

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

Assigned on Briefs April 1, 2026

WESLEY SKATZES v. PAMELA SKATZES**Appeal from the Chancery Court for Knox County****No. 208557-2****Richard B. Armstrong, Jr., Chancellor**

No. E2025-01462-COA-R3-CV

This is an appeal from a divorce involving one minor child. Appellant claims that the trial court erred in multiple ways when valuing and distributing the marital estate. He also challenges his limited and restricted parenting time in the permanent parenting plan entered by the court. Because the record is insufficient to support the valuation of certain items within the marital estate, we vacate that portion of the trial court's judgment. Further, the trial court's order lacks sufficient findings of fact and conclusions of law related to the permanent parenting plan. Accordingly, we vacate the permanent parenting plan and remand for further proceedings. The remainder of the judgment is affirmed.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Chancery Court Affirmed
in Part; Vacated in Part and Remanded**

VALERIE L. SMITH, J., delivered the opinion of the court, in which ANDY BENNETT, and KRISTI M. DAVIS, J.J. joined.

Daniel Kidd, Knoxville, Tennessee, for the appellant, Wesley Dean Skatzes.

Cecilia S. Peterson and Jo Ann Lehberger, Knoxville, Tennessee, for the appellee, Pamela Sue Skatzes.

OPINION

I. BACKGROUND & PROCEDURAL HISTORY

Appellant, Wesley Skatzes (“Husband”), and appellee, Pamela Skatzes (“Wife”), married in March 2015, in El Paso, Texas. Approximately one year later, they moved to Knoxville, Tennessee in search of better employment opportunities. Husband did not work outside the home after the move, which became a significant point of contention between the parties. Wife served as the wage-earner throughout the marriage.

In July 2017, the parties’ son was born (“the Child”). The Child exhibited developmental delays at a young age. Throughout his life, the Child has needed a variety of developmental therapies and an above-average number of doctors’ appointments. At school, the Child required extra parental involvement in his education for the development and oversight of his individualized assessment program. At home, the Child needs a high degree of routine and stability in order to thrive. In addition to her role as the family’s wage-earner, Wife served as the primary caregiver for the Child. Husband and Wife sharply disagree over the extent to which Husband has cared for the Child.

The parties separated on July 17, 2022, having been married for slightly more than seven years at the time of separation. On April 2, 2024, Husband filed a complaint for divorce and a motion for an *ex parte* restraining order for the return of his automobile.¹ In his complaint, Husband asserted that one minor child had been born of the marriage, though he misstated both the Child’s middle name and month of birth. Husband further acknowledged that Wife previously obtained an expired order of protection against him in Knox County, which allowed him approximately two visits per month with the Child. Husband alleged that Wife had engaged in inappropriate marital conduct and adultery as grounds for divorce.

Husband contemporaneously submitted a temporary proposed parenting plan in which he sought daytime visitation with the Child every Sunday from 1:00 p.m. until 5:00 p.m., stating that he would later propose a permanent plan upon his completion of required parenting classes (which he did not actually complete and submit until the second day of trial). Husband alleged that Wife had prevented him from maintaining a relationship with the Child. In his initial proposed temporary plan, Husband suggested that Wife would have 365 days of parenting time while Husband would have only four-hour visits on Sunday afternoons.

¹ That same day, the trial court entered Husband’s requested *ex parte* restraining order and directed the return of Husband’s Acura and his key ring.

Husband filed a second proposed temporary parenting plan on or about June 3, 2024. The revised plan reduced Husband's proposed Sunday visits to one hour, from 1:00 p.m. to 2:00 p.m., and allocated all major decision-making authority to Wife. On August 30, 2024, the parties entered into a mediated agreed temporary parenting plan. Under that plan, Husband received visitation every other Sunday from 1:00 p.m. to 3:00 p.m. during September and October, increasing to 1:00 p.m. to 4:00 p.m. beginning in November 2024. Husband was prohibited from consuming alcohol or being under the influence during visits and was not permitted to drive with the Child in the car. Although Wife's prior order of protection against Husband had been dismissed, Husband remained subject to restrictions prohibiting contact with Wife. The plan allowed Husband to place phone calls to the Child.

On August 22, 2024, Wife filed a motion to set child support, asserting that Husband had paid no support and that she was owed retroactive support. On February 21, 2025, Wife filed an answer and counter-complaint for divorce. She noted Husband's errors in the Child's name and date of birth. Wife admitted that the parties suffered from irreconcilable differences, but she denied engaging in inappropriate marital conduct and requested alimony.

On the same date, the child support magistrate issued recommendations following a hearing. Husband's child support obligation was set at \$545 per month, with an arrearage of \$20,784 to be paid at \$55 per month. This arrearage represented Husband's retroactive support obligation from August 2022 through January 31, 2025, offset by credits totaling \$1,925. The trial court adopted the magistrate's recommendations on March 14, 2025.

