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

**ORIGINAL**

IN THE COURT OF CIVIL APPEALS OF THE STATE OF OKLAHOMA

DIVISION IV

**FILED**  
COURT OF CIVIL APPEALS  
STATE OF OKLAHOMA

JUL 22 2026

SELDEN JONES  
CLERK

IN RE THE ADOPTION OF A.J.P., )  
Minor Child: )  
 )  
DESTINY BROWN, )  
 )  
Appellant, )  
 )  
vs. )  
 )  
LACEY RENEA NORAN, )  
 )  
Appellee. )

Case No. 123,682  
(Companion with  
Case No. 123,683)

APPEAL FROM THE DISTRICT COURT OF  
OKLAHOMA COUNTY, OKLAHOMA

HONORABLE LYDIA GREEN, DISTRICT JUDGE

**AFFIRMED**

Katie W. Carter  
ASSISTANT PUBLIC DEFENDER  
Oklahoma City, Oklahoma

For Appellant

Lezel B. Safi  
CUNNIGHAM SAFI LEGAL GROUP  
Oklahoma City, Oklahoma

For Appellee

|              |                                                                     |
|--------------|---------------------------------------------------------------------|
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OPINION BY GREGORY C. BLACKWELL, PRESIDING JUDGE:

Destiny Brown appeals from the court's order sustaining Lacey Noran's application to adjudicate Ms. Brown's minor child, A.P., eligible for adoption without her consent. Upon careful review, the trial court's order is affirmed.

## I.

Ms. Brown and Christopher Price began a dating relationship, out of which one child, A.P., was born on December 5, 2019. The couple eventually split, but they continued to exercise joint custody of A.P. At some point, Ms. Brown began a dating relationship with Toby Plunkett, who abused Ms. Brown. After one particular altercation, Ms. Brown filed a victim protective order on behalf of herself and the children against Mr. Plunkett. Around the time she filed the VPO, Ms. Brown reached out to Mr. Price and asked him if he would temporarily care for A.P. and her other two daughters, R.B. and M.B. Mr. Price agreed and began caring for the children. On February 25, 2021, Ms. Brown voluntarily dismissed the protective order.

Upon learning that Ms. Brown dismissed the VPO and planned to continue her relationship with Mr. Plunkett (whereby both she and the minor children would resume living with Mr. Plunkett), Mr. Price filed an application for an emergency guardianship for M.B. and R.B. and initiated a paternity action in which he requested sole custody of A.P. The application was granted, and Mr. Price was later appointed general guardian of M.B. and R.B. in October 2021. Mr. Price was also awarded emergency custody of A.P. in the paternity action until a final order was entered awarding him sole custody in 2022. Mr. Price has had custody of all three minor children since 2021.

Mr. Price married the petitioner in this case, Lacey Noran, in December 2023. Since that time, both she and Mr. Price have been the sole caregivers for all three children. On February 24, 2025, Ms. Noran filed a petition for

stepparent adoption and an application to adjudicate A.P. eligible for adoption without consent of the natural mother, Ms. Brown. The application was based on Ms. Brown's willful failure to provide support for A.P. and her failure to maintain a significant relationship with the child for at least twelve months of the fourteen months immediately preceding the filing of the petition.

On August 15, 2025, the parties appeared for a hearing on the adoption without consent. The court sustained the petition and application, finding that A.P. was eligible for adoption without the consent of Ms. Brown pursuant to 10 O.S. § 7505-4.2. The parties appeared again on October 17, 2025, for the trial on best interest. The court found that the adoption without Ms. Brown's consent was in the best interest of A.P. It is from these orders that Ms. Brown appeals.<sup>1</sup>

## II.

The burden rests on the party seeking to destroy the parent-child bond to establish by clear and convincing evidence that an adoption without consent or termination of parental rights is warranted. *See In the Matter of the Adoption of A.J.B.*, 2023 OK 122, ¶ 8, 540 P.3d 473, 474. Clear and convincing evidence is that measure of degree of proof that will produce in the trier of fact's mind "a firm belief or conviction as to the truth of the allegation sought to be established."

