

2024 Family Law
Oklahoma Supreme Court
&
Oklahoma Court of Civil Appeals

In the Matter of A.B., 2024 OK CIV APP 1

- A mother's parental rights were terminated by jury verdict. She claimed denial of due process since she was not physically present and objected to admission of unadjudicated arrest evidence. The trial court allowed her virtual participation, seeing and hearing all proceedings, conferring with counsel, and observing witnesses. The appellate court found no due process violation. Although admitting arrest evidence was error, it was harmless because ample other evidence supported termination. The termination order stands, but the court must revise it to remove findings not supported by the jury's verdict.

Williams v. Williams, 2024 OK CIV APP 8

- Wife appeals a divorce decree that treats Husband's business as his separate property. Though Husband founded the business before the marriage, it grew in value substantially during the marriage. The trial court found Wife failed to prove the business was marital property, but the appellate court held that any increase in value during the marriage due to the parties' efforts is a marital asset. The trial court erred by awarding Wife nothing for this increase. The appellate court reverses in part and remands for a fair division of the increase in the business's value.

In re the Marriage of Jones, 2024 OK CIV APP 12

- Alberta Jones filed for divorce from Donald Jones. Despite receiving proper notice and warnings, Alberta repeatedly ignored court orders, refused discovery, and declined to attend a crucial hearing. Consequently, the trial court imposed sanctions and treated her absence as a default. Donald presented evidence, and the court granted the decree. Alberta appealed, claiming lack of notice, due process violations, and jurisdictional errors. She failed to show any error. The appellate court found the trial court had given her ample opportunity, she waived arguments by noncompliance with rules, and no fundamental error existed.

Snyder v. League, 2024 OK CIV APP 21

- In this post-paternity custody dispute, the father sought sole custody, citing the mother's past substance abuse and alleging trial court errors. The court awarded the mother custody after finding she had successfully rehabilitated. The appellate court rejected the father's claim that 43 O.S. section 110.1 required equal-time custody, holding it applies only in dissolution cases. The court found no abuse of discretion in evidentiary rulings or statutory interpretations, determining custody was properly based on the child's best interests. The trial court's judgment denying the father's motion for a new trial was affirmed.

In the Matter of J.B., 2024 OK CIV APP 22

- The mother's parental rights to her three children were terminated following a non-jury trial after she failed to appear at a December 19, 2023 hearing. The appellate court reversed, holding the trial court erred by proceeding without a jury trial despite the mother's prior jury demand. The record showed no jury trial was set or noticed for December 19, and her absence could not constitute a waiver. Under Oklahoma law, a parent's right to a jury trial in termination proceedings cannot be waived without clear, voluntary, and intelligent consent. The case was remanded.

In the Matter of C.K.T., 2024 OK CIV APP 23

- The appellate court affirmed termination of Nicole Blosch's parental rights to her two Indian children under the Indian Child Welfare Act (ICWA). The State proved by clear and convincing evidence that the mother failed to address her drug addiction, which kept the children in foster care for over two years. The court also found beyond a reasonable doubt that returning custody would cause serious emotional harm. However, the appellate court reversed the trial court's findings related to domestic violence, as the jury verdict did not support those grounds.

In the Matter of E.J.T., 2024 OK 14

- The Supreme Court upheld the termination of a mother's parental rights following a non-jury trial. She challenged the ruling, arguing she did not knowingly and intelligently waive her right to a jury. The Court disagreed, finding her waiver was validly placed on the record in open court and documented in the minute order. She never requested a jury or objected to the bench trial, reinforcing her waiver. Having failed to complete required services and abandoning her children, the trial court properly terminated her rights. The Supreme Court affirmed, vacating the Court of Civil Appeals' decision.

In the Matter of M.R., 2024 OK 28

- The parents appealed termination of their rights to four children. The mother argued ICWA's heightened burden of proof violated her equal protection rights by denying non-Indian parents similar protections. The Court held she lacked standing because the children were not Indian; even if she had standing, ICWA's classification is political, not racial. The Court found clear and convincing evidence that the mother failed to protect her daughter from the father's heinous sexual abuse. The father's procedural challenges also failed. Concluding the State met its burden, the Court affirmed both termination orders.

Galbraith v. Galbraith, 2024 OK 43

- The Supreme Court held that a guardian may, with court authorization, file for divorce on behalf of an incapacitated ward. The trial court had dismissed a guardian's divorce petition based on outdated precedent. The Supreme Court reversed, noting that Oklahoma's Guardianship and Conservatorship Act empowers courts to protect a ward's property and best interests. Divorce differs from marriage creation in that it does not require personal mutual consent and can address critical financial matters. Because the guardianship judge specifically allowed the filing, the Court concluded that the guardian could proceed with a divorce action to safeguard the ward's interests.

In the Matter of V.J.R., 2024 OK 66

- The Supreme Court held that the mother lacked standing to invoke the federal Indian Child Welfare Act since the child was not Native American, and her equal protection argument failed because ICWA's classification is political, not racial. The Court found clear and convincing evidence that the adoptive father sexually abused the child, and the mother, aware of such conduct, failed to protect her. The mother also stipulated to the admissibility of the child's forensic interview, waiving her objection. Concluding termination was in the child's best interests, the Supreme Court affirmed the trial court's order.

In the Matter of J.O., 2024 OK 82

- The Supreme Court ruled Parker's due process rights were violated when his video feed was disconnected during his parental termination trial involving an Indian child under ICWA. The Court vacated the Court of Civil Appeals opinion, reversed the trial court, and remanded for a new trial. The Court found Parker was unfairly denied confrontation of witnesses and clarified that ICWA requirements apply regardless of whether the parent ever had legal or physical custody. The case returns to the trial court for further proceedings.

Payton v. Applegate, 2024 OK 41

- The Oklahoma Supreme Court held that a decedent's cattle operation was marital property rather than the decedent's separate assets. Teddy and Charlene commingled proceeds from cattle sales in a jointly held account, used those funds for both ranching and household expenses, and jointly cared for the livestock. Any cattle owned by Teddy before marriage had been replaced through their shared efforts. Oklahoma law presumes property acquired during marriage is marital property unless proven otherwise. Because evidence showed the couple treated the cattle operation as a joint endeavor, the Court upheld the trial court's ruling.