On March 18, 2025, Wife filed a proposed permanent parenting plan awarding herself 365 days of parenting time with the Child and Husband with zero. Husband would have visitation every other Sunday from 1:00 p.m. to 4:00 p.m., subject to certain restrictions. In her proposed plan, Wife had sole decision-making authority over the Child.

On March 24, 2025, Husband filed a competing proposed permanent parenting plan, which corrected the Child's name and date of birth. Husband proposed that the Child spend 315 days per year with Wife and 50 days with Husband, with alternating weekend visitation (excluding the third weekend each month) from Saturday at 4:00 p.m. until Sunday at 6:00 p.m. He also proposed a division of holidays and that he should receive two weeks of summer visitation with the Child. Moreover, Husband's proposed plan gave him sole decision-making authority over the Child's religious upbringing.

The trial of this matter took place on April 2, April 22, and May 23, 2025. The only witnesses were Husband and Wife. Husband has a lengthy history of substance abuse. According to his own testimony, Husband has been charged seven times with driving under the influence in three different states, and he lost his driver's license in Arizona in 2004. Husband did not get another license for approximately twenty years. Wife testified to

several instances in which Husband's abuse of alcohol interfered with his ability to care for the Child.

On July 21, 2025, the trial court entered its findings of fact and conclusions of law. The court noted Wife's substantial role in maintaining the household and caring for the parties' eight-year-old child, who has autism, although Husband described the child only as having "special needs." The court emphasized the Child's need for routine and stability. The court found that Wife maintained employment and acted as the primary caregiver throughout the marriage. The court further noted that Husband struggled with binge drinking and referenced the parties' prior order of protection. The court also observed that Husband had not completed his parenting classes until the second day of trial on April 21, 2025. The court granted both parties a divorce pursuant to Tennessee Code Annotated § 36-4-129(b).

In its order, the court valued and distributed the parties' Marital Estate, including the Marital Residence and the parties' personal property. Regarding the parties' Marital Residence, Husband valued the home between \$300,000 and \$350,000, whereas the only expert valuation in evidence—via stipulation to the tax assessor—was \$160,400. Wife testified the house was worth approximately \$200,000 but required substantial repairs. The court found Husband's evidence of comparable sales to be inflated and adopted the property assessor's value due to the home's state of disrepair. Applying Tennessee Code Annotated § 36-4-121(c)(5)(A), the court found Husband's contribution to the Marital Estate to be less than fifty percent and awarded him twenty-five percent of the equity. The total equity in the home was \$62,852.84, of which Wife received \$47,139.21 and Husband \$15,713.21.

Concerning child support arrearages, the court noted that the existing arrearage payment plan would require Husband thirty-three years to satisfy. The court found that Husband would have sufficient resources from the Marital Estate to pay off his arrears immediately and ordered the entirety of Husband's arrearage to be satisfied out of his distribution of the Marital Estate, including his portion of the equity in the Marital Residence and Wife's retirement account.

With respect to custody of the Child, the court awarded Wife 365 days per year with the Child and 0 days to Husband. Pursuant to the court's order, until Husband obtained adequate housing, his visitation with the Child would occur every other Sunday from 1:00 p.m. to 4:00 p.m. The court also included various restrictions on Husband's parenting time, such as the locations where his visitations could take place, a prohibition against him driving with the Child in the vehicle, and a requirement that he submit to drug and alcohol screenings at Wife's request.

On September 24, 2025, Husband filed a notice of appeal with this Court, stating that he was appealing both the July 2, 2025 order of the trial court, as well as a subsequent child support order entered by a magistrate on September 5, 2025.²

II. ISSUES PRESENTED

Husband presents the following issues for review on appeal, which we have restated for brevity:

1. Whether the trial court erred in its valuation of the Marital Residence?
2. Whether the trial court erred in its valuation of the personal property awarded to Husband?
3. Whether the trial court's division of the Marital Estate was equitable?
4. Whether the trial court erred in ordering Husband's child support arrearage to be paid in full out of his portion of the Marital Estate?
5. Whether the permanent parenting plan impermissibly restricts Husband's parenting time with the Child?

III. LAW AND ANALYSIS

"We review a non-jury case *de novo* upon the record with a presumption of correctness as to the findings of fact unless the preponderance of the evidence is otherwise." *Tennessee Farmers Mut. Ins. Co. v. Debruce*, No. E2017-02078-COA-R3-CV, 2018 WL 3773912, at *3 (Tenn. Ct. App. Aug. 9, 2018) (citing Tenn. R. App. P. 13(d); *Bowden v. Ward*, 27 S.W.3d 913, 916 (Tenn. 2000)). The trial court's conclusions of law are reviewed *de novo* and "are accorded no presumption of correctness." *Brunswick Acceptance Co., LLC v. MEJ, LLC*, 292 S.W.3d 638, 642 (Tenn. 2008).

