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IN THE COURT OF CIVIL APPEALS OF THE STATE OF OKLAHOMA

DIVISION II

IN THE MATTER OF: A.R and D.R.,)
Alleged Deprived Children,)

CARRIE HUDSON and DAVID)
RICHARDSON, JR.,)

Appellants,)

vs.)

STATE OF OKLAHOMA)

Appellee.)

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Case No. 122,898
(Consolidated with
Case No.122,920)

APPEAL FROM THE DISTRICT COURT OF
OKLAHOMA COUNTY, OKLAHOMA

HONORABLE KEVIN MCCRAY, SPECIAL JUDGE

AFFIRMED

Susan K. Johnson
P.O Box 30046
Edmond, Oklahoma

For Appellant Hudson

Christian Henry
Oklahoma City, Oklahoma

For Appellant Richardson, Jr.

Vicki Zemp Behenna
DISTRICT ATTORNEY
Kirsten Parker
ASSISTANT DISTRICT ATTORNEY
Jaclyn Rivera
ASSISTANT DISTRICT ATTORNEY
Oklahoma City, Oklahoma

For Appellee State

Briggett Biffle
PUBLIC DEFENDER
Oklahoma City, Oklahoma
Tracy Jordan Esaw
ASSISTANT PUBLIC DEFENDER
Oklahoma City, Oklahoma

For Appellee Children

OPINION BY GREGORY C. BLACKWELL, JUDGE:

In these consolidated appeals, Carrie Hudson and David Richardson, Jr., appeal the district court's decrees terminating their parental rights to the minor children, A.R. and D.R., entered on unanimous jury verdicts. Upon review, we find that the decrees are supported by sufficient evidence, the required active efforts to prevent the breakup of the family were made, the termination of parental rights was in the children's best interest, and Mr. Richardson was not denied due process. Accordingly, we affirm.

I.

The minor children in this case, A.R. and D.R., were taken into custody on July 10, 2023, after their mother, Carrie Hudson, tested positive for methamphetamines and methadone at the birth of her newborn son, H.H.¹ A.R. was seven years old at the time of removal and D.R. was five years old.² Before removal, DHS had also received reports that the children's father, David Richardson, was using substances such as methamphetamine. Additional

¹ The parents agreed to an open adoption for H.H. before DHS's involvement in the present case. H.H. was later adopted and is not a part of this appeal.

² A.R. had previously been adjudicated deprived in 2017, but Ms. Hudson successfully completed services and A.R. was eventually returned to her full custody. As discussed below, Mr. Richardson was also a part of the prior deprived case, but he did not complete any of the required services.

concerns regarding neglect, exposure to domestic violence, and confinement of the children were raised.

The state filed a deprived petition on July 25, 2023, and the children were adjudicated deprived as to Ms. Hudson on October 19, 2023, after her failure to appear at the hearing. The adjudication was based on allegations of a lack of proper parental care and guardianship, substance abuse, personal hygiene neglect of the children, failure to maintain a safe and/or sanitary home, and threat of harm. The children were adjudicated deprived as to Mr. Richardson on January 29, 2024, after he stipulated to the following conditions: lack of proper parental care and guardianship, failure to protect, personal hygiene neglect of the children, failure to maintain a safe and/or sanitary home, and threat of harm. The court ordered an Individualized Service Plan (ISP) for Ms. Hudson on January 29, 2024, and an ISP for Mr. Richardson on February 29, 2024. Both parents signed the ISP and agreed to participate in the services recommended.

On September 16, 2024, the state filed an amended petition requesting the termination of parental rights for both parents for failure to correct conditions that led to the deprived adjudications. The case proceeded to a four-day jury trial beginning on January 27, 2025, and ending on January 30, 2025. The jury returned unanimous verdicts terminating parental rights as to both children. The trial court entered orders reflecting the jury's verdicts on February 6, 2025. It is from these orders that Ms. Hudson and Mr. Richardson each appeal.

