

COURT OF APPEALS OF TENNESSEE

In re Eden B. et al.

No. M2025-00617-COA-R3-PT (Tenn. Ct. App. Mar. 11, 2026) · No. M2025-00617-COA-R3-PT · Decided March 11, 2026

SUMMARY

The Tennessee Court of Appeals affirmed the termination of a mother’s parental rights to two children based on abandonment by failure to support and severe child abuse. The court held that the mother’s failure to provide support was willful and that a prior juvenile-court order or the evidence presented in the termination proceeding could establish severe abuse. The court also affirmed the trial court’s determination that termination was in the children’s best interests.

CASE DETAILS

COURT	Court of Appeals of Tennessee
WRITING FOR THE COURT	Kristi M. Davis; Andy D. Bennett; Carma Dennis McGee
JURISDICTION	Tennessee Court of Appeals
DECIDED	March 11, 2026
DOCKET	M2025-00617-COA-R3-PT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed as of right from the Circuit Court for Marshall County's judgment terminating her parental rights to two children.
STANDARD OF REVIEW	The appellate court reviews each specific factual finding de novo under Tennessee Rule of Appellate Procedure 13(d), presuming the finding correct unless the evidence preponderates against it; credibility findings receive great weight and are not reversed absent clear evidence to the contrary. The court then determines de novo, without a presumption of correctness, whether the aggregate facts constitute clear and convincing evidence, and reviews other legal conclusions de novo.
PRECEDENTIAL VALUE	Published Tennessee Court of Appeals opinion
PARTIES	Kelly S. v. Kenny B., Stephanie B.

TOPICS

termination of parental rights

parental rights

family law procedure

appellate procedure

statutory interpretation

PRACTICE AREAS

family law

termination of parental rights

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court properly terminated the mother's parental rights on the ground of severe abuse.
2. Whether the trial court properly terminated the mother's parental rights for abandonment by failure to support.
3. Whether termination of the mother's parental rights was in the children's best interests.

HOLDINGS

1. The trial court properly found that the mother willfully failed to support the children during the applicable statutory periods and that this constituted abandonment by failure to support.
2. The trial court properly terminated the mother's parental rights on the ground of severe abuse; a prior court order finding severe abuse need not necessarily be final for purposes of Tennessee Code Annotated section 36-1-113(g)(4), and the termination court may also determine severe abuse based on evidence presented in the termination proceeding.
3. The trial court properly concluded by clear and convincing evidence that termination of the mother's parental rights was in the children's best interests.

KEY QUOTATIONS

“First, appellate courts review each of the trial court’s specific factual findings de novo under Rule 13(d), presuming each finding to be correct unless the evidence preponderates against it.” (3-4)

“Second, appellate courts determine whether the combination of all of the individual underlying facts, in the aggregate, constitutes clear and convincing evidence.” (4)

“Nothing in section 36-1-113(g)(4) provides that the prior order must be a final order.” (9)

“Nonetheless, the trial court rightly pointed out that Mother lives with her boyfriend and that she has no legal right to that residence.” (15)

FACTUAL BACKGROUND

After the children's father died in 2022, the mother struggled with substance abuse and arranged for the children to live with their paternal grandparents. One child tested positive for marijuana, and the mother later stipulated in juvenile court to a finding of severe abuse; her visitation was suspended after her January 2023 arrest on drug- and firearm-related charges. The mother never paid child support and had no contact with the children for more than two years before the termination petition was filed. The children were thriving and strongly bonded with the grandparents, who had provided their medical, educational, and daily care.

PROCEDURAL HISTORY

After the children were placed with their paternal grandparents, the grandparents petitioned the Circuit Court for Marshall County to terminate the mother's parental rights. Following a March 7, 2025 final hearing, the trial court entered an April 7, 2025 order finding severe abuse and abandonment by failure to support by clear and convincing evidence and concluding that termination was in the children's best interests. The mother appealed, and the Court of Appeals affirmed and remanded for proceedings consistent with its opinion.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The case is remanded for proceedings consistent with the opinion.

CASES CITED

- In re Jacobe M.J., 434 S.W.3d 565, 568 (Tenn. Ct. App. 2013)
- In re Markus E., 671 S.W.3d 437, 456-57 (Tenn. 2023)
- In re Carrington H., 483 S.W.3d 507, 522, 536 (Tenn. 2016)
- Santosky v. Kramer, 455 U.S. 745, 769 (1982)
- In re Bernard T., 319 S.W.3d 586, 596 (Tenn. 2010)
- In re Audrey S., 182 S.W.3d 838, 861, 874-75 (Tenn. Ct. App. 2005)
- In re Taylor B.W., 397 S.W.3d 105, 112 (Tenn. 2013)
- In re Justice A.F., No. W2011-02520-COA-R3-PT, 2012 WL 4340709, at *7 (Tenn. Ct. App. Sept. 24, 2012)
- Jones v. Garrett, 92 S.W.3d 835, 838 (Tenn. 2002)
- In re M.L.D., 182 S.W.3d 890, 894 (Tenn. Ct. App. 2005)
- In re M.L.P., 281 S.W.3d 387, 393 (Tenn. 2009)
- In re Samaria S., 347 S.W.3d 188, 200 (Tenn. Ct. App. 2011)
- In re Angela E., 303 S.W.3d 240, 246 (Tenn. 2010)
- In re Braxton M., 531 S.W.3d 708, 732 (Tenn. Ct. App. 2017)
- In re Leah T., No. M2022-00839-COA-R3-PT, 2023 WL 4131460, at *11 (Tenn. Ct. App. June 22, 2023)
- In re Dakota C.R., 404 S.W.3d 484, 497 (Tenn. Ct. App. 2012)
- Galbreath v. Harris, 811 S.W.2d 88, 90 (Tenn. Ct. App. 1991)
- In re Hannah S., 324 S.W.3d 520, 525, 527-28 & n.2 (Tenn. Ct. App. 2010)
- In re M.J.B., 140 S.W.3d 643, 651 (Tenn. Ct. App. 2004)
- In re Marr, 194 S.W.3d 490, 498 (Tenn. Ct. App. 2005)
- White v. Moody, 171 S.W.3d 187, 193-94 (Tenn. Ct. App. 2004)

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