1. Valuation of the Marital Residence

Husband first asserts that the trial court erred in valuing the Marital Residence. The Marital Residence was bought in 2018 for \$109,000. The parties presented conflicting

² The record appears to show that the new child support order set Father's monthly obligation at \$879 and found an arrearage of \$978.26, which Father was required to pay at a rate of \$55 per month. Husband does not elaborate further on the relief he seeks from this order.

evidence regarding the value of the home at the time of trial in 2025. Husband stated that he believed the value of the home had risen to “slightly north of \$300,000.” After considering the proof, the court determined that the fair market value of the Marital Residence was \$160,400.

As we have previously explained:

The value of marital property is a question of fact, and a trial court’s decision with regard to the value of a marital asset should be given great weight on appeal. *See Wallace v. Wallace*, 733 S.W.2d 102, 107 (Tenn. Ct. App. 1987); *Lunn [v. Lunn]*, [No. E2014-00865-COA-R3-CV,] 2015 WL 4187344, at *4 [(Tenn. Ct. App. June 29, 2015)]. A trial court’s decision with respect to the valuation of a marital asset will be presumed to be correct unless the evidence preponderates otherwise. *See Wallace* 733 S.W.2d at 107. The trial court should determine the value of a marital asset by considering all relevant evidence regarding value, and the parties are bound by the evidence they present. *Id.* The trial court, in its discretion, is free to place a value on a marital asset that is within the range of the evidence submitted. *Id.*

Chase v. Chase, 670 S.W.3d 280, 302-03 (Tenn. Ct. App. 2022).

On appeal, Husband argues that the trial court’s valuation was in error because it fell below the range of values presented by the parties. In support of his \$300,000 valuation, Husband submitted to the court the deeds of three homes he believed to be comparable in value to the Marital Residence. The first home submitted by Husband sold in January of 2023 for \$310,000. The second one sold in January of 2025 for \$320,000. The third home sold in May of 2024 for \$350,000.

On the other hand, Wife testified that the home could be worth \$200,000, but that it had been built in 1945 and needed “lots of work,” including expensive repairs to the HVAC system and roof. As the party with knowledge of the current condition of the home, Wife submitted several photographs as evidence of additional defects in the home. Further, Wife submitted a copy of the Knox County Property Assessor’s value for the Marital Residence, which was \$160,400 in 2024 (the most recent year listed). The Property Assessor’s appraisal history is included in the record as Exhibit 28.

Upon review of the record, we determine that the evidence does not preponderate against the trial court’s valuation of the Marital Residence. Husband admittedly had not spent a meaningful amount of time inside the home in several years and was not familiar with the current condition of the house. The photographs of the home support Wife’s testimony that the home was in need of substantial repairs. Moreover, Husband’s testimony about his proposed “comparable homes” lacked material information regarding the other homes’ interior conditions, the sizes of their lots, their square footage, whether they had

undergone substantial renovations, any basement space, or the existence of outbuildings.

Husband asserts that the trial court “impermissibly went outside the range of values presented by the parties’ own evidence and testimony.” However, the trial court expressly found Husband’s estimate of \$300,000 to be “greatly inflated” and found “the properties proffered by the Husband were not in fact comparable” to the condition and size of the Marital Residence. Rather, the court accepted Wife’s testimony that the property could be worth \$200,000 before repairs. The court also considered Wife’s testimony and photographic evidence regarding the “condition of disrepair” of the home and the estimated value of repairs. Ultimately, the court determined that within the spectrum of values presented, “the best value is offered by the Knox County Property Assessor in the amount of \$160,400” in light of the extensive work needed to repair the house. This value falls within the range of evidence presented by the parties. A valuation within the evidentiary range is not in error simply because the trial court credited one party’s evidence over the other’s. *See Brown v. Brown*, 577 S.W.3d 206, 214 (Tenn. Ct. App. 2018).

In light of the foregoing, we determine that the value the trial court placed on the Marital Residence is supported by the preponderance of the evidence and that the trial court was within its discretion.³

2. Valuation of Personal Property

Husband next asserts that the trial court erred in its valuation of the personal property awarded to Husband. Specifically, Husband takes issue with the values placed on his original artwork and various tools in his possession. Neither party presented any evidence or assigned any value to the artwork or tools. When addressing this issue, the trial court held as follows:

ARTWORK

The Husband’s original artwork, without any ascertained value, shall belong to the Husband. Except for a piece described as a Window View which was painted by Husband as a gift to [the Child]. This piece is neither separate nor marital property and belongs solely as a gift to the [C]hild and shall remain in his possession. The Court has imputed a value of \$2,000.00 to this asset. The husband failed to assign value.

TOOLS

The Husband as acquired a substantial number of tools. However, he did not offer any proof as to their value. “I’ve gained an enormous amount of tools

³ We note that the body of Husband’s appellate brief includes cursory assertions that the trial court should have ordered the Marital Residence to be sold and divided the equity between the parties. Any consideration of this issue has been waived as Husband neither specified it as an issue for review nor formulated any concrete argument as support thereof.

(TT P.63 Ln 11).” [T]he Court will have to consider [the tools] as part of the marital estate. Imputed value of \$2,000.00. The husband failed to assign value.