II.

When an Indian child is involved in proceedings to terminate parental rights, the state must comply with the provisions of the Indian Child Welfare Act (ICWA), 25 U.S.C. §§ 1901-1963, and the Oklahoma Indian Child Welfare Act, 10 O.S. §§ 40-40.9. In termination cases, appellate courts 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 by clear and convincing evidence. *In the Matter of S.B.C.*, 2002 OK 83, ¶ 6, 64 P.3d 1080, 1082. “Any party seeking to effect a foster care placement of, or termination of parental rights to, an Indian child under State law shall satisfy the court that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proved unsuccessful.” 25 U.S.C. § 1912(d). Additionally, termination in an ICWA case requires evidence sufficient to support a conclusion that, beyond a reasonable doubt as supported by expert testimony, continued custody by a parent would likely result in “serious emotional or physical damage to the child[ren].” *Id.* § 1912(f). However, in ICWA termination cases, the beyond a reasonable doubt standard only applies to the finding that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child, whereas the lesser standard of clear-and-convincing evidence, the state law mandated burden of proof, is applicable to all other state law requirements for termination. *In re Adoption of G.D.J.*, 2011 OK, 77, ¶ 36, 261 P.3d 1159, 1169. “In passing upon a claim that the procedure

used in a proceeding to terminate parental rights resulted in a denial of procedural due process, we review the issue de novo.” *In re A.M.*, 2000 OK 82, ¶ 6, 13 P.3d 484, 486–87.

III.

A.

For their first propositions of error, both parents allege the state failed to prove beyond a reasonable doubt, as supported by expert testimony, that continued custody by Ms. Hudson and Mr. Richardson would likely result in serious emotional or physical damage to the children. 25 U.S.C. § 1912(d). Specifically, they challenge the testimony of Kristen Davison, who testified as an ICWA expert for the Choctaw Nation.³ The parents contend that while Ms. Davison testified that she believed continued custody in the mother’s and father’s care would likely result in serious emotional and physical harm to the children, she did not present any evidence or provide specific examples regarding the same. However, ICWA does not require that the expert’s testimony provide the sole basis for the conclusion that continued custody will likely result in serious emotional or physical damage. *Matter of IW*, 2018 OK CIV APP 6, ¶ 16, 419 P.3d 362, 366 (citing *Brenda O. v. Arizona Dep’t of Econ. Sec.*, 226 Ariz. 137, 244 P.3d 574, 579 (Ariz. Ct. App. 2010)). Rather, ICWA requires that the expert’s testimony must support that finding. *Id.* In the present case, the state presented a plethora of evidence, including testimony from the children themselves, which

³ Mr. Richardson’s brief generally states that Ms. Davison was “unqualified” but does not set forth any argument or authority to support that Ms. Davison did not meet the requisite qualifications to testify as an expert.

showed that returning the children to the care of Ms. Hudson and Mr. Richardson would likely result in serious emotional or physical damage to the children.

D.R., who was six at the time of trial, testified that he did not like living with his parents, Ms. Hudson and Mr. Richardson, because they did not feed him and he would be locked up in a room for extended periods of time. Tr. (Jan. 30, 2025) 12-13. When asked if he felt safe with his parents, D.R. answered “no.” D.R. was also asked if he liked having visits with his parents to which he responded, “not at all.” *Id.* at 14. D.R. explicitly stated, “I want to stay here where I’m living.... [M]om and dad are very, very rude to me, and I don’t want to go home.” *Id.* at 15. A.R., who was nine years old at the time of trial, also testified. A.R. stated that she did not like living with her parents because they were not nice to her. *Id.* at 41. She later added that she did not feel safe with them because they locked her in a room. *Id.* at 42. She stated that one time she was locked in the room for an entire day and that she was not able to eat. *Id.* at 42. A.R. also relayed that she and her brother were locked in the room during a house fire at Mr. Richardson’s home. *Id.* at 43.

