



**IN RE: N.A.; STATE OF OKLAHOMA vs MALDONADO et al**

2025 OK 22

Case Number: 122331 (cons w/ 122399)

Decided: 04/08/2025

**THE SUPREME COURT OF THE STATE OF OKLAHOMA**

Cite as: 2025 OK 22, \_\_ P.3d \_\_

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**IN RE: N.A., a/k/a M.N.A.M., and L.A., adjudicated deprived children.**

**STATE OF OKLAHOMA, Petitioner/Appellee,**

**v.**

**CYNTHIA MALDONADO and MARTHA AMARO, Respondents/Appellants.**

**ON APPEAL FROM THE DISTRICT COURT OF TEXAS COUNTY, STATE OF OKLAHOMA**

**HONORABLE CHRISTINE MARIE LARSON, ASSOCIATE DISTRICT JUDGE**

¶0 This appeal concerns whether an Oklahoma district court has jurisdiction over a juvenile deprived proceeding pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), 43 O.S.2024, §§ 551-101 to 551-402.

**ORDER OF DISTRICT COURT IS AFFIRMED.**

Evan Humphreys, Guymon, Oklahoma, for Appellant Cynthia Maldonado.

Avery Haines, Dale & Haines, Guymon, Oklahoma, for Appellant Martha Amaro.

Christopher J. Liebman, Guymon, Oklahoma, for Appellees the Children.

**KANE, J.:**

¶1 This case involves a family that lived on both sides of the Oklahoma-Kansas border and in Mexico. Respondents/Appellants Cynthia Maldonado and Martha Amaro appeal from the trial court's order determining that, pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), 43 O.S.2024, §§ 551-101 to 551-402, Oklahoma has jurisdiction over this juvenile deprived proceeding and the trial court's order adjudicating their two minor children deprived. We affirm the trial court's finding that minor child L.A. had resided in Oklahoma for six months preceding the commencement of the deprived proceeding, and, therefore, Oklahoma was the child's home state. We also affirm the trial court's order adjudicating the Children deprived as to Maldonado.

**FACTS AND PROCEDURAL HISTORY**

¶2 Maldonado is the biological mother of L.A. (born May 2022) and N.A. (born March 2024), also known as M.A., M.A.M., and M.N.A.M. Amaro is Maldonado's wife and listed as the second parent on the Children's birth certificates.

¶3 Maldonado gave birth to N.A. on March 19, 2024 at Southwest Medical Center in Liberal, Kansas. Maldonado and N.A. tested positive for methamphetamine at the time of birth. The Texas County District Court of Oklahoma ordered that N.A. and L.A. be taken into emergency custody by the Oklahoma Department of Human Services (OKDHS) on March 21, 2024.

The older sibling L.A. was located with a babysitter in Liberal, Kansas. The children were placed in foster care in Oklahoma, and the State of Oklahoma petitioned to adjudicate the children deprived as to both Maldonado and Amaro.

¶4 On June 4, 2024, Maldonado filed a Motion to Determine Subject Matter Jurisdiction with Brief in Support. Maldonado argued the Oklahoma district court did not have jurisdiction to make an initial child custody determination. She argued that, according to the UCCJEA, Oklahoma is not the home state of L.A. or N.A. Maldonado contended that Mexico was L.A.'s home state and Kansas was N.A.'s home state. Maldonado further argued that Oklahoma did not have temporary emergency jurisdiction under the UCCJEA, because the Children were not present in the state of Oklahoma when the district court ordered the Children be taken into emergency custody. <sup>1</sup>

¶5 The State responded that the Oklahoma Children's Code, 10A O.S.2024, § 1-4-101, not the UCCJEA, provides that Oklahoma has subject matter jurisdiction over deprived proceedings. The State asserted that, even if the UCCJEA does determine jurisdiction, Maldonado and L.A. were residents of Tyrone, Oklahoma, and Maldonado's visit to the hospital in Liberal, Kansas, was merely a temporary absence from Oklahoma.