As we stated above, a trial court’s determination of the value of a marital asset is a question of fact and afforded great weight on appeal. *See Chase*, 670 S.W.3d at 302. However, the parties bear the burden of presenting competent evidence concerning the value of distributed property. *See Kinard v. Kinard*, 986 S.W.2d 220, 231 (Tenn. Ct. App. 1998). The court may then place a value on the property that is within the range of the evidence submitted. *See Wallace v. Wallace*, 733 S.W.2d 102, 107 (Tenn. Ct. App. 1987). Here, the trial court candidly acknowledged the lack of evidence presented for the value of Husband’s artwork and tools. The record supports this finding. Exhibit 1 was a joint property and debt list that was entered into evidence. Therein, “Husband’s original artwork” is listed under “property.” Wife did not present a value for this property, and Husband’s listed value was “sentimental/priceless.” Husband’s tools are not listed in Exhibit 1. Given the foregoing, there is simply no evidence to support the trial court assigning the \$2,000 value to Husband’s artwork or the \$2,000 value to his tools. Accordingly, we vacate this portion of the trial court’s judgment. On remand, the trial court is directed to remove these items from its distribution table and to recalculate the amount of each party’s distribution in light thereof.

3. Division of Marital Estate

We now consider Husband’s general assertion that the trial court’s division of the Marital Estate was inequitable and unfairly favored Wife. While Husband frames this issue broadly, the substance of his argument focuses almost exclusively on the trial court’s award of the equity in the Marital Residence as 75% to Wife and 25% to Husband.

The Tennessee Supreme Court has provided the following standard of appellate review for a case involving distribution of marital assets and debts:

This Court gives great weight to the decisions of the trial court in dividing marital assets and “we are disinclined to disturb the trial court’s decision unless the distribution lacks proper evidentiary support or results in some error of law or misapplication of statutory requirements and procedures.” *Herrera v. Herrera*, 944 S.W.2d 379, 389 (Tenn. Ct. App. 1996). As such, when dealing with the trial court’s findings of fact, we review the record de novo with a presumption of correctness, and we must honor those findings unless there is evidence which preponderates to the contrary. Tenn. R. App. P. 13(d); *Union Carbide Corp. v. Huddleston*, 854 S.W.2d 87, 91 (Tenn. 1993). Because trial courts are in a far better position than this Court to observe the demeanor of the witnesses, the weight, faith, and credit to be given witnesses’ testimony lies in the first instance with the trial court.

Roberts v. Roberts, 827 S.W.2d 788, 795 (Tenn. Ct. App. 1991). Consequently, where issues of credibility and weight of testimony are involved, this Court will accord considerable deference to the trial court's factual findings. *In re M.L.P.*, 228 S.W.3d 139, 143 (Tenn. Ct. App. 2007) (citing *Seals v. England/Corsair Upholstery Mfg. Co.*, 984 S.W.2d 912, 915 (Tenn. 1999)). The trial court's conclusions of law, however, are accorded no presumption of correctness. *Langschmidt v. Langschmidt*, 81 S.W.3d 741, 744-45 (Tenn. 2002).

Keyt v. Keyt, 244 S.W.3d 321, 327 (Tenn. 2007). In making an equitable division of marital property, courts are required to consider all relevant factors, including:

- (1) The duration of the marriage;
- (2) The age, physical and mental health, vocational skills, employability, earning capacity, estate, financial liabilities and financial needs of each of the parties;
- (3) The tangible or intangible contribution by one (1) party to the education, training or increased earning power of the other party;
- (4) The relative ability of each party for future acquisitions of capital assets and income;
- (5)(A) The contribution of each party to the acquisition, preservation, appreciation, depreciation or dissipation of the marital or separate property, including the contribution of a party to the marriage as homemaker, wage earner or parent, with the contribution of a party as homemaker or wage earner to be given the same weight if each party has fulfilled its role;

(B) For purposes of this subdivision (c)(5), dissipation of assets means wasteful expenditures which reduce the marital property available for equitable distributions and which are made for a purpose contrary to the marriage either before or after a complaint for divorce or legal separation has been filed;
- (6) The value of the separate property of each party;
- (7) The estate of each party at the time of the marriage;
- (8) The economic circumstances of each party at the time the division of property is to become effective;

- (9) The tax consequences to each party, costs associated with the reasonably foreseeable sale of the asset, and other reasonably foreseeable expenses associated with the asset;
- (10) In determining the value of an interest in a closely held business or similar asset, all relevant evidence, including valuation methods typically used with regard to such assets without regard to whether the sale of the asset is reasonably foreseeable. Depending on the characteristics of the asset, such considerations could include, but would not be limited to, a lack of marketability discount, a discount for lack of control, and a control premium, if any should be relevant and supported by the evidence;
- (11) The amount of social security benefits available to each spouse;
- (12) Such other factors as are necessary to consider the equities between the parties; and
- (13) The total amount of attorney fees and expenses paid by each party in connection with the proceedings; whether the attorney fees and expenses were paid from marital property, separate property, or funds borrowed by a party; and the reasonableness, under the factors set forth in Rule 1.5 of the Tennessee Rules of Professional Conduct, and necessity of the attorney fees and expenses paid by each party;

