



OKLAHOMA STATE COURTS NETWORK

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In the Matter of S.L.M.W., Mason v. Hall

2025 OK CIV APP 37

Case Number: [123078](#)

Decided: 11/14/2025

Mandate Issued: 12/11/2025

THE COURT OF CIVIL APPEALS OF THE STATE OF OKLAHOMA, DIVISION I



Cite as: 2025 OK CIV APP 37, __ P.3d __

In the Matter of the Adoption of: S.L.M.W.,
XAVIER MASON, Appellant,
vs.
KESEAN TREY HALL, Appellee.

APPEAL FROM THE DISTRICT COURT OF
CLEVELAND COUNTY, OKLAHOMA

HONORABLE KIM CONYERS, TRIAL JUDGE

REVERSED

Michael S. "Mickey" Homsey, Valerie Homsey Salem, Terry R. McMillan, HOMSEY & ASSOCIATES, Oklahoma City, Oklahoma, For Appellant

Eugene K. Bertman, Samuel L. Talley, Kaitlin B. Magee, TTSB LAW, Norman, Oklahoma, For Appellee

B.J. Goree, Presiding Judge:

¶1 Appellant is the biological father of S.L.M.W. After a hearing, the trial court entered an order granting Petitioner's application to adjudicate the minor child eligible for adoption without Father's consent. The Supreme Court has clarified that the trial court must consider the child's best interests when determining whether a child may be adopted without consent. *Matter of Adoption of L.B.L.*, [2023 OK 48](#), [529 P.3d 175](#). Here, the appealed order is silent as to the best interests of the child, and we are unable to conclude a best interest finding is inherent or implicit in the order. *Id.* at ¶12. Further, the transcript suggests the hearing may have been conducted under an assumption that the child's best interests was an issue *solely* relevant in a subsequent hearing. The order must be reversed for further proceedings.

I.

Background

¶2 Mia Waddle (Mother) was in a relationship with Xavier Mason (Father). Mother was 19 and Father was 17 when S.L.M.W was born. During the pregnancy, Mother lived at home with her mother. Father testified he also lived in a section of Mother's room for eight months during the pregnancy. Mother disputed this, testifying that Father only spent the night occasionally and never lived at her house. After S.L.M.W. was born, in May of 2021, the parents'

relationship with one another deteriorated and Father moved to a different city to attend college in the Fall of 2022. Mother began dating Petitioner in May, 2023, and they became engaged in November of 2023. At that time, Mother and S.L.M.W. moved in with Petitioner at his home.

¶3 Father filed a petition to establish paternity on January 2, 2025. On January 8, 2025, Mother and Petitioner got married, and Petitioner filed his petition for adoption on January 10, 2025. Petitioner alleged S.L.M.W. is eligible for adoption without her Father's Consent. After a hearing, the trial court found Petitioner met his burden of proof and granted the requested relief. Father appeals.

II.

Concurrent Jurisdiction of the Adoption Court

¶4 We first resolve a challenge to the trial court's jurisdiction. Two related proceedings are pending in Cleveland County District Court, a paternity case and this adoption. Father claims the district court lacked power to enter the appealed adoption order due to conflicting jurisdiction with the paternity case. He filed the paternity action in January 2025 and Petitioner filed for adoption eight days later. None of the orders in the paternity case are included in the record. However, it appears from the docket sheet that Honorable Judge Childers, the assigned judge in the paternity case, has made determinations concerning custody, visitation, and a guardian *ad litem*. A court minute suggests the paternity court is awaiting a ruling from the adoption court before ruling on a request to change visitation.¹

¶5 The two proceedings are seeking different relief and therefore they are not necessarily mutually exclusive. See, *Matter of Adoption of S.A.H.*, 2022 OK 10, ¶20, 503 P.3d 1190, 1196 (guardianship and adoption were related but could proceed simultaneously) and *Steltzlen v. Fritz*, 2006 OK 20, 134 P.3d 141,143 (paternity case and guardianship proceedings pending together and later consolidated). The proceeding to adjudicate parentage was filed under the Uniform Parentage Act, 10 O.S. §7700-1.1 *et seq.* The paternity court is expected to issue temporary orders when appropriate regarding child support, custody, and visitation. 10 O.S. §7700-624. The UPA does not authorize the court to hear an adoption matter, *unless* an adoption proceeding has been *joined* with the paternity proceeding. §7700-610(A).²

¶6 Because the paternity court may not, without joinder, grant relief under the Oklahoma Adoption Code, there is no prohibition against a separate proceeding to adjudicate the child eligible for adoption without her biological father's consent. When a court cannot grant complete relief, a second court may exercise concurrent jurisdiction unless there is an intolerable conflict of jurisdiction. *Matter of S.A.H.*, ¶20.

