

COURT OF APPEALS OF TENNESSEE

Esther Lynn Bowman v. Paul Chapman Smith, Jr.

Bowman v. Smith, No. M2025-00173-COA-R3-CV (Tenn. Ct. App. Dec. 8, 2025) · No. M2025-00173-COA-R3-CV · Decided December 8, 2025

SUMMARY

The Tennessee Court of Appeals affirmed a trial court’s modification of a permanent parenting plan designating the father as the primary residential parent. The court held that the mother’s remarriage and frequent travel to Texas constituted a material change in circumstances affecting the children’s well-being, while her new work schedule did not independently establish such a change.

CASE DETAILS

COURT	Court of Appeals of Tennessee
WRITING FOR THE COURT	Frank G. Clement Jr., P.J., M.S.; Andy D. Bennett, J.; W. Neal McBrayer, J.
JURISDICTION	Tennessee Court of Appeals
DECIDED	December 8, 2025
DOCKET	M2025-00173-COA-R3-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed the chancery court's order modifying the permanent parenting plan to designate Father as the primary residential parent and sought appellate attorney's fees. Father sought appellate attorney's fees.
STANDARD OF REVIEW	Whether a material change in circumstances has occurred is a question of fact reviewed de novo with a presumption of correctness unless the evidence preponderates otherwise. The evidence preponderates against a factual finding only when it supports another finding with greater convincing effect. An appellate attorney-fee award for a frivolous appeal is reviewed under the appellate court's sound discretion.
PRECEDENTIAL VALUE	Published Tennessee Court of Appeals opinion; precedential under the source metadata.
PARTIES	Esther Lynn Bowman v. Paul Chapman Smith, Jr.

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the evidence preponderated against the trial court's finding that a material change in circumstances warranted modifying the parenting plan and designating Father as the primary residential parent.
2. Whether Mother was entitled to attorney's fees on appeal.
3. Whether Father was entitled to attorney's fees on appeal based on an allegedly frivolous appeal.

HOLDINGS

1. The evidence did not preponderate against the trial court's finding that Mother's remarriage and frequent travel to Texas constituted a material change in circumstances affecting the Children's well-being in a meaningful way. The modification designating Father as the primary residential parent was affirmed.
2. Mother was not entitled to attorney's fees on appeal because she did not prevail.
3. Father was not entitled to appellate attorney's fees because the appeal was not frivolous or taken solely for delay.

KEY QUOTATIONS

"We conclude that the evidence does not preponderate against these findings or the trial court's conclusion that Mother's remarriage was a material change in circumstances that affected the Children in a meaningful way." (at 7)

"Exercising our discretion, we conclude this appeal was not frivolous or taken only for delay. We therefore decline to award attorney's fees to Father." (at 8)

FACTUAL BACKGROUND

Mother and Father divorced in 2021, with Mother designated as the primary residential parent of their two daughters. After the 2022 parenting plan, Mother began working three twelve-hour night shifts per week, married Austin Bowman, moved her belongings to his Texas home, and traveled to Texas approximately twice per month, often taking the Children with her. Mother continued living with her parents in Tennessee, while Father retired from the military, obtained suitable housing, and maintained a work schedule that increased his availability. The trial court found that Mother's remarriage and frequent travel materially affected the Children's well-being and designated Father as the primary residential parent.

PROCEDURAL HISTORY

The parties' 2021 divorce decree designated Mother as the primary residential parent. In 2022, the parties agreed to increase Father's parenting time. In 2024, Mother petitioned to relocate to Texas, Father counterpetitioned to

become the primary residential parent, and the trial court denied Mother's relocation petition, granted Father's counterpetition, and entered a modified parenting plan. Although Mother later abandoned the relocation, the trial court confirmed the modification based on other changed circumstances. The Court of Appeals affirmed and declined to award attorney's fees to either party.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The matter was remanded only for ordinary appellate-cost purposes; the judgment was affirmed and costs were assessed against Mother.

CASES CITED

- Armbrister v. Armbrister, 414 S.W.3d 685, 692-93 (Tenn. 2013)
- In re Kansas B., 664 S.W.3d 22, 28 (Tenn. Ct. App. 2022)
- Watson v. Watson, 196 S.W.3d 695, 701 (Tenn. Ct. App. 2005)
- Gallagher v. Adkins, No. 87-342-II, 1988 WL 34085, at *7 (Tenn. Ct. App. Apr. 15, 1988)
- Clark v. Arthur, No. M2005-01719-COA-R3CV, 2007 WL 1319264, at *4 (Tenn. Ct. App. May 4, 2007)
- Kellett v. Stuart, 206 S.W.3d 8, 15 (Tenn. Ct. App. 2006)
- McClain v. McClain, 539 S.W.3d 170, 188 (Tenn. Ct. App. 2017)
- H.A.S. v. H.D.S., 414 S.W.3d 115, 123 (Tenn. Ct. App. 2013)
- Kendrick v. Shoemake, 90 S.W.3d 566, 571 (Tenn. 2002)
- L.A.S. v. C.W.H., No. E2021-00504-COA-R3-JV, 2022 WL 17480100, at *13 (Tenn. Ct. App. Dec. 7, 2022)
- In re T.C.D., 261 S.W.3d 734, 744-45 (Tenn. Ct. App. 2007)
- Tortorich v. Erickson, 675 S.W.2d 190, 192 (Tenn. Ct. App. 1984)
- Wakefield v. Longmire, 54 S.W.3d 300, 304 (Tenn. Ct. App. 2001)
- Eberbach v. Eberbach, 535 S.W.3d 467, 475 (Tenn. 2017)
- Whalum v. Marshall, 224 S.W.3d 169, 181 (Tenn. Ct. App. 2006)
- Pippin v. Pippin, 277 S.W.3d 398, 407 (Tenn. Ct. App. 2008)
- Christie v. Christie, No. M2012-02622-COA-R3CV, 2014 WL 4293966, at *6 (Tenn. Ct. App. Aug. 28, 2014)