Tenn. Code Ann. § 36-4-121(c)(1)-(13). Importantly, “an equitable division ‘is not achieved by a mechanical application of the statutory factors, but rather by considering and weighing the most relevant factors in light of the unique facts of the case.’” *Cali v. Cali*, No. W2024-00773-COA-R3-CV, 2025 WL 3474133, at *14 (Tenn. Ct. App. Dec. 3, 2025) (quoting *Batson v. Batson*, 769 S.W.2d 849, 859 (Tenn. Ct. App. 1988)). Furthermore, Tennessee law provides for an *equitable* division, which does not always amount to an equal distribution. Tenn. Code Ann. § 36-4-121(a)(1) (West 2022); *Brown v. Brown*, 913 S.W.2d 163, 168 (Tenn. Ct. App. 1994) (“Trial courts have wide latitude in fashioning an equitable division of marital property. Their decisions must be guided by the factors in Tenn. Code Ann. § 36-4-121(c).”) (Internal citations omitted). Indeed, this Court has held that “divisions of marital estates were equitable when one party received a more significant portion of the estate than his or her spouse.” *Cali*, 2025 WL 3474133, at *15 (citing *Perkins v. Sloane*, No. M2024-00756-COA-R3-CV, 2025 WL 1100057, at *10 (Tenn. Ct. App. Apr. 14, 2025) (affirming an equitable division where the husband received 80% of the marital estate and the wife received 20%); *Harris v. Harris*, No. E2023-00061-COA-R3-CV, 2023 WL 8716469, at *9 (Tenn. Ct. App. Dec. 18, 2023) (adjusting the division of the marital estate to award the husband 75% and the wife 25%)). Equity in the dissolution

context considers the unique circumstances of each party and aims to produce a fair result.

Husband disagrees with the trial court's findings on almost every factor listed above, but the main point of contention appears to be the court's findings related to the parties' respective contributions to the marital estate. *See* Tenn. Code Ann. §36-4-121(c)(5)(A) (directing a trial court to consider each party's contribution to the "acquisition, preservation, appreciation, depreciation or dissipation of the marital or separate property, including the contribution of a party to the marriage as homemaker, wage earner or parent, with the contribution of a party as homemaker or wage earner to be given the same weight if each party has fulfilled its role"). Husband argues that the court did not give due consideration to his contributions as a homemaker and caregiver to the parties' Child. In fact, he characterizes the court's findings as "reverse misogynistic at best." We agree with Husband that the statute clearly entitles a homemaker's contributions to the family to be given the same weight as the wage-earning spouse's contribution. However, this general rule is true only when each party is fulfilling that role. *See Tefler v. Tefler*, 558, S.W.3d 643, 654 (Tenn. Ct. App. 2018). After listening to both Husband's and Wife's testimonies at trial, the court determined that Husband had made very few meaningful contributions to the marital estate during extended periods of the marriage. Wife worked throughout the duration of the marriage – which was approximately ten years by the time of trial. She provided the financial support for the family as well as remaining the primary caregiver for the Child, including accommodating his special needs. In addition to taking the Child to his medical/therapeutic appointments and attending his school meetings, caring for the Child requires Wife to adhere to a highly predictable and scheduled home environment. The Child suffers from cyclic vomiting, migraines, anxiety, and emotional outbursts when he is overstimulated. This often requires Wife to physically hold and calm the Child. The trial court found that Husband performed homemaking duties for only four years of the parties' marriage. Furthermore, the court specifically included in its order a passage of Wife's testimony about times when Husband's drinking interfered with his ability to care for the Child. In this passage Wife recalled instances when Husband left the Child unattended at home sleeping while he went to a neighbor's house to drink. She also described a time that she returned home to find a bowel movement on the floor, the Child improperly diapered with food all over him, and Husband "unresponsive" after drinking a bottle of mouthwash. On our review, the record does not preponderate against the trial court's findings that Husband made few meaningful contributions to the marital estate.

Husband makes additional arguments on this issue that amount to little more than a request for this Court to re-evaluate the same evidence and arguments he submitted at trial and come to a different conclusion. For example, Husband states that the trial court "improperly ignored or discounted" what he characterizes as Wife's "deliberate attempt to hide an income source of \$10,000.00 per year." However, this Court's role is one of deferential review to the fact-finder – not to retry the case on appeal and substitute our judgment for that of the trial court. *See Keyt*, 244 S.W.3d at 327. Upon review of the record as a whole, we determine that the evidence does not preponderate against the trial court's

findings and application of Tennessee Code Annotated section 36-4-121(c). We affirm the division of the Marital Estate.

