

TENNESSEE COURT OF APPEALS

In re Liam M.

No. M2024-01437-COA-R3-PT (Tenn. Ct. App. June 3, 2026) · No. M2024-01437-COA-R3-PT · Decided June 3, 2026

SUMMARY

The Tennessee Court of Appeals affirmed a circuit court decision declining to terminate a mother’s parental rights, despite finding clear and convincing evidence of abandonment by failure to support and severe child abuse. The court held that the petitioners failed to prove by clear and convincing evidence that termination was in the child’s best interest. The appeal also involved the mother’s request for attorney’s fees based on an allegedly frivolous appeal.

CASE DETAILS

COURT	Tennessee Court of Appeals
WRITING FOR THE COURT	Andy D. Bennett; W. Neal McBrayer; Jeffrey Usman
JURISDICTION	Tennessee Court of Appeals
DECIDED	June 3, 2026
DOCKET	M2024-01437-COA-R3-PT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioners appealed as of right from the circuit court's judgment finding two statutory grounds for termination of the mother's parental rights but determining that termination was not in the child's best interest. The mother also sought appellate attorney's fees on the ground that the appeal was frivolous.
STANDARD OF REVIEW	The appellate court reviews the trial court's factual findings de novo with a presumption of correctness unless the evidence preponderates otherwise. It independently determines whether the facts amount to clear and convincing evidence of the elements necessary to terminate parental rights. Best-interest underlying facts are proven by a preponderance of the evidence, after which the court determines whether their combined weight establishes by clear and convincing evidence that termination is in the child's best interest. Witness credibility determinations receive great weight and will not be disturbed absent clear and convincing evidence to the contrary.

PRECEDENTIAL VALUE	Published and precedential
PARTIES	Jessica B., Zachary B. v. Mikayla M.

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QUESTIONS PRESENTED

1. Whether the circuit court erred in determining that termination of Mother's parental rights was not in Liam's best interest.
2. Whether Mother was entitled to an award of appellate attorney's fees because the petitioners' appeal was frivolous.

HOLDINGS

1. The petitioners proved by clear and convincing evidence that Mother abandoned the child by failing to make reasonable support payments during the statutory period and failed to prove the affirmative defense that her failure was not willful.
2. The petitioners proved by clear and convincing evidence that Mother committed severe child abuse within the meaning of the termination statute.
3. The petitioners failed to prove by clear and convincing evidence that termination of Mother's parental rights was in the child's best interest.
4. Mother was not awarded appellate attorney's fees because the court exercised its discretion to decline a frivolous-appeal award.

KEY QUOTATIONS

“It merely means that the Petitioners failed to meet their burden of proof.” (14)

“This heightened standard is designed specifically to reduce the risk of erroneous decisions depriving parents of their precious and fundamental rights to the care and custody of children.” (14)

“The proof in this record establishes that Mother has been able to make the necessary adjustments.” (14)

FACTUAL BACKGROUND

Mother and Father, the biological parents of Liam M., developed serious drug-abuse problems while the child was an infant. The child was exposed to drug use, prostitution, domestic violence, severe neglect, and deplorable living conditions, including malnutrition, garbage, unsanitary facilities, and rodent droppings in his crib. After the child was removed and placed with the petitioners, Mother maintained sobriety, completed treatment and

parenting-related services, obtained employment and suitable housing, and participated in supervised therapeutic visitation. By the time of trial, Mother had demonstrated substantial rehabilitation and maintained a positive bond with the child, while the child remained attached to the petitioners.

PROCEDURAL HISTORY

The petitioners filed a termination petition in the Montgomery County Circuit Court after the child had been removed from the parents' custody and placed with the petitioners. The circuit court found abandonment by failure to support and severe child abuse proven by clear and convincing evidence, but found that the petitioners failed to prove by clear and convincing evidence that termination was in the mother's child's best interest. The petitioners timely appealed; the Court of Appeals affirmed and denied the mother's request for attorney's fees.

DISPOSITION

affirmed

CASES CITED

- Stanley v. Illinois, 405 U.S. 645, 651 (1972)
- In re Angela E., 303 S.W.3d 240, 250-51, 254 (Tenn. 2010)
- Troxel v. Granville, 530 U.S. 57, 65 (2000)
- Nash-Putnam v. McCloud, 921 S.W.2d 170, 174-75 (Tenn. 1996)
- Nale v. Robertson, 871 S.W.2d 674, 678 (Tenn. 1994)
- In re Jacobe M.J., 434 S.W.3d 565, 568 (Tenn. Ct. App. 2013)
- In re W.B., IV, Nos. M2004-00999-COA-R3-PT, M2004-01572-COA-R3-PT, 2005 WL 1021618, at *6-7 (Tenn. Ct. App. Apr. 29, 2005)
- In re Valentine, 79 S.W.3d 539, 546 (Tenn. 2002)
- In re Hannah C., No. M2016-02052-COA-R3-PT, 2018 WL 558522, at *2 (Tenn. Ct. App. Jan. 24, 2018)
- In re Carrington H., 483 S.W.3d 507, 522, 524-25 (Tenn. 2016)
- In re Serenity B., No. M2013-02685-COA-R3-PT, 2014 WL 2168553, at *2 (Tenn. Ct. App. May 21, 2014)
- In re M.J.B., 140 S.W.3d 643, 653 (Tenn. Ct. App. 2004)
- In re Bernard T., 319 S.W.3d 586, 596-97 (Tenn. 2010)
- In re Disnie P., No. E2022-00662-COA-R3-PT, 2023 WL 2396557, at *5 (Tenn. Ct. App. Mar. 8, 2023)
- In re Audrey S., 182 S.W.3d 838, 860, 877-78 (Tenn. Ct. App. 2005)
- In re Marr, 194 S.W.3d 490, 498 (Tenn. Ct. App. 2005)
- In re Kaliyah S., 455 S.W.3d 533, 555 (Tenn. 2015)
- In re Gabriella D., 531 S.W.3d 662, 681-82, 686 (Tenn. Ct. App. 2017)
- Jones v. Garrett, 92 S.W.3d 835, 838 (Tenn. 2002)
- In re Kylee T., No. W2025-01055-COA-R3-PT, 2026 WL 1256695, at *17 (Tenn. Ct. App. May 6, 2026)
- Stokes v. Stokes, No. M2018-00174-COA-R3-CV, 2019 WL 1077263, at *10 (Tenn. Ct. App. Mar. 7, 2019)
- Chiozza v. Chiozza, 315 S.W.3d 482, 493 (Tenn. Ct. App. 2009)