¶7 Here, the paternity court entered temporary orders for custody and visitation. Those orders were for the protection of the child and were not in conflict with the jurisdiction of the adoption court to decide whether Father's consent is necessary for an adoption. The judge presiding over the paternity case, instead of making additional custody determinations, is instead expressly awaiting the outcome of the appealed adoption order. We hold the record does not show intolerable conflict between the two actions and the appealed order was a valid exercise of jurisdiction.

III.

The Hearing on Eligibility to Adopt Without Consent

¶8 The parent-child relationship is a fundamental right, and an adoption cannot generally take place unless the child's parents consent to it. §7501-1.2(A)(2), *Steltzlen v. Fritz*, 2006 OK 20, ¶12, 134 P.3d 141, 144. One exception is that consent to adopt is not required from a parent who (for a period of twelve consecutive months) willfully fails to contribute to the minor's support.³ The relevant period in this case is November 10, 2023 to January 10, 2025. Another exception to the requirement of consent is abandonment. "Consent to adoption is not required from a parent who is entitled to custody of a minor and has abandoned the minor." 10 O.S. §7505-4.2(G). Petitioner alleges Father's consent is not required based on the above two exceptions.

¶9 Father's primary defense is that he would have contributed to the support of his daughter but Mother prevented him from doing so. When a Father claims he has been denied the opportunity to exercise parental rights and duties toward the minor, he must prove to the satisfaction of the court that he made sufficient attempts to do so. ⁴ Whether this statute applies was the focus of the hearing that led to the appealed order.

¶10 If consent to adoption has not already been obtained, then the petitioner for adoption must file an application stating the reason the consent of the parent is not necessary. 10 O.S. §7505-4.1(A). The court must conduct an evidentiary hearing on an application for adoption without consent. §7505-4.1(B); *Matter of Adoption of M.A.S.*, 2018 OK 1, ¶14, 419 P.3d 204, 211. This proceeding, which district courts and litigants commonly refer to as "an AWOC hearing," cannot be combined with the hearing on the application for a final decree of adoption. §7505-4.1(B). ⁵

¶11 The district court has broad discretion in conducting hearings in an orderly process. *State v. One Thousand Two Hundred Sixty-Seven Dollars*, 2006 OK 15, ¶15, 131 P.3d 116, 122. In this case, the trial court adopted, and the attorneys acknowledged, what we believe to be a common standard for ruling on relevancy objections in an AWOC hearing. Admissible evidence was generally restricted to events occurring in "the relevant period." Objections were often sustained when the offered testimony was considered relevant only in the separate "best interests hearing."

¶12 For example, during opening statement, counsel for Petitioner offered: "*At the conclusion of the evidence today, I'm asking this Court to find [Father's] consent is not necessary and allow this matter to proceed to a best interests' trial.*" Later in the proceeding, the trial court sustained a relevance objection and explained: "*I think we are just at the adoption--without-consent stage. I'd - - that answer probably goes more towards best interests. I'll ask you to move on.*" And a moment later the judge clarified: "*I think that goes more towards best interests, which we're not . . . not talking about today.*"

IV.

The Child's Best Interests Must be Considered In a Hearing on Eligibility to Adopt Without Consent

¶13 The Supreme Court has clearly established that the best interests of the minor must be considered by the trial court in a hearing to determine whether the child is eligible for adoption without the parent's consent. *Matter of Adoption of L.B.L.*, ¶14. In *Matter of Adoption of M.A.S.*, 2018 OK 1, ¶30, 419 P.3d 204, 214, the court stated: "[H]earings for . . . adoption without consent require the trial court to determine that the . . . adoption without consent be in the child's best interests." The best interests of the child serve as the polestar in all adoption proceedings. *In re Adoption of M.J.S.*, 2007 OK 44, ¶30, 162 P.3d 211, 222. The legislative purpose of the Oklahoma Adoption Code is to promote the best interests of the child, 10 O.S. §7501-1.2(A)(1), and this is the primary consideration "in any adoption proceeding." *L.B.L.*, ¶9. According to *M.A.S.*, ¶31: "It is incumbent on the trial court to determine whether the adoption would be in the child's best interests prior to declaring the child eligible for adoption." *M.A.S.*, at ¶31, citing *In re Adoption of C.D.M.*, 2001 OK 103, ¶23, 39 P.3d 802, 810.

¶14 In *L.B.L.*, ¶1, the Supreme Court considered a parent's argument that she was denied an opportunity to form a relationship with her child. The court observed that the parent's due process rights must be compared with the child's best interests. We must conclude, therefore, that Father's defense under 10 O.S. §7505-4.2(D), [that he was denied the opportunity to exercise parental rights and duties toward S.L.M.W.] may not be severed from the question of what is in S.L.M.W.'s best interests. In other words, the trial court was required to consider S.L.M.W.'s best interests in connection with its determination that she was eligible for adoption without her father's consent.