Several DHS caseworkers were able to corroborate the children’s reports and also raised concerns about the parents’ lack of engagement with services and difficulty taking responsibility for the circumstances which led to removal. For example, Molly Myers, a permanency worker who was assigned to the Hudson/Richardson case from August 2024 to November 2024, testified, “Both children had expressed to me that they did not feel safe. There was also a lack

of change of behavior. There were no behavioral changes that DHS could see.” *Id.* at 101. She explained that Ms. Hudson was referred to parenting classes at NorthCare, a psychological evaluation at the Alden Clinic, a domestic violence assessment at the YWCA, and a substance abuse assessment at NorthCare. By the time Ms. Myers had the case, Ms. Hudson had completed the parenting classes, the substance abuse assessment, and the domestic violence assessment. *Id.* at 46. However, Ms. Hudson did not ever complete the psychological assessment. *Id.* at 49. Additionally, the results of Ms. Hudson’s substance abuse assessment resulted in NorthCare recommending that Ms. Hudson start drug testing with them weekly. Ms. Hudson only drug tested with NorthCare once during the time that Ms. Myers had the case. And while that particular test came back clean, Ms. Hudson should have had seven or eight additional tests if she had been testing as recommended by NorthCare and DHS. *Id.* at 53.

The record reflects that Ms. Hudson was drug testing at the Rightway Clinic because that is where she was able to receive methadone. At one point Ms. Hudson executed a release of information so DHS would have access to any drug tests she took at Rightway; however, several DHS caseworkers assigned to the case testified that the release—referred to as a ROI—was later revoked by Ms. Hudson, though she denied this. Ms. Myers testified that without Ms. Hudson testing weekly and without being able to obtain test results from Rightway, it was very difficult to ascertain whether or not Ms. Hudson was using. *Id.* at 56. Alternatively, if Ms. Hudson had been testing regularly and if DHS had been able

to obtain information about her test results, DHS would have been able to monitor her progress with substance abuse. Ms. Myers and other caseworkers testified that they had multiple conversations with Ms. Hudson about the importance of testing and testing regularly, and Ms. Hudson would tell the caseworker that she would go back to NorthCare and start testing, and then no action would ultimately end up being taken by Ms. Hudson.

DHS permanency worker Je'Ree Mitchell received the Hudson/Richardson case after Ms. Myers in November 2024. She testified that Ms. Hudson took a drug test on December 17, 2024, at NorthCare and the test detected methamphetamines and amphetamines. Tr. (Jan. 29, 2025), 163. This positive drug test occurred roughly one month before trial. Ms. Hudson claimed that the positive result was due to her taking allergy medication. Ms. Mitchell reported that during this time the children consistently reported to her that they did not want to attend visitation and did not want to be reunited with the parents. *Id.* at 177. Ms. Mitchell also testified that the children wished to stay with their foster parents and did not want to return to the care of their parents. *Id.* at 204.

Additionally, when Ms. Mitchell received the case in November 2024, which was over a year after the children had been removed from their parents' care, Mr. Richardson had not completed any of the services listed in his ISP. *Id.* at 187-190. Mr. Richardson himself testified at trial that he had not made any progress towards correcting the conditions that led to removal and denied completing the domestic violence assessment, the parenting program, and the mental health assessment, all required by the ISP. *Id.* at 256-258. When asked

why he did not complete any of the services in the past 545 days, Mr. Richardson responded that he was not given the proper referrals, *id.* at 281, which is entirely inconsistent with the testimony given by the four caseworkers. Each caseworker who testified stated that they had given Mr. Richardson multiple referrals and offered to create more referrals if needed. The record also reflects that Mr. Richardson had a negative attitude towards the DHS caseworkers. Specifically, Mr. Richardson asked Ms. Myers if she considered herself a child trafficker while both children were present. *Id.* at 75. Ms. Myers also reported an incident where a new referral was made regarding the youngest child, D.R., and a caseworker came to visitation to explain the referral to the parents. *Id.* at 74. After discussing the new referral with the worker, the parents proceeded to talk about the allegations made with the children in the room. Mr. Richardson specifically accused D.R. of lying about whatever the allegations were. *Id.* Ms. Myers reported that this exchange upset both children greatly. *Id.*

