that schedule most of the time. Father testified that Mother always had different excuses for failing to exercise her alternating weekend visitations with LRL; she had work, "or something went wrong somewhere" so she

random guys to avoid going home. You drive right through Colbert every day, yet you have not seen your kids since February 8th. You have every other weekend ordered. We hold everything down for the full two weeks, to your two days, and you cannot even follow through for them."

Mother: I'm very aware of how long it's been since I haven't seen them, I'm working on a car and my house.

“just couldn’t see him.” Father testified there were times he appeared with LRL to exchange physical custody and Mother would fail to show up. Father testified that this broke LRL’s heart and he would remain upset for the weekend. Father testified that “eventually . . . you get tired of trying to . . . encourage that relationship, because you get tired of seeing your son get hurt.” Father testified he believed it was in LRL’s best interests that Mother’s parental rights be terminated and that Stepmother’s request to adopt him be granted. Father testified that he would still like to nurture the relationship between LRL and TJ.

After testimony concluded, counsel for LRL made her closing argument. She pointed out to the court: “Your Honor, we had a hearing in this case back in October. And the findings of that hearing was [sic] that mother had failed to maintain a substantial and loving relationship with her child. We can’t change that finding today. And the best thing for this child is going to be stability and consistency.” LRL’s counsel emphasized that she met with LRL on more than one occasion, and not once did she ever get the notion he was being influenced, but that he requested the adoption be granted because he loved his Stepmother. And that his “biggest concerns for this adoption were, in fact, his relationship with his brother, TJ. Not his mother, his relationship with his brother.”

C. The District Court's Ruling

The district court determined at the conclusion of the hearing on adoption that it was in LRL's best interests for the petition for adoption to be granted. The district court entered its Decree of Adoption, Waiving Interlocutory Decree and Waiting Period on June 3, 2024. In it the court made the following pertinent findings: (1) it had jurisdiction to enter a custody order pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act, 43 O.S. §§ 551-101 *et. seq.*; (2) at the time of filing, Father, Stepmother and LRL were good faith residents of Bryan County; (3) it was in the best interests of LRL that he be adopted by Petitioner Brittani Lesley; and (4) the exclusive care, custody, education, and control of LRL should be vested exclusively in Jedidiah Lesley and Brittani Lesley.

Mother appeals.

ISSUES PRESERVED FOR APPELLATE REVIEW

Mother's petition in error identifies seven propositions of error: (1) the district court lacked jurisdiction over the parties; (2) there was insufficient evidence to approve adoption without consent; (3) the district court erred in denying Mother's admission of evidence or in allowing the admission of Father's evidence; (4) Mother's due process rights were violated regarding proper notice of portions of the proceedings; (5) there was insufficient evidence to order

disposition, adjudication, or to terminate Mother's parental rights; (6) adoption without consent was not in LRL's best interests; and (7) the trial court failed to conduct a hearing on the best interests of the child.

However, Mother's brief in chief raises only two propositions of error: (1) it was fundamental error for the District Court of Bryan County to exercise venue when Stepmother and LRL resided in Texas three months prior to the filing of the petition for adoption and (2) the district court erred in finding Mother failed to maintain a substantial relationship with LRL for twelve consecutive months out of the previous fourteen months immediately preceding the filing of the petition for adoption.⁷ The first of these two propositions of error was not made at the district court level. However, Mother argues in her appellate briefing that the error involved is fundamental and is reviewable in the absence of any district court record of the issue's preservation. Our review is limited to the propositions of error Mother has briefed and supported with citations to authority. *See Okla. Sup. Ct. R. 1.11(k)(1), 12 O.S.2021 ch. 15, app. 1* ("Issues raised in the Petition in Error but omitted from the brief may be deemed waived.").

⁷ A petition in error is "deemed amended to include errors set forth in the propositions in the brief-in-chief, provided that in no event may the appeal be broader in scope than allowed by Rule 1.26(a)." Okla. Sup. Ct. R. 1.26(b). *See also Jackson v. Okla. Mem'l. Hosp.*, 1995 OK 112, ¶ 5, 909 P.2d 765, 768. Assignments of error raised in the petition in error which are not "argued or supported in the brief with citations of authority are treated as waived." *In re Adoption of M.J.S.*, 2007 OK 43, n.12, 162 P.3d 200.