V.

The Trial Court's Order Lacks Findings As to the Best Interests of the Minor Child

¶15 In his appellate brief, Father proposes the appealed order should be vacated because it lacks findings of fact and conclusions of law and therefore fails to provide any meaningful judicial review. Petitioner counters that according to 12 O.S. §611, specific findings are unnecessary when, as in this case, neither of the parties requests them. ⁶ But Father relies on caselaw, not §611.

¶16 In *M.A.S.*, the Supreme Court reviewed an order that declared the child eligible for adoption without consent. One problem was that the parties had agreed that the court's ruling could be based on their stipulations and briefs. The Supreme Court made it clear that an evidentiary hearing is required. And following that holding, the court said, "In proceedings of this magnitude, it is the trial court's sole prerogative to make specific findings of the ultimate facts as well as conclusions of law upon which the trial court's order is based." *M.A.S.*, ¶14. Later in the opinion, the court stated: "an order that merely recites statutory language and concludes that Father 'has not substantially complied within the statutorily contemplated time frame . . . which this court finds to be willful,' does no more to facilitate a meaningful judicial review than merely stating 'petition granted.'" *Id.*, 21.

¶17 On the other hand, in *L.B.L.*, The Supreme Court affirmed the trial court's order even though it did not expressly state adoption without consent was in the child's best interests. The majority held the best interests determination was "implicit" and "inherent" in the court's other findings. *Id.*, ¶12.

¶18 In the case before us, the appealed order finds: (1) the demurrer is overruled; (2) Petitioner met his burden by showing clear and convincing evidence that Father failed to pay support according to his financial ability for the relevant time period under §7505-4.2(B)(2); and (3) Petitioner met his burden of showing clear and convincing evidence that Father abandoned the child under §7505-4.2(G). The order concludes: "Petitioner's Application to Adjudicate Minor Child Eligible for Adoption without Consent of Father is hereby GRANTED."

¶19 The appealed order is silent as to S.L.M.W.'s best interests. Unlike the Supreme Court in *L.B.L.*, ¶12, we are unable to conclude that a best interest finding is implicit or inherent in the court's other findings. Nor can we review the record and make a first instance determination of this issue. See, *In re Adoption of Baby Boy K.B.*, 2011 OK 94, ¶9, 264 P.3d 1258, 1261.

VI.

The Trial Court's Bifurcated Procedure May Have Foreclosed Evidence Relevant to Best Interests

¶20 During the AWOC hearing, the trial court sustained objections on the basis that the answer would only be relevant to best interests. Father was prevented from asking questions about child visitation, Mother's income, Petitioner's address, and events that were outside "the relevant time period." In *M.A.S.*, ¶30, the Supreme Court observed: "Unlike the statutory grounds for granting adoption without consent, there is no time constraint, or relevant period, for best interest of the child analysis."

¶21 We make no determination as to whether a new trial is required. It is impossible for us to determine on this record whether the trial court's bifurcated trial procedure (Stage One: AWOC; Stage Two: Best Interests) impermissibly restricted evidence of best interests in the AWOC hearing. ⁷ When a truncated hearing procedure may have impermissibly limited the evidence in the record, especially concerning a child's best interests, reversal is unavoidable. See, *In Re Adoption of KPMA*, 2014 OK 85, ¶¶38-39, 341 P.3d 38, 51-52.

VII.

Conclusion

¶22 In determining whether a child is eligible for adoption without the parent's consent, the trial court must consider the best interests of the child. Because the appealed order makes no finding, express or implied, about S.L.M.W.'s best interests, we hold the order is not supported by clear and convincing evidence. The Journal Entry filed May 1, 2025 is reversed.

SWINTON, J., and PRINCE, J., concur.

FOOTNOTES

B.J. Goree, Presiding Judge:

¹ An entry dated April 16, 2025 on the docket sheet of case number FP-2025-1 includes the following: "In consideration of FA-2025-6 the court declines a substantial change in visitation at this time . . . After receipt of court's ruling on AWOC in FA-2025-6, parties to email judge's bailiff to get hearing date within a week if at all possible."

² Title 10 O.S. §7700-610 provides: "A. Except as otherwise provided in subsection B of this section, a proceeding to adjudicate parentage may be joined with a proceeding for adoption, termination of parental rights, child custody or visitation, child support, dissolution of marriage, annulment, legal separation, probate or administration of an estate, or other appropriate proceeding.