Further, DHS caseworker Davon Green, who had the Hudson/Richardson case from January 2024 to August 2024, testified that Mr. Richardson would not take the Batterers Intervention Program (BIP) assessment because “he felt it wasn’t necessary for him to take the assessment.... [b]ecause he has always ascertained he’s never done anything, and doesn’t believe that any of these allegations that he was ever violent with Ms. Hudson.” Tr. (Jan. 28, 2024), 141. Mr. Green testified that Mr. Richardson was aware of the consequences of not participating in services but that Mr. Richardson insisted that DHS was just trying to take his kids from him and that he would take his chances at trial. *Id.*

at 151. Mr. Richardson also reportedly stated that he believed DHS was just “finding things for him to do” and that “he felt like DHS got commission off of kids for being in custody.” *Id.* at 149.

Although there were not any reports of domestic violence in the present case, A.R. was previously adjudicated deprived as to Ms. Hudson and Mr. Richardson in 2017 due to domestic violence, substance abuse, and other concerns similar to those at issue again in the present case. Threat of harm was added as a condition to be corrected for Mr. Richardson because he did not work any of his services in the prior case, and DHS thought it was necessary that he start and finish the domestic violence services as a part of the present case. *Id.* at 143. Thus, it appears Mr. Richardson not only refused to engage with services in 2017, but also in the present case, which began in 2023. While Ms. Hudson was able to regain custody of A.R. in the prior case because she worked her services, Mr. Richardson did not and yet he was still allowed to be around her and A.R. In the present case, Ms. Hudson was asked if she thought that Mr. Richardson should have access to the children in the future if he has not completed any services. Tr. (Jan. 30, 2025), 159. She answered, “[He]’s their father, yes.” *Id.* Caseworkers expressed concern regarding Mr. Richardson’s access to the children as it would continually expose them to the risks and safety concerns that led to removal due to Mr. Richardson’s inability to acknowledge a need to engage with services and failure to start any of the services recommended to him.

The caseworkers who testified at trial also detailed the difficulty accessing the homes of Mr. Richardson and Ms. Hudson throughout the case. The parents agreed, pursuant to their ISPs, to maintain a safe and stable home for the children. Mr. Green testified that while he was on the case he was not able to evaluate the condition of Mr. Richardson's home. Tr. (Jan. 29, 2025), 144. DHS would ask to visit with him at his home, and Mr. Richardson would suggest they meet at other places, or if he agreed to allow DHS to come to the home, he would later reschedule. *Id.* Meanwhile, Ms. Myers testified that she made three separate attempts to see Mr. Richardson's home with the ICWA worker, Ms. Davison. *Id.* at 104. On the last attempt, they were able to contact him at the home, but did not feel safe to go inside. *Id.* at 109. Ms. Davison testified that she and Ms. Myers also made attempts to contact Ms. Hudson where she was staying, but when they would go to the provided location, her home could not be found. *Id.* at 143. Ms. Hudson was specifically asked if she was able to establish a permanent residence of her own and she answered no and that she had been "in and out" of her father's house at the time of trial. Tr. (Jan. 30, 2025), 114.

In reviewing the evidence and testimony in this case, we find that there was sufficient evidence presented below to prove, beyond a reasonable doubt and as supported by expert testimony, that continued custody by Ms. Hudson and Mr. Richardson would likely result in serious emotional or physical damage to the children. 25 U.S.C. § 1912(d). Accordingly, the parents first proposition of error is rejected.

B.