STANDARD OF REVIEW

Challenges to venue raise an issue of law governed by the de novo standard of review. *Lee v. Bates*, 2005 OK 89, ¶ 4, 130 P.3d 226, 228. This requires the exercise of “plenary, independent and non-deferential authority.” *Id.* See also *Frye v. Johnson*, 2025 OK CIV APP 21, ¶ 4, 574 P.3d 958, 960.

“The standard of proof necessary to establish any of the grounds to permit adoption without consent, or for termination of parental rights, is clear and convincing evidence.” *In re Adoption of A.J.B.*, 2023 OK 122, ¶ 9, 540 P.3d 473, 477 (citing *Steltzlen v. Fritz*, 2006 OK 20, ¶ 12, 134 P.3d 141, 145). “Clear and convincing evidence is that measure or degree of proof which will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegation sought to be established.” *Id.* (citing *Matter of Adoption of M.A.S.*, 2018 OK 1, ¶ 11, 419 P.3d 204, 208).

In actions of equitable cognizance, such as this adoption proceeding, there is a presumption in favor of the trial court’s findings. *Id.* (citing *Steltzlen v. Fritz*, 2006 OK 20, ¶ 20, 134 P.3d at 146-47). The trial court’s findings will not be disturbed on appeal “unless they are clearly contrary to the weight of the evidence.” *Id.* The appellate court “must canvass the record to determine whether the evidence is such that a factfinder could reasonably form a firm belief or conviction that the grounds for termination were proven.” *In re Adoption of*

K.P.M.A., 2014 OK 85, ¶ 13, 341 P.3d 38, 43. And, “unless the trial court’s determination rests on clear and convincing evidence, that determination will be reversed.” *In re Adoption of M.A.S.*, 2018 OK 1, ¶ 12, 419 P.3d 204, 209.

ANALYSIS

I. Venue

The Oklahoma Adoption Code’s provision on venue is set forth at 10 O.S.2021 § 7502-1.2:

Proceedings for adoption shall be brought in the district court in the county where the petitioners or the child to be adopted resides, in Tulsa County or in Oklahoma County, or where termination proceedings took place, at the election of petitioners.

Id. “Residence” is not a technical term but has a commonly understood meaning. It is “a place where one’s habitation is fixed without the present purpose of removing therefrom.” *Jones v. Burkett*, 1959 OK 221, ¶ 0, 346 P.2d 338 (Syllabus 2). It is a “settled or fixed abode of a character indicating permanency, at least for an indefinite time” and “signifies a party’s permanent home and principal establishment.” *Id.*

Questions of venue and jurisdiction are not the same. Venue may be waived, but jurisdiction may not. *See, e.g., Osburn v. Okla. Dep’t of Corr.*, 2013 OK 89, ¶ 10, 313 P.3d 926, 929 (citing 12 O.S.2021 § 2012(F)) (the defense of improper venue is waived if omitted from a pre-answer motion or not included in a responsive pleading); *City of Cleveland v. Cheatham*, 1955 OK 171, ¶ 7, 285 P.2d

205, 207 (A defendant's submission to the jurisdiction of the court does not change the proper venue, but merely waives "that defendant's personal right to demand a trial of the case in the county where the venue is fixed by statute.")).

Father and Stepmother as petitioners elected to bring their action in the county where they resided with LRL, in Bryan County, as alleged in paragraphs 1 and 3 of their petition for adoption. Mother's answer, at paragraph 2, admitted the allegations of paragraphs 1 and 3 of the petition. Parties are bound by the allegations and admissions made in their pleadings, unless the same are withdrawn or changed by amendment. *Wat Henry Pontiac, Inc. v. Pitcock*, 1956 OK 230, ¶ 9, 301 P.2d 203, 206. Mother's answer, which admitted venue, waived any alleged or perceived lack of venue, and Mother's assertion to the contrary for the first time on appeal is untimely. *Franklin v. Margay Oil Corp.*, 1944 OK 316, ¶ 40, 153 P.2d 486, 496 (citations omitted) (where venue is laid in the wrong county, a court having proper jurisdiction may render judgment provided the defendant does not object or make timely application to change venue).

Even if it had been timely raised, there is ample evidence to support venue lying in Bryan County. Stepmother testified at the Consent Hearing on October 25, 2023, that she considered her residence to be in Mead, Oklahoma, where they owned fifty-five acres of land, but that since her grandfather passed away in January, they were spending Monday through Thursday at her grandmother's home

in Denison, Texas.⁸ Stepmother testified that Bryan County is her permanent residence, that it is their intention to return to Mead “full time,” and that she does not have a Texas driver’s license or any other evidence suggesting or indicating a residence in Texas. Stepmother testified that LRL attended school in Denison, Texas on an IEP, but had been doing so since first grade even when they were living in Colbert, Oklahoma. Both Mead and Colbert are located within Bryan County. Father’s testimony was consistent with Stepmother’s testimony.