B. A respondent may not join a proceeding described in subsection A of this section with a proceeding to adjudicate parentage brought under Section 601-101 et seq. of Title 43 of the Oklahoma Statutes."

³ "Consent to adoption is not required from a parent who, for a period of twelve (12) consecutive months out of the last fourteen (14) months immediately preceding the filing of a petition for adoption of a child or a petition to terminate parental rights pursuant to Section 7505-2.1 of this title, has willfully failed, refused, or neglected to contribute to the support of such minor: 1. In substantial compliance with an order entered by a court of competent jurisdiction adjudicating the duty, amount, and manner of support; or 2. According to such parent's financial ability to contribute to such minor's support if no provision for support is provided in an order. For the purposes of this section, support for the minor shall benefit the minor by providing a necessity." 10 O.S. §7505-4.2(B).

⁴ Title 10 O.S. §7505-4.2(D) provides: "In any case where a father or putative father of a minor born out of wedlock claims that, prior to the receipt of notice of the hearing provided for in Sections 7505-2.1 and 7505-4.1 of this title, he had been specifically denied knowledge of the minor or denied the opportunity to exercise parental rights and duties toward the minor, such father or putative father must prove to the satisfaction of the court that he made sufficient attempts to discover if he had fathered a minor or made sufficient attempts to exercise parental rights and duties toward the minor prior to the receipt of notice."

⁵ Combining a hearing on an application for adoption without consent with a hearing on the application for a final decree is statutorily forbidden. *In re Adoption of G.D.J.*, 2011 OK 77, ¶34, 261 P.3d 1159, 1169. A hearing on eligibility for an adoption without consent is not a termination proceeding. *Id.* at ¶38.

⁶ "Upon the trial of questions of fact by the court, it shall not be necessary for the court to state its findings, except generally, for the plaintiff or defendant, unless one of the parties request it, with the view of excepting to the decision of the court upon the questions of law involved in the trial; in which case the court shall state, in writing, the findings of fact found, separately from the conclusions of law." 12 O.S. §611.

⁷ For the same reason, it would be improvident for us to review the sufficiency of the evidence to support the trial court's findings as to failure to support and abandonment. We express no opinion as to whether the findings of the appealed order on those issues are sufficiently detailed to permit "meaningful judicial review" according to *M.A.S.*, ¶21.

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Oklahoma Supreme Court Cases

Cite	Name	Level
<u>2001 OK 103, 39 P.3d 802, 72 OBJ 3648,</u>	<u>IN RE ADOPTION OF C.D.M.</u>	Discussed
<u>2006 OK 15, 131 P.3d 116,</u>	<u>STATE v. ONE THOUSAND TWO HUNDRED SIXTY-SEVEN DOLLARS</u>	Discussed
<u>2006 OK 20, 134 P.3d 141,</u>	<u>STELTZLEN v. FRITZ</u>	Discussed at Length
<u>2007 OK 44, 162 P.3d 211,</u>	<u>IN THE MATTER OF THE ADOPTION OF: M.J.S.</u>	Discussed
<u>2011 OK 77, 261 P.3d 1159,</u>	<u>IN THE MATTER OF THE ADOPTION OF G.D.J.</u>	Discussed
<u>2011 OK 94, 264 P.3d 1258,</u>	<u>IN THE MATTER OF THE ADOPTION OF BABY BOY K.B.</u>	Discussed
<u>2014 OK 85, 341 P.3d 38,</u>	<u>IN RE ADOPTION OF K.P.M.A.</u>	Discussed
<u>2018 OK 1, 419 P.3d 204,</u>	<u>IN THE MATTER OF THE ADOPTION OF M.A.S.</u>	Discussed at Length
<u>2022 OK 10, 503 P.3d 1190,</u>	<u>IN THE MATTER OF THE ADOPTION OF S.A.H.</u>	Discussed
<u>2023 OK 48, 529 P.3d 175,</u>	<u>IN THE MATTER OF THE ADOPTION OF L.B.L.</u>	Discussed

Title 10. Children

Cite	Name	Level
<u>10 O.S. 7700-610,</u>	<u>Joinder of Proceedings</u>	Cited
<u>10 O.S. 7700-624,</u>	<u>Temporary Order for Support - Custody and Visitation</u>	Cited
<u>10 O.S. 7501-1.2,</u>	<u>Act Construed</u>	Cited
<u>10 O.S. 7505-4.1,</u>	<u>Termination of Parental Rights Without Consent - Process</u>	Cited
<u>10 O.S. 7505-4.2,</u>	<u>Parental Consent Exception</u>	Discussed at Length

Title 12. Civil Procedure

Cite	Name	Level
<u>12 O.S. 611,</u>	<u>Statement of Findings and Conclusions of Law</u>	Discussed