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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

IN THE MATTER OF THE ADOPTION)
OF M.J.B. and R.S.B.:)

JUL 22 2026

DESTINY BROWN,)
Appellant,)

SELDEN JONES
CLERK

vs.)

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

CHRISTOPHER PRICE,)
Appellee.)

APPEAL FROM THE DISTRICT COURT OF
OKLAHOMA COUNTY, OKLAHOMA

HONORABLE LYDIA GREEN, DISTRICT JUDGE

AFFIRMED

Katie W. Carter
ASSITANT PUBLIC DEFENDER
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For Appellant

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Oklahoma City, Oklahoma

For Appellee

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Publish	yes ☒ no ☒

OPINION BY GREGORY C. BLACKWELL, PRESIDING JUDGE:

Destiny Brown appeals from the court's order sustaining Christopher Price's application to adjudicate Ms. Brown's children, M.B. and R.B., eligible for adoption without her consent. Upon careful review, we affirm.

I.

Ms. Brown and Shane Alderman¹ are the parents of the minor children in this case, R.B., born in December 2015, and M.B., born in March 2018. At some point, Ms. Brown and the petitioner, Mr. Price, began a dating relationship. On December 5, 2019, Ms. Brown gave birth to a third child, A.P., and Mr. Price was later confirmed to be the father through a paternity action.

In 2021, 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 all three children. 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 the paternity action in which he sought 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 sole custody of A.P. in the paternity action. Mr. Price has had custody of all three minor children since 2021.

¹ Mr. Alderman has not objected to or otherwise participated in these adoption proceedings.

On November 24, 2024, Mr. Price filed a petition for adoption and an application for adoption without Ms. Brown's consent for R.B. and M.B. The application was based on Ms. Brown's willful failure to provide support and her failure to maintain a significant relationship with the children for at least twelve months of the fourteen months immediately preceding the filing of the petition. Mr. Price's wife, Lacey Noran, petitioned to adopt A.P. without Ms. Brown's consent based on the same grounds.²

The court held an adoption without consent hearing on January 7, 2025, ultimately granting the motion. However, Ms. Brown was not present at this hearing, and it appears that she was not represented. Ms. Brown was later appointed a public defender, and the court vacated its previous AWOC ruling *sua sponte*. The parties appeared before the court on April 25, 2025, and the court again sustained the application to adjudicate M.B. and R.B. eligible for adoption without the consent of Ms. Brown. The parties then appeared on June 18, 2025, for the best-interest hearing. The parties were unable to finish presenting evidence, and the matter was continued to October 17, 2025. At that hearing, the court found that it was in the best interest of both R.B. and M.B. to grant the petition for adoption. Ms. Brown appeals from the court's order sustaining the application to adjudicate R.B. and M.B. eligible for adoption without her

² The trial court found that A.P. could be adopted without Ms. Brown's consent, and she appeals that decision in companion case 123,682.

consent and the court's order finding that the adoption was in their best interest.³

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." *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 contends that the trial court erred in finding that she failed to maintain a meaningful and substantial relationship with the minor children. 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:

³ We note that Ms. Brown appealed from both the best-interest order and the order determining that R.B. and M.B. 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 best interest of either child. 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.

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.

In her brief, Ms. Brown does not cite any cases in support of her argument that the trial court erred in finding that she had failed to maintain a substantial and meaningful relationship with R.B. and M.B. Instead, she points out that she struggled to maintain steady employment and stable housing and, therefore, was unable to travel to Oklahoma to either see the children or take the appropriate legal action to enforce visitation. Ms. Brown also contends that she was prevented from having a meaningful relationship with her children because Mr.

Price “did not always permit or even encourage” her contact with the minor children. *Brief in Chief*, pg. 13.

The relevant statutory period for this case is September 2023 to November 2024. It is undisputed that Mr. Price has had continued custody of R.B. and M.B. since he filed his first application for an emergency guardianship in March 2021. During the five years the guardianship has been in place, Ms. Brown has not filed a motion to terminate the guardianship or otherwise tried to enforce her visitation rights. Thus, we find it clear that Ms. Brown failed to take any legal action to establish a relationship with R.B. and M.B. during the statutory period prior to the filing of the petition and application. The evidence showed that Ms. Brown knew where the girls lived, knew where they were in school, and she was able to communicate as frequently as she wished with Mr. Price. There was no concealment of the girls by Mr. Price or any other factors inhibiting Ms. Brown’s ability to take legal action or to enforce visitation with her children.

