

SUPREME COURT OF OKLAHOMA

In the Matter of the Adoption of L.B.L.

2023 OK 48, 529 P.3d 175 · No. 119316 · Decided April 25, 2023

SUMMARY

The Oklahoma Supreme Court reviewed an adoption of L.B.L. without the mother's consent. It held that the mother's failure to support the child was not willful because a guardianship order held support payments in abeyance, but that clear and convincing evidence established her failure to maintain a substantial and positive relationship with the child and that adoption was in the child's best interests. The court vacated the Court of Civil Appeals opinion, affirmed the trial court, and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Kuehn, J.; Kane, C.J.; Rowe, V.C.J.; Winchester, J.; Edmondson, J.; Kauger, J.; Combs, J.; Gurich, J.; Darby, J.
JURISDICTION	Oklahoma
DECIDED	April 25, 2023
DOCKET	119316
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The prospective adoptive parents petitioned to adopt the child without the mother's consent. The Cherokee County District Court found the child eligible for adoption without consent. The Court of Civil Appeals, Division 1, reversed. The Oklahoma Supreme Court granted certiorari, vacated the Court of Civil Appeals' opinion, affirmed the trial court, and remanded for further proceedings.
STANDARD OF REVIEW	The statutory grounds for adoption without parental consent must be strictly construed in the parent's favor and proved by clear and convincing evidence. Whether a parent's failure to support was willful is determined from the particular facts of the case; factual findings supporting the judgment are reviewed for clear and convincing evidentiary support.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Sara Pollard v. Grant Lloyd, Kalan Lloyd

TOPICS

adoption

termination of parental rights

parental rights

statutory interpretation

appellate procedure

PRACTICE AREAS

family law

adoption

parental rights

guardianships

QUESTIONS PRESENTED

1. Whether Pollard's failure to contribute to the child's support was willful when a guardianship court had held child support in abeyance.
2. Whether the guardians' refusal of visitation established a denial-of-opportunity defense to Pollard's failure to establish or maintain a substantial and positive relationship with the child.
3. Whether adoption without Pollard's consent was supported by clear and convincing evidence and was in the child's best interests.

HOLDINGS

1. Pollard's failure to pay child support was not willful because she complied with a guardianship court order that held support in abeyance and temporarily relieved her of the immediate obligation to pay.
2. A custodian's refusal of visitation does not automatically establish that the parent was denied the opportunity to establish or maintain a substantial and positive relationship. The court must examine why contact was denied and whether the parent's conduct or choices contributed to the denial or harmed the child.
3. Clear and convincing evidence supported the conclusion that adoption without Pollard's consent was in the child's best interests.

KEY QUOTATIONS

"The best interests of the child serve as the polestar in all adoption proceedings." (§ 10)

"To give effect to both the letter and spirit of the statute, we inquire into more than whether a custodian has denied a parent the opportunity for a substantial, positive relationship -- we ask why." (§ 24)

FACTUAL BACKGROUND

L.B.L. was born in May 2017 addicted to methamphetamine and PCP, and the child's early life involved parental substance abuse, domestic violence, and unsafe care. The Lloyds became emergency guardians in September 2019 and permanent guardians in December 2019, after which the child received therapeutic, medical, and educational care and began thriving. Pollard had little contact with the child, paid only \$130 in support during the relevant period, and did not establish or maintain a substantial and positive relationship, although the guardians denied further visitation after a FaceTime visit was followed by self-harming behavior and a therapist's recommendation against visitation. The guardians filed the adoption petition in September 2020.

PROCEDURAL HISTORY

The Lloyds, the child's paternal uncle and aunt and guardians, filed a petition to adopt the child without Pollard's consent based on her alleged failure to support the child and failure to establish or maintain a substantial and positive relationship. The district court found the statutory grounds satisfied and that the child was eligible for adoption without consent. The Court of Civil Appeals reversed, reasoning that the guardians' denial of visitation excused the mother's failure to maintain the relationship. The Supreme Court granted certiorari, rejected that analysis, and remanded after affirming the trial court's result.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Court of Civil Appeals' opinion is vacated, the trial court's judgment is affirmed, and the case is remanded to the trial court for further proceedings.

CASES CITED

- Santosky v. Kramer, 455 U.S. 745 (1982)
- In re Adoption of C.D.M., 2001 OK 103, 39 P.3d 802
- In re Adoption of M.A.S., 2018 OK 1, 419 P.3d 204
- In re Adoption of M.J.S., 2007 OK 44, 162 P.3d 211
- In re Adoption of G.D.J., 2011 OK 77, 261 P.3d 1159
- In re Adoption of Baby Boy W., 1992 OK 58, 831 P.2d 643