¶6 After hearing testimony from several witnesses, the trial court found that L.A. had lived in Oklahoma for six months preceding the commencement of the deprived proceeding, which made Oklahoma the child's home state and gave the Oklahoma district court jurisdiction under the UCCJEA. The trial court adjudicated the Children deprived as to both parents on June 27, 2024. Parents appealed both the order finding the court had jurisdiction under the UCCJEA and the adjudication order. The appeals were retained and consolidated by this Court. Amaro's appeal has been dismissed. <sup>2</sup>

### STANDARD OF REVIEW

¶7 When there are no contested jurisdictional facts, whether the trial court properly exercised jurisdiction under the UCCJEA is purely a question of law, which the appellate court reviews *de novo*. See *Rader v. Rader*, 2020 OK 106, ¶ 7, 478 P.3d 438, 441; *I. T. K. v. Mounds Pub. Sch.*, 2019 OK 59, ¶ 11, 451 P.3d 125, 131. However, when, as here, the appellate court is asked to review a finding of fact made by the trial court on a motion challenging jurisdiction, the trial court's factual finding is reviewed under a clearly erroneous standard. See *In re Guardianship of K.D.B.*, 2025 OK 10, ¶ 11, 564 P.3d 83(citing *I. T. K.*, 2019 OK 59, ¶ 11, 451 P.3d at 131). The effect of the adjudicated fact on whether the Oklahoma district court properly exercised jurisdiction under the UCCJEA is reviewed *de novo*, as it presents a question of law.

¶8 Additional questions of law presented in this appeal are also reviewed *de novo*. See *In re V.J.R.*, 2024 OK 66, ¶ 20, 556 P.3d 1010, 1019. "Under the *de novo* standard, this Court examines legal issues independently, without deference to the trial court's findings." *Id.*

¶9 As to the adjudication order, the State must support the allegations in a petition seeking the adjudication of a child as deprived by a preponderance of the evidence. See 10A O.S.2024, §§ 1-4-602 to 1-4-603. "On appeal from an order declaring a child deprived, we will affirm the trial court's findings if they are supported by competent evidence." *In re J.D.H.*, 2006 OK 5, ¶ 4, 130 P.3d 245, 247.

### ANALYSIS

#### I. Mootness

¶10 On January 16, 2025--while Parents' appeals from the adjudication order were pending--the trial court entered a Final Permanency Order (Exit Order) returning the Children to Parents. The trial court dismissed the underlying juvenile proceeding based on the recommendations of the Department of Human Services and the District Attorney. <sup>3</sup> On January 24, 2025, Appellant Maldonado filed in this Court Notice of Exit Order and Motion for Finding that Appeal is Exempt from Mootness Doctrine. Maldonado suggests the case is moot because no relief can be granted to Parents now that the Children have been returned and the underlying juvenile proceeding has been dismissed.

¶11 We find the appeal is not moot based on the collateral consequences doctrine. "It is a long-established rule that this Court will not consume its time by deciding abstract propositions of law or moot issues." *Baby F. v. Okla. Cty. Dist. Court*, 2015 OK 24, ¶ 11, 348 P.3d 1080, 1084. However, a matter is not moot if the appellant faces ongoing collateral consequences. See *In re I.T.S.*, 2021 OK 38, ¶ 25, 490 P.3d 127, 134. In *I.T.S.*, the mother appealed the termination of her parental rights as to three children. *Id.* ¶¶ 1, 8, at 129-130. Two of the children reached the age of emancipation while the

appeal was pending and the third child was approaching the age of emancipation at the time this Court issued an opinion. *Id.* ¶ 24, at 134. Nonetheless, this Court found the case was not moot because the mother faced ongoing collateral consequences as a result of having her parental rights terminated. *Id.* ¶ 25, at 134 (citing 10A O.S.2024, § 1-4-904(B)(6)). Specifically, 10A O.S., § 1-4-904(B)(6) provides that a court may terminate the rights of a parent to a child if "a. the rights of the parent to another child have been terminated, and b. the conditions that led to the prior termination of parental rights have not been corrected . . . ." The ongoing collateral consequence in *I.T.S.* was that, under the law, having parental rights terminated as to one child may be grounds for termination of rights to other children in the future.

¶12 In this case, the Children were adjudicated deprived; parental rights were not terminated. However, a comparable legal disability flows from an adjudication order. Title 10A, § 1-4-904(B)(14) provides:

B. The court may terminate the rights of a parent to a child based upon the following legal grounds:

. . .

