

IN THE COURT OF APPEALS OF TENNESSEE  
AT JACKSON  
November 16, 2004 Session

**ANNETTE MARIE THOMPSON BULICK v. RICHARD LEE THOMPSON,  
JR.**

**A Direct Appeal from the Circuit Court for Shelby County  
No. 151538 R.D. The Honorable D'Army Bailey, Judge**

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**No. W2004-00816-COA-R3-CV - Filed January 18, 2005**

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**SEPARATE CONCURRENCE**

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I agree with the result reached by the majority and generally with the reasoning, but write separately only on the issue of how the amount of time each parent spends with the child is calculated, both by the majority and by the trial court. The trial court here looked only at the number of overnight stays the child had with each parent, and indeed that is typically accurate and easily ascertained. In some cases, however, it can be misleading, and I believe this is such a case. Here, the child would regularly spend the entire day, through the evening meal, with Father and would be returned to Mother in time for bed. In such a case, the trial court should look at the totality of the circumstances in comparing each parent's time with their child.

I concur in the result reached by the majority because, in this case, I do not believe that looking at the totality of the circumstances would affect the outcome. But where, as here, an involved, dedicated father will have his relationship with his daughter deeply affected by the mother's relocation, the time each parent spends with the child should be measured as accurately as can reasonably be done.

In all other respects, I concur fully with the majority opinion.

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HOLLY M. KIRBY, JUDGE