The District Court of Bryan County was a proper venue for the pursuit of this action.

II. Failure to Maintain a Substantial Relationship

“The law presumes that consent of a child’s natural parents is necessary before an adoption may be effected. However, the consent of only one natural parent and not the other is acceptable in certain situations.” *In re Adoption of K.P.M.A.*, 2014 OK 85, ¶ 18, 341 P.3d 38, 45. Exceptions to the requirement of consent from a parent such as Mother are found in 10 O.S.2021 § 7505-4.2(H), which provides:

H. 1. Consent to adoption is not required from a parent who fails to establish and/or maintain a substantial and positive relationship with a minor for a period of twelve (12) consecutive months out of the last

⁸ Stepmother testified to grandmother’s declining health and need for a caretaker as the reasons for their temporary stays with grandmother.

fourteen (14) months immediately preceding the filing of a petition for adoption of the child.

2. In any case where a parent of a minor claims that prior to the receipt of notice of the hearing provided for in Sections 7505-2.1 and 7505-4.1 of this title, such parent had been denied the opportunity to establish and/or maintain a substantial and positive relationship with the minor by the custodian of the minor, such parent shall prove to the satisfaction of the court that he or she has taken sufficient legal action to establish and/or maintain a substantial and positive relationship with the minor prior to the receipt of such notice.

3. For purposes of this subsection, “fails to establish and/or maintain a substantial and positive relationship” means the parent:

- a. has not maintained frequent and regular contact with the minor through frequent and regular visitation or frequent and regular communication to or with the minor, or
- b. has not exercised parental rights and responsibilities.

Id.

Mother’s appellate briefing focuses primarily on her visitations and contacts with LRL in 2021 and in 2023 after the filing of the petition for adoption. She maintains she exercised consistent visitation and telephone contact in early 2021, and exercised visitation for a short time after the petition for adoption was filed, until Father refused all visitation on advice of counsel. Mother’s focus on these time periods is irrelevant. “The determination of eligibility for an adoption without consent is solely based on a limited time frame. Once a petition is filed, the relevant time period is set” by the provisions of 10 O.S.2021 § 7505-4.2(H). *In re Adoption of G.D.J.*, 2011 OK 77, ¶ 40, 261 P.3d 1159, 1170. “The evidence necessary to prove whether an adoption may proceed without a natural parent’s

consent cannot deviate from the “twelve (12) consecutive months out of the last fourteen (14) months immediately preceding the filing of a petition for adoption of a child” *Id.*

The relevant statutory period is from February 4, 2022, to April 4, 2023. During the relevant period, Mother admitted that the 2022 calendar, reflecting four visitation days with LRL, and the 2023 calendar, reflecting no visitation prior to the filing of the petition for adoption, were accurate. She maintained that during these time periods she had more frequent phone calls than the calendars reflected, but that her physical distance away from LRL while she was in Henryetta kept her from exercising her court-ordered and awarded visitation. Further, Mother did not dispute the testimony of Father and Stepmother that they were the parents who expressed and acted on personal concern for LRL’s health, education, and general well-being, and were the parents who supplied his necessary food, clothing, and medical care.⁹ Although Mother did present limited conflicting evidence in some of these respects, conflicting evidence is generally insufficient to reverse the district court, and we do not reweigh the evidence presented when the record provides clear support for the district court’s ruling. *Matter of V.J.R.*, 2024 OK 66, ¶ 19, 556 P.3d 1010, 1019. *See In re Adoption of G.D.J.*, 2011 OK 77, ¶ 17, 261

⁹ These are many of the “minimal attributes” entailing those “parental obligations” which support the finding of a substantial and positive relationship between a parent and child. *See In re Adoption of C.D.M.*, 2001 OK 103, ¶ 19, 39 P.3d 802, 809.

P.3d 1159, 1163-64 (noting that on review the district court's decision will not be disturbed unless it fails to rest on clear and convincing evidence).