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<sup>1</sup> We note that Ms. Brown appealed from both the best-interest order and the order determining that A.P. could be adopted without her consent. Ms. Brown does not, however, raise a specific proposition of error related to the court's determination that the adoption was in the child's best interest. Nevertheless, "[i]t is incumbent on the trial court to determine whether the adoption would be in the child's best interests prior to declaring the child eligible for adoption." *Matter of Adoption of M.A.S.*, 2018 OK 1, ¶ 31, 419 P.3d 204, 214. Upon our review of the record of this case, we find that the court's best-interest determination is sufficiently supported.

*Id.* ¶ 9. We examine the trial court's finding that a minor child is eligible for adoption without the biological parent's consent "to determine if that conclusion is supported by the clear weight of the requisite clear and convincing evidence." *Matter of Adoption of M.A.S.*, 2018 OK 1, ¶ 12, 419 P.3d 204.

### III.

Ms. Brown's sole proposition of error is that the trial court erred in finding that she failed to maintain a meaningful and substantial relationship with the minor child. The relevant statutory period for this case is December 2023 to February 2025. Ms. Brown alleges that she was prevented from seeing and communicating with A.P. during this time due to Mr. Price's alleged failure to facilitate and encourage communication. Regarding what constitutes a parent's failure to maintain a meaningful and substantial relationship with a child, 10 O.S. 7505-4.2(H) provides as follows:

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 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.

Because this statute is “in derogation of a biological parent’s rights,” it “must be strictly construed in favor of the biological parent.” *In re M.A.S.*, 2018 OK 1, ¶ 11, 419 P.3d 204.

It is undisputed that Mr. Price has had continued custody of A.P. since March of 2021 when he filed the paternity action. Ms. Noran has shared the responsibility of being a primary caregiver for A.P. since her marriage to Mr. Price in December 2023. By the time the final order establishing paternity, custody, and visitation was filed, Ms. Brown had already moved to Florida. The order allowed her to exercise long-distance visitation; however, Ms. Noran testified that the only time Ms. Brown exercised that visitation was in July 2023, which is outside of the relevant statutory period. Tr. (August 15, 2025), pg. 10. Ms. Brown never filed a motion to enforce visitation or otherwise took legal action to establish a relationship with A.P. Additionally, Mr. Price was not concealing A.P. or engaging in any other kind of behavior which would have impacted Ms. Brown’s ability to take legal action to enforce visitation with her child.

Ms. Noran testified that Ms. Brown’s communication with A.P. and the other two children consisted of Ms. Brown texting Mr. Price that she missed the girls and that Ms. Brown “rarely” talked with the girls themselves. *Id.* While Ms. Brown contends that Mr. Price was at fault for her failure to maintain a relationship with A.P. because he was unwilling to drive A.P. and the other two

children to her in Florida, he denied a request for visitation due to Ms. Brown's plans continuing to change, and he was at times unable to fully accommodate her communication with the girls during their bedtimes or when he was sleeping, the onus is on Ms. Brown, not Mr. Price or Ms. Noran, to maintain a substantial and positive relationship with A.P.. The record reflects that Ms. Brown has not exercised any parental rights and responsibilities over A.P. since Mr. Price obtained custody and has not maintained consistent contact with her through frequent and regular visitation. Ms. Brown's communication with A.P. over the last two years appears sporadic at best. Accordingly, we find that the trial court did not err in finding that Ms. Brown failed to maintain a meaningful and substantial relationship with the minor children pursuant to 10 O.S. 7505-4.2(H). Her consent to A.P.'s adoption was not required and the order finding the same is hereby affirmed.<sup>2</sup>

**AFFIRMED.**

BARNES, J., and HUBER, J., concur.

July 22, 2026

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<sup>2</sup> While Ms. Brown challenged the court's finding that she willfully failed to support A.P. in her petition in error, this issue was not addressed in her brief in chief. Therefore, Ms. Brown has waived review of the issue. See Okla.Sup.Ct.R. 1.11(k). Even if the issue had been preserved, it need not be addressed because we have already found a basis upon which to affirm the decision of the trial court that A.P. is eligible for adoption without Ms. Brown's consent. Only one statutory ground is needed in order to sustain an application for an adoption without consent. 10 O.S. § 7505-4.2. See also *Matter of E.J.T.*, 2024 OK 14, ¶ 15, 544 P.3d 950, 957 ("[A] termination order may be affirmed where only one statutory ground is met.").