14. A finding that:

a. the condition that led to the deprived adjudication has been the subject of a previous deprived adjudication of this child or a sibling of this child, and

b. the parent has been given an opportunity to correct the conditions which led to the determination of the initial deprived child.

10A O.S., § 1-4-904(B)(14). Here, the collateral consequence is that having a previous deprived adjudication may be grounds for termination of rights to these Children or her other children in the future. Maldonado was given the opportunity to correct the conditions that led to L.A. and N.A.'s deprived adjudication (drug abuse and failure to protect). If the State were to bring another juvenile deprived proceeding against her based on drug abuse and/or failure to protect, the June 27, 2024 adjudication order becomes highly relevant as a matter of law. Because we conclude the appeal is not moot under the collateral consequences doctrine, we need not determine whether the exceptions to the mootness doctrine apply.

## **II. Subject Matter Jurisdiction**

¶13 Maldonado argues the Oklahoma district court did not have subject matter jurisdiction under the UCCJEA. The State, at trial, <sup>4</sup> and Children, on appeal, argue the UCCJEA does not apply to juvenile deprived proceedings. Rather, the Oklahoma Children's Code (OCC) determines subject matter jurisdiction. Maldonado asserts that the OCC concerns personal jurisdiction.

¶14 As an initial matter, it is pertinent we clarify a few principles of jurisdiction and the UCCJEA and OCC's roles with respect to those principles. Personal jurisdiction is the requirement that the court has power over the *parties*. See *Conoco, Inc. v. Agrico Chem. Co.*, 2004 OK 83, ¶ 16, 115 P.3d 829, 834 ("*In personam* jurisdiction is the power to deal with the person of the defendant and to render a binding judgment against the defendant."). Personal jurisdiction is acquired by service of process or by voluntarily appearing before the court. *Id.* The parties may consent to or waive the personal jurisdiction requirement. See 12 O.S.2024, § 2012(F)(1); *Powers v. Dist. Court of Tulsa Cty.*, 2009 OK 91, ¶ 7, 227 P.3d 1060, 1068. Participating in the proceedings without preserving an objection to personal jurisdiction is usually construed as a general appearance and a waiver of any objection to personal jurisdiction. See *State ex rel. Okla. Bar Ass'n v. Mothershed*, 2011 OK 84, ¶ 43, 264 P.3d 1197, 1214. The OCC contains the personal jurisdiction statute for juvenile deprived proceedings:

Upon the filing of a petition, the assumption of the custody of a child, or issuance of an emergency custody order pursuant to the provisions of the Oklahoma Children's Code, the district court shall obtain jurisdiction over any child who is or is alleged to be deprived. Jurisdiction shall also be obtained over any parent, legal guardian, or custodian of and any other person living in the home of such child who appears in court or has been properly served with a summons pursuant to Section 1-4-304 of this title.

10A O.S., § 1-4-101(A)(1); see *In re H.M.A.*, 2025 OK CIV APP 2, ¶ 10, 563 P.3d 312, 316-317 (concluding that 10A O.S., § 1-4-101 pertains to a court's personal jurisdiction over the child and parents).

¶15 Subject matter jurisdiction is the requirement that the court has the power to adjudicate the *type of controversy*. See *In re A.N.O.*, 2004 OK 33, ¶ 9, 91 P.3d 646, 649 ("Subject matter jurisdiction is essential. It is the power and authority of a court to hear and determine causes of the kind in question."). The State district courts' subject matter jurisdiction is derived from the Oklahoma Constitution. See Okla. Const. art. 7, § 7; *Jernigan v. Jernigan*, 2006 OK 22, ¶ 16, 138 P.3d 539, 545. The Oklahoma Constitution grants the district courts expansive subject matter jurisdiction. "The District Court shall have **unlimited** original jurisdiction of **all justiciable matters**, except as otherwise provided in this Article . . . ." Okla. Const. art. 7, § 7 (emphasis added). Oklahoma district courts are courts of general jurisdiction, meaning they have the power to adjudicate nearly every type of controversy, civil and criminal, that arises within the State's territorial boundaries.<sup>5</sup> Subject matter jurisdiction cannot be waived or conferred upon the court by the parties' consent, and it may be challenged at any time. See *A.N.O.*, 2004 OK 33, ¶ 9, 91 P.3d at 649. The adjudication of a child's deprived status and child custody are the types of controversies presented in a juvenile deprived proceeding. The general subject matter jurisdiction granted to the district courts *by the Oklahoma Constitution* includes the power and authority to adjudicate these types of controversies. The Oklahoma district court had subject matter jurisdiction over this proceeding.

