

SUPREME COURT OF OKLAHOMA

In the Matter of the Adoption of S.A.H.

2022 OK 10 · No. Nos. 118,986 and 119,218 · Decided February 1, 2022

SUMMARY

The Oklahoma Supreme Court affirmed district court decisions denying a cousin's motion to vacate the paternal grandparents' adoption of S.A.H. and dismissing the cousin's guardianship petition as moot. The Court held that the cousin had no statutory or constitutional custody rights requiring notice or permitting her to challenge the adoption, and that the biological father's consent to the adoption was controlling absent evidence of parental unfitness or harm to the child.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Winchester, J.; Darby, C.J.; Kane, V.C.J.; Kauger, J.; Edmondson, J.; Combs, J.; Rowe, J.; Gurich, J.; Kuehn, J.
JURISDICTION	Oklahoma
DECIDED	February 1, 2022
DOCKET	Nos. 118,986 and 119,218
DISPOSITION	affirmed
PROCEDURAL POSTURE	The minor child's maternal first cousin appealed two Tulsa County District Court decisions: denial of her motion to vacate the paternal grandparents' adoption decree and dismissal of her petition for general guardianship after the adoption was finalized. The Oklahoma Supreme Court retained both appeals and affirmed both judgments.
STANDARD OF REVIEW	Appointment or termination of a guardianship and denial of a motion to vacate an adoption decree are reviewed for abuse of discretion; the appellate court will not reverse unless the decision is against the clear weight of the evidence or contrary to law. Dismissal of the guardianship matter is reviewed de novo.
PRECEDENTIAL VALUE	published
PARTIES	S.A.H.'s maternal first cousin v. S.A.H.'s paternal grandparents

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the adoption court could grant the paternal grandparents' adoption petition based on the father's consent while the cousin's claim for general guardianship was pending.
2. Whether the guardianship court properly dismissed the cousin's guardianship petition because the child's adoption made a guardianship unnecessary and the matter moot.
3. Whether the cousin had a statutory or constitutional right to custody, notice, or an opportunity to object sufficient to require vacatur of the adoption decree.

HOLDINGS

1. A third party seeking custody must affirmatively establish the natural parent's unfitness or harm to the child; the cousin had no statutory or constitutional right to custody or visitation that could override the father's parental decision to consent to the grandparents' adoption.
2. The adoption court could proceed with the grandparents' adoption petition even though the cousin's general guardianship claim remained pending because the proceedings sought different relief, no intolerable jurisdictional conflict existed, and the cousin had no current guardianship or custody right requiring her consent.
3. The cousin was not entitled by statute or constitution to notice of the grandparents' adoption proceeding and could not obtain equitable relief unwinding an adoption to which the father validly consented.

KEY QUOTATIONS

"Cousin holds no constitutional or statutory right to unwind Grandparents' adoption to which Father consented." (§ 2)

"Oklahoma adoption procedure is "wholly within the control of the legislature," and the Court cannot broaden the requirements to obtain an adoption beyond that set by the Legislature." (§ 25)

"Allowing Cousin to object and unwind an adoption that Father consented to would violate his constitutional right to make decisions regarding his child." (§ 27)

FACTUAL BACKGROUND

S.A.H.'s mother had sole legal custody but became terminally ill and died in May 2019. The child's maternal first cousin obtained a temporary guardianship, but the child's father later established paternity, obtained sole legal and physical custody, and consented to the paternal grandparents' adoption of the child. After the adoption was finalized, the cousin sought to vacate the adoption and continue her claim for general guardianship, asserting that the proceedings should have been delayed and that she was entitled to notice.

PROCEDURAL HISTORY

The cousin was appointed temporary guardian after the child's mother became terminally ill and died. After the child's father established paternity, the guardianship court terminated the temporary guardianship, the paternity court awarded the father sole custody, and the father consented to the grandparents' adoption. The adoption court entered a final decree, denied the cousin's motion to vacate, and the guardianship court dismissed the remaining guardianship petition as moot. The Supreme Court affirmed both rulings.

DISPOSITION

affirmed

CASES CITED

- Bank of Okla., N.A. v. Red Arrow Marina Sales & Serv., Inc., 2009 OK 77, 224 P.3d 685
- Smith v. City of Stillwater, 2014 OK 42, 328 P.3d 1192
- Briggman v. Cheney, 1910 OK 316, 112 P. 993
- In re Guardianship of Holly, 2007 OK 53, 164 P.3d 137
- In re Adoption of C.D.M., 2001 OK 103, 39 P.3d 802
- In re Guardianship of M.R.S., 1998 OK 38, 960 P.2d 357
- Ingles v. Hodges, 1977 OK 18, 562 P.2d 845
- In re Guardianship of Hatfield, 1972 OK 10, 493 P.2d 819
- Grose v. Romero, 1948 OK 120, 193 P.2d 1014
- In re Adoption of D.T.H., 1980 OK 119, 615 P.2d 287
- In re Herbst, 1998 OK 100, 971 P.2d 395
- McDonald v. Wrigley, 1994 OK 25, 870 P.2d 777
- Davis v. Davis, 1985 OK 85, 708 P.2d 1102
- Eldredge v. Taylor, 2014 OK 92, 339 P.3d 888
- In re Adoption of R.W.S., 1997 OK 148, 951 P.2d 83
- Steltzlen v. Fritz, 2006 OK 20, 134 P.3d 141
- State v. Lohah, 1967 OK 165, 434 P.2d 928
- Birtciel v. Jones, 2016 OK 103, 382 P.3d 1041
- Head v. McCracken, 2004 OK 84, 102 P.3d 670
- In re Adoption of G.D.L., 1987 OK 115, 747 P.2d 282
- K.R. v. B.M.H., 1999 OK 40, 982 P.2d 521
- In re Adoption of B.K.J., 1982 OK 143, 639 P.2d 611
- In re Adoption of A.D.H., 2000 OK CIV APP 134, 15 P.3d 519