Next, both parents allege that the state failed to prove that active efforts were made to reunite the parents with their children. Under § 1912(d) of ICWA, prior to terminating parental rights the state must prove “that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proved unsuccessful.” 25 U.S.C. § 1912(d). “There is no precise definition for what constitutes ‘active efforts,’ and it should be determined by the court on a case by case basis.” *In the Interest of K.P.*, 2012 OK CIV APP 32, n.5, 275 P.3d 161, 165, n.5 (quoting *In re Oklahoma Unif. Jury Instructions for Juv. Cases*, 2005 OK 12, 116 P.3d 119, 165 (Introductory Note to Chapter 5)). The parents in the present case contend that active efforts were not made specifically because there were six different DHS workers, they did not have enough help with housing or transportation issues, and they were unable to receive enough assistance with phone service.

The court held a final active-efforts hearing on January 27, 2025, before voir dire in the termination case.⁴ The court heard testimony from Je’Ree Mitchell, who was the parents’ most recent DHS caseworker. Additionally, Mr. Green created an active efforts report which was filed with the court on June 10, 2024 and updated on August 8, 2024. ROA 312-319. The report details that on January 24, 2024, the child welfare specialist provided Ms. Hudson with a thirty-

⁴ The court also made an active efforts determination at various status hearings throughout the case.

day bus pass and filled out an application for her for Climb Ride. In March 2024, the child welfare specialist sent out a referral for Ms. Hudson to have a parent partner to assist her in navigating services. In May 2024, the report details that the worker made a referral at the Alden Clinic for a psychological evaluation for Ms. Hudson. Ms. Hudson did not show for the appointment. Also in May, the child welfare specialist informed Ms. Hudson that D.R. had a medication review scheduled, and Ms. Hudson indicated she would attend. However, she did not attend this appointment.

On June 28, 2024, the worker sent a message to Ms. Hudson to have her complete an online application for a housing voucher. On the same day, the worker spoke with the parent-partner who confirmed that she had spoken with Ms. Hudson and that they had plans to meet up. However, when the parent-partner arrived at Ms. Hudson's residence there was no answer and she would not respond to calls or texts. Later, on July 3, 2024, the worker made contact with Ms. Hudson who informed the worker that she needed transportation because her car had broken down. That same day, the worker offered Ms. Hudson a ride to her appointment at NorthCare on July 5, 2024, but never received a reply. The worker followed up again on the day of the appointment and still did not receive a response. On July 16, the caseworker resent the link for the housing application to Ms. Hudson.

As for Mr. Richardson, Mr. Green's report indicated that he reached out to Mr. Richardson various times to remind him about appointments, remind him about court dates, and remind him to reschedule appointments he had

previously missed. Mr. Richardson was also made aware of D.R.'s medication review appointment and did not attend. On May 24, 2024, Mr. Richardson was reminded about a NorthCare appointment he had four days later, and he indicated that he would attend. But he did not. Mr. Richardson made an appointment on July 23, 2024, for a domestic violence assessment. Despite originally not wanting to complete the assessment because he did not feel it was necessary, Mr. Richardson expressed to the caseworker on July 26 that he could not take the domestic violence assessment because he could not pay for it. The worker indicated that DHS could not pay for the assessment, but that the worker could put in a Care portal request to pay one of Mr. Richardson's bills to help offset the cost of the assessment.⁵

At the active-efforts hearing, Ms. Mitchell testified about the more recent active-efforts efforts. For example, she testified that in January of 2025, DHS again attempted to aid Ms. Hudson with transportation to NorthCare. Tr. (Jan. 27, 2025), 12. When asked if Ms. Hudson had ever indicated to her that she was having difficulty contacting DHS or receiving information from DHS via the phone, Ms. Mitchell responded that Ms. Hudson had never indicated to her that she had difficulty receiving information or communicating. *Id.* at 17. While Ms. Hudson's phone only worked when she had Wi-Fi, which made it difficult to

⁵ The record reflects that the bill was never paid, but we note that, per the testimony at trial, once the plan for reunification changes to termination, parents are no longer eligible to have bills taken care of through a Care portal request. The state filed its amended petition to terminate in September 2024.

reach her at times, Ms. Hudson had informed Ms. Mitchell that she would be getting a new phone. *Id.* at 24.

