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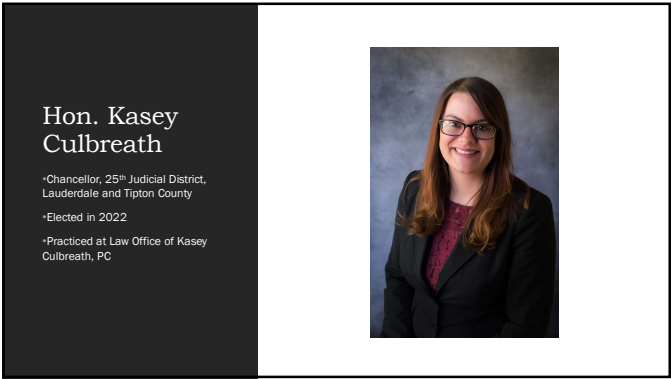
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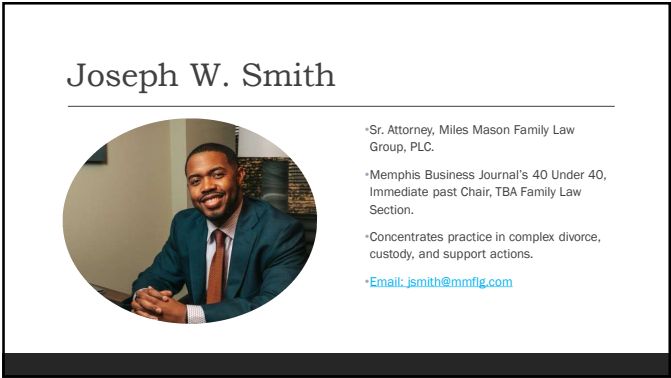
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## Trial Procedures

**25. Averwater v. Averwater, No. M2020-00851-COA-R#-CV (Tenn. Ct. App. Dec. 28, 2023)**

Trial court did not abuse its discretion in denying wife's request for a continuance to depose employees from a bank because she had already received an explanation from the bank regarding a fraudulent deposit, did not show further discovery would resolve her concerns and the case had been pending for four years. The trial court erred in not dividing the profit from a business the husband created during the pendency of the divorce.

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## Proposed Orders

**24. Sykes v. Cox, M2022-00970-COA-R3-JV (Tenn. Ct. App. Dec. 20, 2023)**

Trial courts cannot delegate to the parties the juridical task of providing a basis for their own rulings. Here, the appellate court could not discern whether the trial court made its own independent findings of fact and conclusions of law for the father's proposed order.

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## Proposed Orders

**75. Stephen Charles Johnson v. Elizabeth Johnson, No. E2023-01272-COA-R3-CV (Jul. 31, 2024).**

Per the Smith v. UHS of Lakeside, Inc., party-prepared orders must; 2) accurately reflect the trial court's decision and 2) not create doubt that the decision represents the trial court's own deliberations. Here, the trial court merely adopted the wife's proposed order without alterations, which did not comply with *Smith*.

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## Custody/Parenting

**9. Bradley v. Bradley, No. M2022-00259-COA-R3-CV (Tenn. Ct. App. Oct. 27, 2023)**

A material change of circumstances was established because the child had developed significant emotional issues because of the use and threatened use of corporal punishment by the stepfather in the mother's home. The mother did not grasp the severity of the child's emotional issues and continued therapy was recommended. Consequently, the court of appeals affirmed the trial court's decision to change custody to father.

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## Custody/Parenting Cont.

**26. McDonald v. Coffel, No. E2022-01569-COA-R3-CV (Tenn. Ct. App. Jan. 9, 2024)**

The Father's history of domestic violence, controlling behavior, capability of inflicting fear and emotional disturbance on someone with their child in the home, and hostility towards the child's mother were sufficient for the trial court to determine that a material change of circumstances had occurred that affected the child's best interest. The trial court did not err in limiting the father's parenting time based on his history of engaging in domestic abuse against previous partners .

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## Custody/Parenting Cont.

**64. Jaime Cooper v. Bradley Cooper, No. W2023-00555-COA-R3-CV (Jul. 22, 2024)**

The Court of Appeals affirmed the trial court's decision to limit the husband's parenting time pursuant to Tenn. Code Ann. 36-6-406(a), because of his continuous stalking and harassment of wife despite repeated court orders and arrest, which constituted "a pattern of emotional abuse" sufficient to establish that limiting his parenting time is in the best interest of the parties' children.

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## Custody/Name Change

**69. Brett Thomas Ferguson v. Lucy Maria Traughber, No. M2023-01052-COA-R3-JV (Jul. 2, 2024)**

Having a child bear a father's surname so that it will be apparent to the community that the father is involved in the child's life is not persuasive and, thus, does not establish that such a change would be in the child's best interest.

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## Child Support

**42. Pallekonda v. Pallekonda, No. W2023-00574-COA-R3-CV (Tenn. Ct. App. Mar. 7, 2024).**

The trial court determined that the husband was willfully and voluntarily underemployed under the Child Support Guidelines based on what he previously earned over a decade and his testimony regarding his average earnings as a chief medical officer. Additionally, the husband had allowed certain credentialing and board certifications to lapse, and he specifically did so without taking steps to remedy same so that he could be capable of earning more.

