

SUPREME COURT OF OKLAHOMA

Widick v. State

64 P.3d 1080 (Okla. 2002) · Decided October 29, 2002

SUMMARY

The Oklahoma Supreme Court held that appellate review of parental-rights-termination decisions must determine whether the trial court's findings are supported by clear-and-convincing evidence, rather than applying an any-competent-evidence standard. Relying on the constitutional protections recognized in Santosky v. Kramer, the court concluded that a less stringent appellate standard could undermine the required burden of proof. The case was remanded to the Court of Civil Appeals for reconsideration under the proper standard and resolution of the remaining issues.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Opala, J.; Opala; Hargrave; Hodges; Lavender; Summers; Boudreau; Winchester; Watt; Kauger
JURISDICTION	Oklahoma
DECIDED	October 29, 2002
DISPOSITION	remanded
PROCEDURAL POSTURE	The Oklahoma Supreme Court granted certiorari to review the Court of Civil Appeals' affirmance of an order terminating the parents' rights and to determine the constitutionally required standard of appellate review in a parental-rights-termination proceeding.
STANDARD OF REVIEW	In a parental-rights-termination case, appellate review must search the record for clear-and-convincing evidence supporting the trial court's findings; the any-competent-evidence standard is constitutionally insufficient.
PRECEDENTIAL VALUE	Published Oklahoma Supreme Court opinion; precedential.
PARTIES	Patricia Widick v. State

TOPICS

- termination of parental rights
- parental rights
- appellate procedure
- standard of review
- due process

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the any-competent-evidence standard of appellate review in a parental-rights-termination proceeding satisfies the Fourteenth Amendment.
2. Whether appellate courts must review the record to determine whether parental-rights-termination findings are supported by clear-and-convincing evidence.

HOLDINGS

1. The any-competent-evidence standard is insufficient under the Fourteenth Amendment for appellate review of findings terminating parental rights. Appellate review must determine whether the trial court's findings are supported by clear-and-convincing evidence.

KEY QUOTATIONS

“We are hence persuaded that, in order to assure faithful nisi prius compliance with the federal mandate, appellate review of a parental-bond severance must be conducted by searching for the presence of clear-and-convincing proof.” (¶ 7)

“In short, to warrant affirmance of nisi prius findings, appellate review in a parental-bond-severance proceeding must demonstrate the presence of clear-and-convincing evidence to support the first-instance decision.” (¶ 7)

FACTUAL BACKGROUND

S.B.C., a four-month-old child, suffered multiple injuries, including a recent skull fracture, a healing rib fracture, a metaphyseal lesion consistent with shaken-baby syndrome, and petechiae. The injuries were discovered after the father reported several earlier accidents while the child was in his care, and the child was then placed in protective custody. Following a bifurcated hearing, the jury found that the child was deprived, that the father had severely, shockingly, or heinously abused the child, that the mother had failed to protect the child, and that both parents' rights should be terminated.

PROCEDURAL HISTORY

After a bifurcated jury hearing, the trial court adjudicated the child deprived and terminated both parents' rights. The mother appealed, challenging notice and the sufficiency of the evidence, and the Court of Civil Appeals affirmed under an any-competent-evidence standard. The father's separate appeal was transferred to the Oklahoma Supreme Court and consolidated with the mother's certiorari proceeding. The Supreme Court remanded to the Court of Civil Appeals for reconsideration under the clear-and-convincing-evidence standard of appellate review and resolution of the remaining issues.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The cause was remanded to the Court of Civil Appeals, Division II, to reconsider the case under the clear-and-convincing-evidence standard of appellate review and to resolve all other issues raised in the consolidated proceeding.

CASES CITED

- Santosky v. Kramer, 455 U.S. 745, 753, 102 S. Ct. 1388, 1395, 71 L. Ed. 2d 599 (1982)
- Matter of Adoption of Darren Todd H., 1980 OK 119, ¶ 18, 615 P.2d 287, 290
- Matter of C.G., 1981 OK 131, ¶¶ 12, 15-17, 637 P.2d 66, 69-71
- Matter of Sherol A.S., 1978 OK 103, ¶ 22, 581 P.2d 884, 888 (1978)
- Matter of T.R.W., 1985 OK 99, ¶¶ 29-30, 722 P.2d 1197, 1203
- Blackburn v. Blackburn, 249 Ga. 689, 292 S.E.2d 821 (1982)
- Bose Corp. v. Consumers Union of the United States, Inc., 466 U.S. 485, 104 S. Ct. 1949, 80 L. Ed. 2d 502 (1984)
- Nealis, *supra* note 1