

IN THE COURT OF
AT KNOXVILLE

APPEALS
FILED
March 24, 1999
Cecil Crowson, Jr.
Appellate Court
Clerk

STATE OF TENNESSEE HAMILTON COUNTY
DEPARTMENT OF CHILDREN'S SERVICES)
SERVICES)

Petitioner - Appellee

v.

) HON. SUZANNE BAILEY,
) JUDGE

JENNIFER KOBEL and
THOMAS KYLE CLAYTON

) Respondents) AND REMANDE

JOHN G. McDOUGAL OF CHATTANOOGA FOR AP
PAUL G. SUMMERS, Attorney General and
DIMOND, Assistant Attorney General, NA

O P I N I O N

Goddard, P.J.

In this suit the State of Tennessee
Children's Services filed a petition to
rights of Jennifer Kobel¹ and ~~Thomas~~ of Ky
Seth Thomas Isaiah Kobel, who was born

¹ Mr. Clayton appeared and advised the Trial
contest the petition.

In the judgment of termination the following facts:

That the petition filed by the State Department of Children's Services, should be sustained and relief granted the causes as therein stated in that has been in the custody of Petitioner (6) months; that the conditions which child's removal still persist; that likelihood that said conditions will early date so that the child can be parent in the near future; that the legal parent and child relationship the child's chances of early integr and permanent home; that the Defendant and Thomas Kyle Clayton, have failed substantial manner on the reasonabl of the Foster Care Plan; that the Defendant and Thomas Kyle Clayton, have willf child for more than four (4) consec preceding the filing of the petition it is, therefore, for the best inte child and the public that all of th the Defendants to the said child be and that the complete custody, cont of the said child should now be awa Tennessee, Department of Children's right to place said child for adopt to any adoption in loco parentis.

In the course of the Trial Judge's opinion, she made the following finding evaluation of the evidence and witness particularly significant as it relates attempting to excuse her conduct:

THE COURT: I tell just about ever in this seat that you are now occ Kobel, that I don't think, despite that I hear from the standpoint o by their parents, whether they've otherwise molested in some way, o

who sit in this courtroom charged
All these are very serious cases
serious than that of a parent app
with the State of Tennessee or ot
seeking to terminate their rights
permanent situation. In the even
termination is decreed and an ord
declaring the parents' rights ter
forever type situation.

And that's one reason why I so
hang pretty much on every word th
in here. I'll look for not only
the parent when they testify, the
other witnesses. I look at the e
I look at their demeanor. I look
reactions to the testimony. It's
that I feel everything that's sai
has to be at least weighed and co
very, very carefully because of t
nature of these proceedings.

Our review of the record and the
that this is an appropriate case for a
of this Court.

For the foregoing reasons the jud
Court is affirmed and the cause remand
proceedings, if any, as may be necessa
below. Costs of appeal are adjudged a

Houston M. Goddard, P. J.

C O N C U R :

C h a r l e s D . S u s a n o , J r . , J .

W i l l i a m H . I n m a n , S r . J .