Additionally, Mr. Price stated that the last time Ms. Brown saw the girls was in July 2023, which is outside of the relevant statutory period. Tr. (June 18, 2025), pg. 30. While Ms. Brown contends that Mr. Price was at fault for various things such as not being willing to drive the girls to her in Florida, taking a Facebook Messenger app off their iPads after he had flagged safety concerns, or not being able to fully accommodate her communication with the girls during their bedtimes or when he was sleeping, we note that the onus is on Ms. Brown, not Mr. Price, to maintain a substantial and positive relationship with her children. The evidence shows that Ms. Brown has not exercised any parental

rights and responsibilities over these girls and has not maintained contact with the girls through frequent and regular visitation. The girls' communication with Ms. Brown over the last two years appears to have been 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 as required by 10 O.S. 7505-4.2(H). Her consent to R.B. and M.B.'s adoption was not required.

Because we find there was a sufficient basis for the trial court to order R.B. and M.B. eligible for adoption without Ms. Brown's consent, we need not address Ms. Brown's proposition of error that the court erred in finding that she willfully failed to support the minor children. 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.”).

IV.

Ms. Brown also alleges her due process rights were violated because the trial was conducted in an “impermissibl[e] piecemeal fashion.” *Brief-in-Chief*, pg. 14. This court reviews such procedural due process claims *de novo*. *See In the Matter of J.L.O.*, 2018 OK 77, ¶ 35, 428 P.3d 881. Ms. Brown points out that our Supreme Court has held that spreading out a trial over several non-serial days can deprive a person of their right to speedy trial in a way that offends due process. *Flandermeyer v. Bonner*, 2006 OK 87, ¶ 15, 152 P.3d 195, 200. Indeed,

the Court in *Flandermeyer* noted that “piecemeal proceedings should be used by the trial court as an exception, not as the norm.” *Id.* ¶ 15.

In the present case, the first AWOC hearing was held on January 7, 2025, after which the court sustained Mr. Price’s application for adoption without consent. However, Ms. Brown was not present at this hearing, and it appears that she was not represented. Ms. Brown was later appointed a public defender, and the court vacated its previous AWOC ruling. The docket sheet reflects that the parties appeared for the next AWOC hearing on March 7, 2025, and agreed to strike and reset it.

The parties appeared before the court on April 25, 2025, and the court noted that Ms. Brown was unable to appear. Her counsel did not make an objection related to her absence or ask for a continuance. The court sustained the application to adjudicate M.B. and R.B. eligible for adoption without the consent of Ms. Brown.

The parties then appeared on June 18, 2025, for the best-interest trial. Ms. Brown was present in person. The parties did not finish presenting evidence and Ms. Brown’s counsel requested that they finish the second half of the best-interest hearing on the same day as the other AWOC hearing for R.B. and M.B.’s half sibling, A.P.

The parties appeared on August 15, 2025, for the AWOC hearing for A.P. The court sustained the application to adjudicate A.P. eligible for adoption without the consent of Ms. Brown. At the end of the hearing, Ms. Brown’s counsel requested that instead of conducting the remainder of the best-interest hearing

for M.B. and R.B. that day, the court set another date so they could finish the best-interest hearing for M.B. and R.B. and conduct a best-interest hearing for A.P. all on the same day. The court agreed and set the matter for October 17, 2025.

On October 15, 2025, Ms. Brown filed a motion to continue on the basis that she had been previously ordered by the court to appear in person for trial and was now unable to attend. However, the court denied her motion and proceeded with the remainder of the best-interest trial on October 17, 2025. While Ms. Brown did not appear in person, she was able to testify via video, and her counsel did not object to the court's denial of the motion to continue. The court found that it was in the best interest of all three children for the petition for adoption to be sustained.

This Court's decision in *Flandermeyer* made clear that "[b]efore a party's due process rights are violated, it must be shown that the action or error was arbitrary, oppressive and shocking to the conscience of the court." 2006 OK 87, ¶ 10. The record reflects that Ms. Brown was provided notice of each setting and was afforded a full and fair opportunity to participate. While it was the court's preference that Ms. Brown appear in person to testify, the court made accommodations for Ms. Brown and allowed her to appear virtually on at least two occasions. The trial court also sua sponte vacated the default order sustaining the adoption application and reset the AWOC hearing so Ms. Brown would be able to attend and participate. Additionally, the AWOC hearing was conducted in one fell swoop, and the best-interest trial took place over two

separate dates, June and October. And, the second half of the best-interest trial would have occurred in August but for Ms. Brown's requests to have the best interest of all three children be determined at the same time. None of the aforementioned decisions made by the trial court were arbitrary, oppressive, or shocking to the conscience. Accordingly, we find that Ms. Brown's due process rights were not violated.

* * *

Upon careful review, we find that Mr. Price proved by clear and convincing evidence that Ms. Brown failed to maintain a meaningful and substantial relationship with R.B. and M.B. and that Ms. Brown's due process rights were not violated. Accordingly, the order sustaining the application to adjudicate M.B. and R.B. eligible for adoption without consent of Ms. Brown is affirmed.

AFFIRMED.

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

July 22, 2026