¶16 Therefore, we reject the Children's argument that the OCC determines whether an Oklahoma district court has subject matter jurisdiction over a juvenile deprived proceeding. But we also reject Maldonado's argument--and the trial court's determination--that the UCCJEA determines subject matter jurisdiction. Whether an Oklahoma district court has subject matter jurisdiction over a juvenile deprived proceeding is determined by the Oklahoma Constitution, not the UCCJEA.<sup>6</sup>

¶17 If jurisdiction under the UCCJEA is not subject matter jurisdiction, then what is it? Two or more courts may have jurisdiction over the same type of controversy or subject matter. This is referred to as concurrent jurisdiction. For example, the Oklahoma district court may share concurrent jurisdiction with another state, federal, or tribal court. When two courts share concurrent jurisdiction, either court *could* exercise jurisdiction. However, there may be statutory, procedural limitations that determine which court *should* exercise jurisdiction or which court has priority to exercise jurisdiction. That is precisely what the UCCJEA is intended to do. See *In re Teagan K.-O.*, 242 A.3d 59, 78-83 (Conn. 2020) (holding the UCCJEA does not confer subject matter jurisdiction on the courts but instead determines which state is permitted to exercise its existing subject matter jurisdiction when there is concurrent jurisdiction). Among its stated purposes, the UCCJEA is intended to avoid jurisdictional competition and conflict with courts of other states, promote cooperation with the courts of other states, and avoid relitigation of custody decisions of other states. See 43 O.S., § 551-101, cmt. The UCCJEA does not confer subject matter jurisdiction on a State court nor does it abrogate an Oklahoma district court's expansive, constitutionally-conferred subject matter jurisdiction. The UCCJEA merely instructs the district court when it should and should not exercise its subject matter jurisdiction. This is supported by the inconvenient forum provisions at 43 O.S., § 551-207. See *Teagan K.-O.*, 242 A.3d at 81 ("The fact that the UCCJEA resolves competing claims of jurisdiction and does not itself create jurisdiction is most clearly manifested in its inconvenient forum provision, which allows a court having jurisdiction to decline to exercise jurisdiction in favor of another state's court.").

¶18 Admittedly, in the past this Court has casually referred to UCCJEA jurisdiction as "subject matter jurisdiction." See, e.g., *Rader*, 2020 OK 106, ¶ 7, 478 P.3d at 441 ("Whether a trial court has subject matter jurisdiction under the UCCJEA is a question of law this Court reviews *de novo*."); *White v. Adoption of Baby Boy D.*, 2000 OK 44, ¶ 38, 10 P.3d 212, 220 (quoting *In Interest of L.S.*, 1997 OK 109, ¶ 6, 943 P.2d 621, 622) (The UCCJEA's predecessor, "[t]he UCCJA is the exclusive method in Oklahoma to determine subject matter jurisdiction in all custody proceedings."); *Joliff v. Joliff*, 1992 OK 38, ¶ 6, 829 P.2d 34, 36 ("The Uniform Child Custody Jurisdiction Act (UCCJA) established mandatory prerequisites for determining subject matter jurisdiction in custody cases in Oklahoma."). Recently, the Oklahoma Court of Civil Appeals declared that "the UCCJEA pertains to the court's subject matter jurisdiction." *H.M.A.*, 2025 OK CIV APP 2, ¶ 10, 563 P.3d at 317; see also *Jones v. White*, 2018 OK CIV APP 68, ¶¶ 28-34, 430 P.3d 544, 550-551 (finding the parties may not agree, consent, acquiesce or stipulate to subject matter jurisdiction for purposes of an initial child custody determination). Let us be clear today, jurisdiction under the UCCJEA is a statutory, procedural limitation that prescribes circumstances under which the

State district court should yield to another State's exercise of subject matter jurisdiction, but it does not remove the Oklahoma district court's constitutionally-conferred subject matter jurisdiction to adjudicate the deprived status of children and custody matters.