Mother makes a very brief defense that she was denied the opportunity to maintain a substantial and positive relationship with LRL due to Stepmother's listing of herself as LRL's mother with the school which, according to Mother, lead to the school's refusal to provide Mother information about LRL without a court order. Mother fails to satisfy the statutory requirements to establish such a defense. Assuming this interference alone would be sufficient to show a "deni[al of] the opportunity to maintain a substantial and positive relationship" with LRL, nothing in the record indicates that Mother took "sufficient legal action" to maintain the relationship in spite of her allegation she was not listed as LRL's mother within the Denison Public School system.

Although Mother testified that the school required her to provide a court order, which she did, and that the circumstances hurt her feelings, she provided no evidence of how the interference prevented her from any attempts to actually exercise any parental rights or responsibilities. To the contrary, the evidence established that Mother played no active part in LRL's education. Where a parent's actions "contradict or disregard [] basic parental obligations," such actions indicate lack of intent to have a significant relationship in the first instance. *Matter of Adoption of L.B.L.*, 2023 OK 48, ¶ 24, 529 P.3d 175, 183.

As this Court has previously recognized, “where a natural parent fails to demonstrate a full commitment to the responsibilities of parenthood, the state is not constitutionally or statutorily compelled to heed the parent’s objections to the adoption of his or her child.” *In re Adoption of L.D.B.*, 2011 OK CIV APP 12, ¶ 8, 246 P.3d 456, 458 (citations omitted). The record establishes that the district court's determination that the adoption could move forward without Mother’s consent is supported by the requisite clear and convincing evidence.

CONCLUSION

Adoption without a parent’s consent may be pursued where a parent fails to maintain a significant relationship with the child through communication or visitation for a period of twelve consecutive months out of the fourteen months preceding the filing of the petition to adopt. The district court record establishes by clear and convincing evidence that the adoption of LRL could move forward without Mother’s consent. The record further establishes that the District Court of Bryan County was a proper venue to make this determination.

AFFIRMED.

WISEMAN, P.J., concurs, and BLACKWELL, J., dissents.

BLACKWELL, J., dissenting:

The majority finds the issue of whether the petitioners proved that adoption was in the best interest of the minor child was waived. I cannot agree. While the

form of the appellant's brief does not strictly comply with Oklahoma Supreme Court Rule 1.11(f), the best-interests question was preserved. The final paragraph of the appellant's brief states:

The trial court erred in finding the adoption without consent was in the best interest of the minor child. A Final Hearing was scheduled for May 21, 2024, wherein testimony was presented regarding the best interests of the minor child. (R. at 29) (Tr. 5/21/24). Appellant testified that allowing the adoption without consent is not in the best interest of the minor child because it would destroy the relationship with his other siblings. (Tr. 5/21/24, pg. 26; ln.1-6). The natural father testified that the minor child is having problems and is in therapy because of not seeing his siblings (Tr. 5/21/24, pg. 96.).

While not set forth in a separate proposition as required by Rule 1.11(f), I view the forgoing as sufficient to preserve the fundamental question of whether permanently severing the mother's constitutionally protected right to parent her own child was in the best interest of that child.

And, having fully reviewed the record with this question in mind, I would reverse. There was significant evidence below that severing the minor child's legal relationship with his brothers was not in L.R.L.'s best interests. So much so that the trial court made the following a part of its order: "IT IS SPECIFICALLY NOTED that the Court encourages the minor child to be given the opportunity to maintain and develop further relationships with his brothers, C.J. and T.H." Having just severed the natural mother's rights, this edict is meaningless. Additionally, the primary rationale the petitioners' offered for why the natural mother's rights must

be terminated was stability for L.R.L. But it is clear from the record that father and stepmother could, and would, continue to provide stability for L.R.L. even if the adoption was to fail. Taking the permanent and irreversible step of removing the mother from L.R.L.'s life was not shown on this record to be necessary. It is therefore not in the child's best interest. *In re K.N.L.*, 2007 OK CIV APP 22, ¶ 28, 154 P.3d 1276, 1283 (“[T]here is a presumption that the best interests of the child are served by leaving the parent-child bond intact.”).

Finally, in my view, the trial court should have, *sua sponte*, conducted an evidentiary hearing on the question of the petitioners' and the child's residence once it became clear that the child had been attending school in Texas for several years. It would seem highly likely that the petitioners had declared, for at least for the purpose of enrolling the child in school, their residence to be in Texas. The question of whether the petition was filed in the *correct state* is a question of jurisdiction, not venue, as discussed by the majority. The trial court should have fully examined this question below.

For these reasons, I respectfully dissent.

October 17, 2025