4. Payment of Child Support Arrearages

Husband next contends that the trial court lacked authority to order his child support arrearage be paid from – as he describes it – the “meager amount he was awarded from the marital estate.” During the pendency of this divorce, in February 2025, a child support magistrate set Husband’s child support obligation at \$545 per month.⁴ The magistrate also found that Husband owed approximately \$20,000 in retroactive support.⁵ To satisfy this obligation, the magistrate’s order included a payment plan allowing Husband to pay his arrearage at a rate of \$55 per month.⁶ The trial court adopted the magistrate’s recommendations on March 14, 2025. In its final order, the trial court acknowledged Husband’s substantial retroactive support obligation and noted that it would take Husband more than 30 years to repay Wife on the current repayment plan. The court concluded that, “[b]ased on the availability of resources from the Husband’s marital property, [the] arrearage can be released immediately.”

Although somewhat difficult to understand, we deduce that Husband makes the following arguments to support his allegation of error. Husband contends that the child support magistrate set the monthly repayment amount, that neither party appealed that ruling, and then the trial court later confirmed it. Next, Husband cites Tennessee Code Annotated section 36-5-101(a)(2) and acknowledges that the trial court had “authority to ‘use any *appropriate process*, including levy of execution’ to ‘*enforce an award of unpaid child support.*’” (Emphases in Husband’s brief). As to this statute, Husband first argues that, when the trial court entered its final order in July 2025, he was current on his child support payments, so the trial court was not required to “use a process of enforcement[.]” Husband further asserts that, by using his portion of marital property to satisfy his arrearage amount, the trial court reduced his arrearage amount “by something other than a *process of enforcement.*” (Emphasis in Husband’s brief). Husband then cites Tennessee Code Annotated section 36-4-121, which relates to the division of marital property, discussed above, and avers that it “does not list ‘child support arrearages or judgments’ among the enumerated factors which the [c]ourt is to consider when dividing marital property.” Lastly, Husband argues that it is inequitable to use his portion of marital funds to pay his arrearages. We disagree.

⁴ The divorce trial began two months later in April of 2025.

⁵ The precise amount of the arrearage is unclear, as it varies approximately two hundred dollars between the magistrate’s order, the trial court’s final order, and the parties’ briefs. This relatively small amount is immaterial to the outcome of this appeal.

⁶ This arrearage represented Husband’s retroactive support obligation from August 2022 through January 31, 2025.

The trial court maintained and properly exercised its exclusive jurisdiction over the parties during the pendency of this divorce. See Tenn. Code Ann. § 36-5-101(a)(1), (2). Husband's assertion that he was not delinquent in repaying his arrearage misunderstands retroactive support and the judgment against him. A distinction exists between a fixed award of arrearages and the payment schedule for that award. "A child support order is a judgment, enforceable in the same manner as any other judgment issued by a court of law." *Martin v. Martin*, No. W2014-01007-COA-R3-CV, 2015 WL 2400583, at *4 (Tenn. Ct. App. May 20, 2015) (citing Tenn. Code Ann. § 36-5-101(f)(1)(A)). Pursuant to the Child Support Guidelines, courts may include a periodic payment amount in a retroactive support order. See Tenn. Comp. R. & Regs. 1240-02-04-.06(4).⁷ The judgment for Husband's arrearage established the total amount of his obligation. The periodic payments of \$55 per month simply governed the repayment of the obligation.

"[O]nce child support payments become due, they cannot be altered, reduced, or forgiven by the courts of this state." *Martin*, 2015 WL 2400583, at *4. Thus, while the trial court would not have had authority to modify the amount of Husband's arrearage, it did maintain jurisdiction to modify the periodic payment amount. See generally, *Tallent v. Cates*, 45 S.W.3d 556 (Tenn. Ct. App. 2000). The trial court in this case properly determined that that Husband's installment plan was unreasonable – repayment of his \$20,000 obligation at a rate of \$55 per month would take and more than 30 years, which is long after the Child would reach the age of majority.⁸ See generally, *Miller v. Welch*, 340 S.W.3d 708, 713 (Tenn. Ct. App. 2010) (discussing the reasonableness of repayment plan); *Morando v. McGahan*, M2000-01551-COA-R3-JV (Tenn. App. Jan. 15, 2002) (modifying a trial court order that gave the father ten years to repay retroactive support, and instead

⁷ Tenn. Comp. R. & Regs. 1240-02-04-.06 governs retroactive support. It provides that payment of the monthly installment amount constitutes compliance, but DHS may still collect additional amounts regardless of whether Husband's payments were timely. The unpaid portion of the judgment for retroactive support is subject to collection efforts even if Husband did not miss an installment.