¶19 Lastly, the State and the Children's argument that the UCCJEA does not apply to juvenile deprived proceedings is without merit. The UCCJEA applies to child custody proceedings, meaning "a proceeding in which legal custody, physical custody, or visitation with respect to a child is an issue." 43 O.S., § 551-102(4). The UCCJEA specifically includes "dependency" in the definition of "child custody proceeding." *Id.* A juvenile deprived proceeding is a dependency proceeding in which legal custody, physical custody, and visitation with respect to a child is at issue. The UCCJEA applies to juvenile deprived proceedings.

### **III. L.A.'s Home State**

¶20 We now turn to Maldonado's first proposition of error: whether, according to the UCCJEA, the Oklahoma district court properly exercised jurisdiction over L.A. <sup>7</sup> The UCCJEA provides an Oklahoma district court has jurisdiction to make an initial child custody determination if Oklahoma is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months of the start of the proceeding, and the child is absent from this state, but a parent or person acting as a parent continues to live in Oklahoma. See 43 O.S., § 551-201(A). The term "home state" is defined in the UCCJEA as follows:

"Home state" means the state in which a child lived with a parent or a person acting as a parent for at least six (6) consecutive months immediately before the commencement of a child custody proceeding. . . . A period of temporary absence of the parent or person acting as a parent is part of the period.

43 O.S., § 551-102(7). A foreign country is treated as if it were a state of the United States for purposes of establishing home state jurisdiction. See 43 O.S., § 551-105(A). This child custody proceeding commenced on March 21, 2024. Therefore, the six-month look back period for establishing home state jurisdiction began September 21, 2023.

¶21 On appeal, Maldonado asserts that L.A.'s home state is Mexico. It is undisputed that L.A. was born in California in May 2022 and then lived in Mexico with both Parents until Maldonado and L.A. moved back to the United States, at which point, Amaro continued to reside in Mexico.

¶22 There was conflicting evidence presented at the adjudication hearing as to when Maldonado and L.A. began residing in Oklahoma. Maldonado contends that Oklahoma was not established as L.A.'s new home state, because she had not yet lived in Oklahoma for six months prior to the commencement of the deprived proceeding. Maldonado argues that L.A. lived in Mexico for approximately one-and-a-half years with both parents, which clearly established Mexico as the child's home state, and Maldonado and L.A. did not begin living in Tyrone, Oklahoma, until October 2023, which was only five months prior to the commencement of the deprived proceeding. <sup>8</sup> Maldonado's position is that Mexico continues to be the home state of the child because Mexico was the home state of the child within six months of the start of the proceeding, and, although L.A. was absent from Mexico when the proceeding began, a parent or person acting as a parent (Amaro) continued to live in Mexico.

¶23 The trial court found L.A. had lived in Oklahoma for six months preceding the commencement of the deprived proceeding. The parties agree that as of October 2023 Maldonado and L.A. were living in Tyrone, Oklahoma. The critical inquiry is whether the trial court's finding that L.A. resided in Oklahoma as of September 21, 2023 was clearly erroneous.

¶24 Christy Pharo's testimony supports the finding that L.A. lived in Oklahoma as of September 21, 2023. Pharo was Maldonado's friend and L.A.'s babysitter. She testified that Maldonado "came back" in June 2023.

¶25 Maldonado did not testify at the hearing, and she refused to complete the UCCJEA affidavit filed in the trial court on March 22, 2024. However, Tyrone Police Chief Carl Robertson's testimony that Maldonado had utilities reconnected at the trailer in Tyrone in October 2023 supports a finding Maldonado did not live in Oklahoma until October 2023. Additionally, Martha Amaro testified that Maldonado did not move to Tyrone until December 2023. Amaro testified that Maldonado and L.A. returned to the United States sometime between June 2023 and August 2023. Maldonado and L.A. initially lived in a hotel in Liberal, Kansas, for a few weeks and then with a friend in Liberal. Amaro testified that Maldonado and L.A. continued

to live in Liberal, Kansas, until December 2023, when Maldonado told Amaro that she was pregnant and that she and L.A. would be moving to her trailer in Tyrone, Oklahoma. Amaro testified that when Maldonado made this announcement in December 2023 she was still living with a friend in Liberal. Amaro explained that she knew where Maldonado and L.A. were living because she had regular video calls with Maldonado after they returned to the United States.

