

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
Assigned on Briefs May 23, 2014

IN RE ADOPTION OF JOSHUA M. M. AND ZACHARY M.

**An Appeal from the Circuit Court for Montgomery County
No. MC CC CV SA12-0779**

No. M2013-02513-COA-R3-PT - Filed July 28, 2014

SEPARATE CONCURRENCE

In concur fully in the termination of the parents' parental rights on the ground of persistent conditions. I write separately to state my disagreement with the majority's conclusion that consideration of the remaining termination grounds—abandonment by willful failure to visit and abandonment by willful failure to support—is somehow rendered unnecessary in light of the parents' ostensible failure to challenge the finding of persistent conditions.

Our Supreme Court stated in *In re Angela E.*, 303 S.W.3d 240, 251 n.14 (2010):

Consistent with the same policies—that is, the importance of permanently placing children and the just, speedy resolution of cases—the *Court of Appeals should likewise review the trial court's findings of fact and conclusions of law as to each ground for termination*, even though the statute only requires the finding of one ground to justify terminating parental rights. *See In re Giorgianna H.*, 205 S.W.3d 508, 517 (Tenn. Ct. App. 2006) (citing *In re D.L.B.*, 118 S.W.3d 360, 367 (Tenn. 2003)). The Court of Appeals' thorough review of all grounds decided by the trial court will prevent unnecessary remands of cases that we hear in this Court.

(emphasis added). The Supreme Court's directive has not been limited in the way now suggested by the majority opinion. In light of the Court's express instruction, I disagree with the majority's conclusion that consideration of each termination ground is unnecessary.

ALAN E. HIGHERS, P.J., W.S.