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## Child Support

**15. Smallman v. Smallman, No. M2022-00592-COA-R3-CV (Tenn. Ct. App. Nov. 13, 2023).**

Trial court included the father's capital gains income for child support purposes, which was placed in a tax-deferred investment, i.e., Qualified Opportunity Zone fund, but not reported on his tax return. Because father had the ability to control how his income was reported, he made the calculated decision to place the net proceeds from the sale of his properties in the QOZ, while maintaining a lavish lifestyle.

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## Child Support

### **62. James Nicholas Howard v. Anna Narvarte Howard, No. M2002-01478-COA-R3-CV (May 1, 2024)**

Although the parties may agree to child support in excess of what the guidelines require, such an agreement does not remain unmodifiable in perpetuity, rather, once a contractual agreement merges into an FDD, the child support provision is modifiable unless it is a "provision extending a parents child support obligation past a child's majority age."

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## Property Division

### **5. Barnes v. Barnes, No. M2022-00328-COA-R3-CV (Tenn. Ct. App. Oct. 17, 2023)**

The Court of appeals affirmed the trial court's decision not to allow additional testimony concerning the value of a marital asset because it honored the parties' three-day trial projection on their certificate of readiness for trial and the delay between the valuation evidence being presented and the final divorce hearing was the parties' fault and not the court's fault.

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## Property Division

### **7. Booker v. Booker, No. E2022-01228-COA-R3oCV (Tenn. Ct. App. Oct. 24, 2023)**

The Court of Appeals reversed the trial court's finding that the prenuptial agreement was valid because the husband failed to disclose any information about his ownership interest in his father's business despite claiming that he lacked knowledge about his interest in the company at the time of remarriage.

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## Property Division

**71. Kathleen Nell Snapp v. Timothy Alva Snapp, No. E2023-00251-COA-R3-CV (Jun. 28, 2024)**

The trial court's finding that the husband's property which was titled in his and his father's name had transmuted from his separate into marital property was affirmed due to wife's significant contributions to the preservation and appreciation of the property, i.e., using joint credit cards and savings to construct home on the property, physical labor, and etc.

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## Alimony

**16. Van Zandbergen v. Van Zandbergen, No. M2022-00886-COA-R3-CV (Tenn. Ct. App. Nov. 13, 2023)**

Trial court erred with the amount of alimony in futuro awarded to wife as the amount exceeded her need. The wife was not entitled

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## Attorney's Fees

**63. Robert Howard v. Monica Howard, No. E2023-01438-COA-R3-CV (Jul. 23, 2024).**

The domestic violence statute permits attorney's fees being awarded to the respondent only when the trial court makes certain findings.

18

## Contempt

**53. Hughes v. Hughes, No. E2023-COA-R3-CV (Tenn. Ct. App. 19, 2024)**

Trial court did not abuse its discretion in sentencing the father to 186 consecutive days in jail, despite the presumption in favor of concurrent sentencing, because the father's behavior was both egregious and disturbing, i.e. sending thousands of text messages, spanning several years, in violation of a court order.

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## Contempt

**74. Lisa A. Welch v. William M. Welch, W2022-00227-COA-R3-CV (Jul. 30, 2024)**

Courts are to look at the sentencing considerations set forth in T.C.A. 40-35-103 in imposing a sentence for contempt and in determining that a sentence should run consecutively.

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## Recusal

**29. Harris v. Allen, No. W2023-01794-COA-T10B-CV (Tenn. Ct. App. Jan. 11, 2024)**

Motion for recusal was denied because the mayor raised the appearance of an impropriety issue six months after the court accepted the case and two months after the trial court ruled on competing petitions, and thus the issue was waived as it was not raised promptly. The time to raise the issues was at the beginning of the case.

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## Recusal

**37. Lusk v. Lusk, No. E2024-00226-COA-T10B-CV (Tenn. Ct. App. Feb. 22, 2024).**

Appellant's motion for recusal was unsuccessful because setting a trial on a date that drew no objection and was mutually agreeable to the parties was, simply put, no basis for recusal. Similarly, the judge's expressions of impatience with the attorney did not exhibit personal bias against the party, and thus not a basis for recusal.

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## Order of Protection

**70. Tina M. Vasuedeva v. Kathie Barker, No. M2023-01121-COA-R3-CV (Jul. 2, 2024)**

The Court of Appeals vacated the trial court's extension of the order of protection after a six-minute hearing because the trial court did not allow the respondent to cross-examine the petitioner, make a closing argument, or otherwise respond to the petitioner's allegations.

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## Assisted Reproductive Technology

**30. Davis v. Reilly, No. E2023-01250-SC-R10-CV (Tenn. Ct. Jan. 2024)**

The trial court erred by establishing the parentage of a minor child born to a married same-sex couple pursuant to Tennessee's artificial insemination statute, T.C.A. 68-3-306 because the child was conceived through sexual intercourse through a third party. The Supreme Court held that the trial court erroneously found that the circumstances of the child's conception were tantamount to artificial insemination because it was the intention of the parties to parent a second child, which extended the statute well beyond its plain and ordinary meaning.

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