⁸ To the extent Husband argues that the trial court was without authority to modify the repayment plan because this is a Title IV-D case, he has provided no authority to persuade this Court that he is correct. Rather, Tennessee Code Annotated section 36-5-101(f)(4) provides that an order of a court "directing that an obligor pay a sum certain to reduce any support arrearage shall not preclude the use, by the department of human services or its contractors in the Title IV-D child support program, of any other administrative means of collecting the remaining balance of the outstanding arrearage[.]" Tenn. Code Ann. § 36-5-101(f)(4). The statute continues to "expressly authorize[]" the "use of any additional administrative means of collection by the department or its contractors in the Title IV-D child support program . . . to reduce any portion, or all, of the outstanding balance of support as shown by the department's records[.]" Tenn. Code Ann. § 36-5-101(f)(4). We read the foregoing statute to allow a court to enter an order directing an obligor to pay a sum certain to reduce his or her arrearage and that the department is "expressly authorized" to use any additional administrative means to collect on the remaining balance.

ordering the arrearage to be satisfied in a lump sum from his 401(k) plan); *Tallent*, 45 S.W.3d 556, 563 (Tenn. Ct. App. 2000) (holding that “Father’s court ordered payments to Mother of \$200 monthly, with post judgment interest accruing at 10% annually, would not cover even the interest, let alone pay down the judgment” and remanding “for entry of an Order which . . . prescribes a payment plan designed to pay this judgment within a reasonable period of time.”). In this case, Husband was prepared to receive more than \$22,000 from his share of the equity in the Marital Estate (including the Marital Residence and Wife’s retirement account). We discern no error in the trial court’s decision to order Husband’s retroactive support be paid in full out of his portion of the Marital Estate rather than over a period of three decades.

Furthermore, Husband’s arguments ignore Tennessee Code Annotated section 36-5-101(a)(1), which provides that a court “may make an order and decree for the suitable support and maintenance of the children by either spouse or out of such spouse’s property[.]” According to Tennessee Code Annotated section 36-5-101(a)(2), if support of the children is not paid, these awards may be enforced “by any appropriate process[.]” This language is non-exclusive. *Jolly v. Jolly*, 130 S.W.3d 783 (Tenn. 2003) (noting that the trial court reduced the Husband’s share of the marital estate by the amount of the child support arrearage ordered by a Kansas Court and reversing only because the Kansas decree had not been properly registered). The trial court’s decision to modify the repayment plan was not error because the trial court had jurisdiction over Husband’s property and 36-5-101(a)(1) allowed the court to use this property as support for the child. *See Coates v. Coates*, No. M2001-01928-COA-R3CV, 2002 WL 31528512, at *3 (Tenn. Ct. App. Nov. 15, 2002).

Again, Husband’s precise arguments on this issue are difficult to discern. At any rate, our review of the record shows that the trial court properly exercised its discretion over the manner of repayment of Husband’s retroactive child support, which must be satisfied within a reasonable amount of time. We conclude that the trial court did not err in ordering Husband’s child support arrearage to be satisfied using a portion of his distribution from the Marital Estate.

5. Restrictions in Parenting Plan

The last issue Husband presents for review relates to how often and under what conditions he is permitted to see his Child. Husband challenges the permanent parenting plan entered by the trial court, arguing that the plan and restrictions contained therein are excessive and impermissibly interfere with his right to parent the Child. Specifically, Husband poses the following question to this Court in his brief: “Did the trial court commit error when it entered a parenting plan which severely limited Father’s co-parenting time (0 overnights), imposed unreasonable draconian restrictions on the visits he was awarded, and required Husband to obtain Wife’s approval of any future residence if he ever wanted overnight visits[?]”

Prior to trial both parties filed proposed permanent parenting plans. They each agreed that Wife should be the Child's primary residential parent, but the plans differed regarding Husband's visitation and decision-making authority. For example, Husband proposed 50 overnight visits per year with the Child, while Wife proposed none. Husband proposed that he would make all decisions on the Child's religious upbringing and Wife proposed the opposite. Regarding the alleged "draconian restrictions" ultimately included in the parenting plan, we assume Husband is referring to the portion of the trial court's order setting forth the parameters of Husband's visitation in the form of the following list:⁹

1. Until the Father obtains appropriate housing to have the child at his home, the Father will have visits with the child every other Sunday at West town mall from 1:00 - 4:00 PM and any other visits as agreed upon by the parents.
2. Father shall NOT consume or be under the influence of alcohol or any other substance while visiting with the child.
3. Father shall NOT leave the agreed premises of any visit with the child.
4. Father shall NOT drive with the minor child in the car.
5. Father shall NOT come about the mother except to exchange the child at the visitation location. Father shall NOT come to the mother's home or her employment location.
6. The parents shall communicate through Facebook Messenger only and those communications shall be limited to communications about the child, the visitations, the child's activities, doctor's appointment, and emergencies.
7. Father may visit the child at school, attend programs and activities, and participate in the classroom as available. Father shall NOT leave school with the child, withdraw the child from school, or withdraw the child from SHADES of DEVELOPMENT.
8. Father shall have phone calls with the child at 7:00 AM on Tuesdays and Thursdays through the child's Facebook account and Facebook Messenger. The Father will initiate the call.

⁹ We hesitate to posit this list as solely "restrictions" on Husband's parenting time. Many items are statements setting forth the visitation schedule, and others simply prohibit Husband from engaging in illegal activities with the Child.