¶26 Maldonado argues that to affirm the trial court's finding she lived in Tyrone, Oklahoma, as of September 21, 2023, this Court would have to accept that she inexplicably waited until October to reconnect her utility services at the trailer. Other evidence points to the fact Maldonado historically resided in Tyrone, Oklahoma, <sup>9</sup> and that she and L.A. were living there from October 2023 until the Children were taken into emergency custody on March 21, 2024. <sup>10</sup> However, none of this evidence aids the fact finder in determining where L.A. was living on September 21, 2023.

¶27 This factual dispute turns on the credibility of the witnesses and how much weight ought to be attributed to the testimony. "The trial judge, by being confronted with the parties and the witnesses, was in a much better position to assess the credibility of those witnesses than is this Court from the dry, printed words in the record." *White*, 2000 OK 44, ¶ 36, 10 P.3d at 220 (quoting *Perry v. Perry*, 1965 OK 160, ¶ 5, 408 P.2d 285, 287) (internal quotations omitted). Witness testimony was conflicting and inconsistent. However, based on the timeline established by Pharo's testimony, we cannot say the trial court's finding that L.A. resided in Oklahoma at least six months prior to the commencement of the deprived proceeding was clearly erroneous. The part of the trial court's order finding Oklahoma has home state jurisdiction over L.A. is affirmed.

#### **IV. Temporary Emergency Jurisdiction**

¶28 Because we have affirmed the trial court's finding that Oklahoma had home jurisdiction, we need not determine whether Oklahoma properly exercised temporary emergency jurisdiction.

#### **V. Deprived Adjudication**

¶29 We now review the evidence to determine whether the trial court erred in adjudicating the Children deprived as to Maldonado. There is evidence of drug use. When Maldonado went to the hospital to deliver N.A., her urine tested positive for methamphetamine. A hair follicle test also came back positive for methamphetamine. N.A.'s meconium tested positive for methamphetamine one day after birth, and he showed signs of withdrawals when he was two days old. OKDHS caseworker Melissa Hook testified that, at one point, Maldonado admitted to using methamphetamine, but her self-reported history of drug use changed several times. She stated she never used drugs but then also said she had been using for a while. As for Maldonado's most recent use of methamphetamine, Hook testified that Maldonado initially told her that she was voluntarily injected with methamphetamine during a consensual sexual encounter with two men. Then her story changed, and she said told Hook she was sexually assaulted by two men and forcibly injected with methamphetamine. At another point, Maldonado told Hook she was sexually assaulted by a man and a woman and forcibly injected with methamphetamine. Hook also testified that during the investigation Maldonado spent 3-4 minutes alone in her house before Maldonado allowed the OKDHS caseworker inside.

¶30 In its second amended petition for adjudication, the State alleged that after the trial court issued the order taking the Children into emergency custody, Maldonado and Amaro refused to provide information about L.A.'s whereabouts and prevented OKDHS and Oklahoma and Kansas law enforcement from locating L.A. The testimony was that Maldonado was not helpful in locating L.A.; she was deceptive and misleading. After being released from the hospital, Maldonado was arrested for failure to comply with the court's order. Testimony suggests Maldonado and Amaro devised a scheme to hide L.A. from OKDHS and law enforcement. Maldonado lied to Texas County Sheriff's Department investigator Berta Vela and told her a man named Luis took L.A. to Mexico to be with Amaro. Meanwhile, Amaro and Maldonado had arranged for acquaintances Nina Baca and Rosa Erica Villa to pick up L.A. late at night and take her to their home in Liberal, Kansas. Villa testified that Amaro also asked her to look into a plane ticket to Juarez, Mexico, for an unaccompanied minor and asked her if she would drive L.A. to El Paso, Texas, which she refused. Baca and Villa did not know L.A. was in state custody. An Amber Alert was issued in Oklahoma and Kansas, and Baca and Villa took L.A. to the Liberal Police Department.