Ultimately, the record and the testimony at the active-efforts hearing reflect that despite appellants being assigned six different caseworkers, each worker made a concerted effort to provide resources, communicate frequently with the parents, and ensure that these efforts were well documented. The parents received all necessary referrals, had a variety of transportation, housing, and financial assistance available to them, and still did not attend appointments and meetings, did not maintain or obtain safe housing, and ultimately did not work all, or in the case of Mr. Richardson, any, of the services that they agreed to participate in. We find that the state presented clear and convincing evidence that active efforts were made to reunite this family pursuant to 25 U.S.C. § 1912(d).

C.

Next, Ms. Hudson raises two propositions of error not raised by Mr. Richardson: (1) that the state did not present clear and convincing evidence that she failed to correct conditions which led to the deprived adjudication of the children, and (2) that termination was not in the best interests of the children. We will address each in turn.

Title 10A O.S. § 1-4-904(B)(5), requires “[a] finding that: a. the parent has failed to correct the condition which led to the deprived adjudication of the child, and b. the parent has been given at least three (3) months to correct the condition.” The jury found that Ms. Hudson’s parental rights should be

terminated as she had not corrected the following conditions: personal hygiene neglect, substance abuse, failure to maintain safe and/or sanitary housing, lack of proper parental care and guardianship, and threat of harm.

It is important to note that the catalyst of DHS's involvement in the present case was when Ms. Hudson tested positive for methamphetamine after giving birth. As discussed in detail above, Ms. Hudson did not correct the condition of substance abuse because in the year and a half that the children were in DHS custody, DHS only received the results of two drug tests, one of which was positive for methamphetamines and amphetamines and occurred roughly one month before trial. Further, substance abuse was also an issue in A.R.'s deprived case in 2017, which means that Ms. Hudson has not been able to maintain sobriety even after receiving custody of A.R. again in 2019.

Regarding the conditions of personal hygiene neglect, failure to maintain safe and/or sanitary housing, and lack of proper parental care, Ms. Hudson was not able to progress far enough into this case to enter trial reunification with the children. Ms. Hudson stated that she was "in and out" of her father's home as of the time of trial and DHS caseworkers and the tribal expert testified that when they tried to visit Ms. Hudson at a purported residence, that residence did not exist. When asked if Ms. Hudson had corrected the condition of hygiene neglect, Ms. Mitchell responded as follows: "the case has never progressed enough that she would have been able to keep the children for long enough to wash them or bathe them, or like make sure of their cleanliness. So we have no way to know." Tr. (Jan. 29, 2025), 185. Throughout the year and a half the children were in

DHS custody, Ms. Hudson had supervised visitation ranging from a couple of hours to an hour per week. Because the case never progressed to reunification, it follows then that Ms. Hudson was also not able to fully demonstrate that she could engage in proper parental care of the children. Further, a positive drug test as recent as roughly one month before trial, struggles with substance abuse from 2017 to present day, and a failure to regularly drug test throughout show that Ms. Hudson would not be able to properly care for her children if they were returned to her care. Thus, upon review of the evidence and testimony at trial, we find that the record contains clear and convincing evidence that Ms. Hudson failed to correct those conditions as well.⁶

D.

Regarding best interests, we find that the state proved by clear and convincing evidence that it was in the best interests of the children to terminate Ms. Hudson's parental rights.⁷ DHS only received two drug tests from Ms. Hudson during the year and a half that the children had been in custody, one of which was positive for methamphetamine. While she eventually completed parenting classes and other required assessments, Ms. Hudson was not able to show enough progress within the year and a half the children were in custody to get to trial reunification. D.R. and A.R. testified about being confined to a room for an entire day, going long periods of time without food, and reported being

⁶ For the reasons set forth in Part III-A, we also find that Ms. Hudson failed to correct the condition of "threat of harm."