¶31 In addition to Maldonado's report to OKDHS that she was forcibly injected with methamphetamine, there was other testimony from friends and babysitters that Maldonado did not have a drug addiction or history of drug use. Marcela Maciel, who was one of L.A.'s babysitters, testified that Maldonado always provided food and diapers and that L.A. was clean and

well cared for. Maciel and OKDHS case worker Hook both testified that Maldonado's home was clean, in good condition, and adequately furnished. Hook testified Maldonado's appearance was healthy and well-kept. Maldonado argues a well-kept home and the quality care she provided to L.A. are inconsistent with methamphetamine addiction and the reckless use of drugs while pregnant. Maldonado asserts that there is no evidence of voluntary methamphetamine use and, in order to have adjudicated the Children deprived, the trial court must have believed that she suddenly, for no apparent reason, decided to try methamphetamine for the first time in the period leading up to N.A.'s birth. She contends that the sexual assault explains why an otherwise fit mother would have methamphetamine in her system.

¶32 Again, the trial court's deprived adjudication largely turns on its assessment of the credibility of witnesses. We hold there is competent evidence to support the order adjudicating the Children deprived as to Maldonado, and the order is affirmed.

### CONCLUSION

¶33 The trial court's finding that L.A. had resided in Oklahoma for six months preceding the commencement of the deprived proceeding was not clearly erroneous, and the Oklahoma district court properly exercised jurisdiction in this matter. Competent evidence supports the trial court's order adjudicating the Children deprived as to Maldonado.

### ORDER OF THE DISTRICT COURT IS AFFIRMED.

Rowe, C.J., Kuehn, V.C.J., Winchester, Edmondson, Darby, and Kane, JJ., concur.

Gurich, J., concur in result.

Combs, J., dissent: "I would dismiss this matter as moot."

### FOOTNOTES

#### KANE, J.:

<sup>1</sup> A state has temporary emergency jurisdiction if the child is present in this state and either the child has been abandoned or the exercise of temporary emergency jurisdiction is necessary in an emergency to protect the child from mistreatment or abuse. See 43 O.S.2024, § 551-204(A).

<sup>2</sup> Amaro failed to file an appellate brief in chief after this Court ordered her to comply. Amaro's appeal has been dismissed as abandoned. Okla.Sup.Ct.R. 1.2.

<sup>3</sup> The Individualized Service Plan (ISP) Progress Report filed on January 13, 2025, indicates both parents successfully corrected the conditions and behaviors which led to the Children being adjudicated deprived in March 2024. Trial reunification began in September 2024 and was successful.

<sup>4</sup> The State did not enter an appearance on appeal or file an answer brief. However, the Children did file an answer brief.

<sup>5</sup> The Oklahoma Constitution and Oklahoma Statutes also establish courts with limited subject matter jurisdiction, e.g., Workers' Compensation Court, Court of Bank Review, Court of Tax Review, and Boards, Agencies and Commissions. See Okla. Const. art. 7, § 1. Only by giving these courts exclusive jurisdiction over certain types of controversies, has the district court's subject matter jurisdiction over those limited matters been withdrawn.

<sup>6</sup> Why does this distinction matter? Lack of personal jurisdiction and other procedural errors are waivable. On the other hand, subject matter jurisdiction cannot be waived. If the UCCJEA determined subject matter jurisdiction, parents could collaterally attack the termination of their rights after permanency has been established based on the district court's failure to comply with the UCCJEA.

<sup>7</sup> Maldonado is not appealing whether the Oklahoma district court properly exercised jurisdiction over newborn N.A. The issue has been waived.

<sup>8</sup> In her Motion to Determine Subject Matter Jurisdiction, Maldonado alleged that L.A. lived in Liberal, Kansas, from November 2023 until March 21, 2024. Her position changed at the hearing on the merits.

<sup>9</sup> Tyrone Police Chief Carl Robertson testified Maldonado had lived in Tyrone for six years and that he responded to a domestic dispute at her home in Tyrone approximately 1.5 years before the Children were taken into emergency custody. The dispute involved Amaro seeking to leave with L.A. when she was an infant. Detective Josh Olson with the Liberal Police Department testified Maldonado had lived in Tyrone for ten years and had owned a night club in Liberal, Kansas. There was other testimony indicating Maldonado continued to own and rent out the Tyrone trailer while she and L.A. lived in Mexico with Amaro. When Maldonado was involved in trucking, she would be gone for periods of time, but Tyrone was her home base.

<sup>10</sup> Another babysitter, Marcela Maciel, testified she started babysitting L.A. in October or November 2023 and, at that time, Maldonado and L.A. were living in the trailer in Tyrone. Maldonado gave the hospital her Tyrone address in March 2024, and Chief Robertson accompanied OKDHS case worker Melissa Hook to her home in Tyrone. Maldonado also provided her Tyrone address in the related criminal case and on the pauper's affidavit filed in this case.

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<a href="#">1992 OK 38</a> , <a href="#">829 P.2d 34</a> , <a href="#">63 OBJ 951</a> ,	<a href="#">Joliff v. Joliff</a> Discussed
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<a href="#">2006 OK 22</a> , <a href="#">138 P.3d 539</a> ,	<a href="#">JERNIGAN v. JERNIGAN</a> Discussed
<a href="#">2009 OK 91</a> , <a href="#">227 P.3d 1060</a> ,	<a href="#">POWERS v. DISTRICT COURT OF TULSA COUNTY</a> Discussed
<a href="#">2011 OK 84</a> , <a href="#">264 P.3d 1197</a> ,	<a href="#">STATE ex rel. OKLAHOMA BAR ASSOCIATION v. MOTHERSHED</a> Discussed
<a href="#">2015 OK 24</a> , <a href="#">348 P.3d 1080</a> ,	<a href="#">BABY F. v. OKLAHOMA COUNTY DISTRICT COURT</a> Discussed
<a href="#">2019 OK 59</a> , <a href="#">451 P.3d 125</a> ,	<a href="#">I. T. K. v. MOUNDS PUBLIC SCHOOLS</a> Discussed at Length
<a href="#">2020 OK 106</a> , <a href="#">478 P.3d 438</a> ,	<a href="#">IN RE THE MARRIAGE OF RADER</a> Discussed at Length
<a href="#">2021 OK 38</a> , <a href="#">490 P.3d 127</a> ,	<a href="#">IN THE MATTER OF I.T.S.</a> Discussed
<a href="#">2000 OK 44</a> , <a href="#">10 P.3d 212</a> , <a href="#">71 OBJ 1583</a> ,	<a href="#">WHITE v. ADOPTION OF BABY BOY D.</a> Discussed at Length
<a href="#">2024 OK 66</a> , <a href="#">556 P.3d 1010</a> ,	<a href="#">IN THE MATTER OF V.J.R.</a> Discussed
<a href="#">2025 OK 10</a> , <a href="#">564 P.3d 83</a> ,	<a href="#">IN THE MATTER OF THE GUARDIANSHIP OF K.D.B.</a> Discussed
Title 12. Civil Procedure	
Cite	Name Level
<a href="#">12 O.S. 2012</a> ,	<a href="#">Defenses and Objections - When and How Presented - By Pleading or Motion</a> Cited
Title 43. Marriage	



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<a href="#">43 O.S. 551-101,</a>	<a href="#">Short Title</a>	Discussed at Length
<a href="#">43 O.S. 551-102,</a>	<a href="#">Definitions</a>	Discussed
<a href="#">43 O.S. 551-105,</a>	<a href="#">International Application of Act</a>	Cited
<a href="#">43 O.S. 551-201,</a>	<a href="#">Initial Child Custody Jurisdiction</a>	Cited
<a href="#">43 O.S. 551-204,</a>	<a href="#">Temporary Emergency Jurisdiction</a>	Cited
<a href="#">43 O.S. 551-207,</a>	<a href="#">Inconvenient Forum</a>	Cited

Title 10A. Children and Juvenile Code

Cite	Name	Level
<a href="#">10A O.S. 1-4-101,</a>	<a href="#">Jurisdiction - Temporary Order - Interlocutory Relief - Conflicting Orders - Venue - Transfer of Proceedings</a>	Discussed at Length
<a href="#">10A O.S. 1-4-602,</a>	<a href="#">Factual Allegations of Petition Not Supported by a Preponderance of the Evidence</a>	Cited
<a href="#">10A O.S. 1-4-904,</a>	<a href="#">Termination of Parental Rights in Case Involving Petition for Deprived Status of Child</a>	Discussed at Length