⁷ As noted above, Mr. Richardson did not include any allegation of error related to the best-interest finding in his brief.

locked in a room while a fire was happening in the home. Both children, at the ages of six and nine, explicitly testified that they did not feel safe returning to the care of their parents. Additionally, Ms. Hudson was not able to take accountability or responsibility for the concerns which led A.R. to being adjudicated deprived in 2017 and both children being adjudicated deprived in the present case. Each caseworker who was called to testify in this case specifically testified that termination was in the best interests of the children. Ultimately, we find that the state met its burden on this issue.

E.

Finally, Mr. Richardson alleges that he was denied procedural due process. He contends that after stipulating to certain conditions which led to the children being deprived, he was later “blind-sided by the addition of the conditions of domestic violence and substance abuse.” *Brief-in-Chief*, 9. He argues that the court “ordered” his participation in services to address those “unadjudicated” concerns. *Id.* Mr. Richardson argues that the proper way to add conditions to be corrected is through the state amending its petition, which in turn gives the parent and counsel the opportunity to contest the new allegations by requesting a hearing and ruling from the court.

Neither the court’s order of termination nor the jury’s verdict list domestic violence or substance abuse as conditions that Mr. Richardson failed to correct. Indeed, neither of the petitions filed in this case lists substance abuse or domestic violence as conditions to be corrected. However, under threat of harm in the state’s first petition it states, “the Father has a previous deprived

adjudication in JD-2017-400” and “the Father has history of substance abuse.” ROA 28-29. Domestic violence was a condition that Mr. Richardson needed to correct in the prior adjudication case, but as stated throughout the opinion, he did not engage with services in the prior case. In the present case, Mr. Richardson stipulated to the allegations in the state’s petition without any amendments. Further, Mr. Richardson’s ISP stated that he was to take a domestic violence assessment and a substance abuse assessment. Mr. Richardson’s initials are next to both of the boxes indicating that those were services he agreed to complete. Thus, it is unclear how Mr. Richardson was “blind-sided” when he is the one who agreed to complete both of those assessments and stipulated to the petition without amendment or objection.

Mr. Richardson’s rights were not terminated on the basis of failure to correct the conditions of substance abuse and domestic violence. Several DHS workers testified that DHS recommended that Mr. Richardson engage in those services because he had previously refused to complete those services when his daughter A.R. was removed from his care and adjudicated deprived in 2017. Thus, in order to not be considered a threat of harm to his children, DHS asked Mr. Richardson to take these assessments to ensure that domestic violence and substance abuse were not still at issue since Mr. Richardson did not complete those assessments previously. However, instead of working the services that he failed to complete in 2017, Mr. Richardson maintained that he did not need any of the services he agreed to complete in his ISP and indicated that he would take his chances at trial after being consistently and repeatedly informed of the

consequences of not participating in the services. Just because Mr. Richardson did not wish to take the domestic violence and substance abuse assessments does not mean his due process rights were violated, especially when he had notice via the petition and his ISP that DHS was recommending that he complete the assessments, his rights were not terminated on the bases of failure to correct the conditions of substance abuse and domestic violence, and he could have challenged the need for him to complete those assessments prior to stipulating to the petition or signing his ISP, but did not do so.

* * *

Upon careful review, we find that the court's decrees of termination are not infected with any of the errors the appellants claim. The record contains clear and convincing evidence that active efforts were made to provide remedial services and rehabilitative programs to the parents and that the termination of both parents' parental rights was in the children's best interest. The state presented evidence sufficient to support a conclusion that, beyond a reasonable doubt as supported by expert testimony, continued custody by either parent would likely result in serious emotional or physical damage to the children. Finally, the record contains sufficient evidence of all the required elements, and Mr. Richardson was not denied due process. Accordingly, the appealed judgments are affirmed.

AFFIRMED.

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WISEMAN, P.J., and FISCHER, J., concur.

October 29, 2025