9. The Mother shall have the child every Mother's Day.
10. Father visits fall on Mother's Day, he shall have a makeup visit on the Sunday following Mother's Day.
11. Father shall be entitled to visit the child every Father's Day from 1:00 - 4:00 PM.
12. The Father shall be entitled to visit the child on child's birthday for at least two hours with exact times being arranged by agreement of the parties.
13. When Father obtains what he believes to be appropriate housing, he will notify the Mother of the address allowing her to inspect the housing and truthfully answer her questions about the housing.
14. When Father obtains appropriate housing and mother agrees his housing is appropriate, Father may visit with the child at his home on days and times agreed upon in writing by the parties. These visits will be subject to the requirements in paragraphs 2, 3, and 4 above.
15. If Father believes he has obtained appropriate housing and Mother disagrees with this belief, the parties shall return to mediation to discuss visitation. If no agreement is reached in mediation, the parties shall return to court and the court shall determine the issue of Father's visitation.
16. Mother may request father submit to a drug and or alcohol test at any time, at her cost. If the mother makes this request, father is to take the test within 24 hours of the request. If the father tests positive, then the cost for the test becomes the responsibility of the Father. The Father is ordered to reimburse the Mother for the test within 30 days. Father's visits shall be terminated until a clean drug and alcohol test is presented to the Mother.

In his conclusion, Husband proposes that this Court reverse the parenting plan portion of the trial court's judgment and remand it back with instructions for the court to simply approve Husband's proposed plan. While we agree with Husband that the Permanent Parenting Plan should be vacated and remanded, we do so without expressing an opinion on Husband's substantive objections to the plan, and we decline his invitation to simply remand the matter for entry of his proposed order. After thorough review, we conclude that there are insufficient findings of fact and conclusions of law to support the entry of the Permanent Parenting Plan. *See* Tenn. R. Civ. P. Rule 52.01.

Generally, fashioning parenting arrangements is within the broad discretion of the trial court. However, in order to determine whether a court properly exercised this discretion, a reviewing court cannot be left to speculate as to the facts and law the trial court used as a basis for its decision. *Gonsewski v. Gonsewski*, 350 S.W.3d 99, 105 (Tenn. 2011) (“An abuse of discretion occurs when the trial court causes an injustice by applying an incorrect legal standard, reaches an illogical result, resolves the case on a clearly erroneous assessment of the evidence, or relies on reasoning that causes an injustice.”). Pursuant to Rule 52.01 of the Tennessee Rules of Civil Procedure:

In all actions tried upon the facts without a jury, *the court shall find the facts specially and shall state separately its conclusions of law* and direct the entry of the appropriate judgment. The findings of a master, to the extent that the court adopts them, shall be considered as the findings of the court. If an opinion or memorandum of decision is filed, it will be sufficient if the findings of fact and conclusions of law appear therein. Findings of fact and conclusions of law are unnecessary on decisions of motions under Rules 12 or 56 or any other motion except as provided in Rules 41.02 and 65.04(6).

Tenn. R. Civ. P. 52.01 (emphasis added). “Simply stating the trial court’s decision, without more, does not fulfill this mandate.” *Barnes v. Barnes*, No. M2011-01824-COA-R3-CV, 2012 WL 5266382, at *8 (Tenn. Ct. App. Oct. 24, 2012).

“The importance of Rule 52.01 findings of fact and conclusions of law cannot be underscored enough, particularly in a fact-intensive matter such as a case in which the parenting arrangement is at issue.” *In re Noah J.*, No. W2014-01778-COA-R3-JV, 2015 WL 1332665, at *5 (Tenn. Ct. App. Mar. 23, 2015) (citation omitted). The fact-intensive nature of creating a parenting plan is evident when one considers that statutory mandate *requiring* a trial court to consider all factors relevant to a child’s best interests, including the following, if applicable:

- (1) The strength, nature, and stability of the child’s relationship with each parent, including whether one (1) parent has performed the majority of parenting responsibilities relating to the daily needs of the child;
- (2) Each parent’s or caregiver’s past and potential for future performance of parenting responsibilities, including the willingness and ability of each of the parents and caregivers to facilitate and encourage a close and continuing parent-child relationship between the child and both of the child’s parents, consistent with the best interest of the child. In determining the willingness of each of the parents and caregivers to facilitate and encourage a close and continuing parent-child relationship between the child and both of the child’s parents, the court shall consider the likelihood of each parent and caregiver to honor and facilitate court

ordered parenting arrangements and rights, and the court shall further consider any history of either parent or any caregiver denying parenting time to either parent in violation of a court order;

- (3) Refusal to attend a court ordered parent education seminar may be considered by the court as a lack of good faith effort in these proceedings;
- (4) The disposition of each parent to provide the child with food, clothing, medical care, education and other necessary care;
- (5) The degree to which a parent has been the primary caregiver, defined as the parent who has taken the greater responsibility for performing parental responsibilities;
- (6) The love, affection, and emotional ties existing between each parent and the child;
- (7) The emotional needs and developmental level of the child;
- (8) The moral, physical, mental and emotional fitness of each parent as it relates to their ability to parent the child. The court may order an examination of a party under Rule 35 of the Tennessee Rules of Civil Procedure and, if necessary for the conduct of the proceedings, order the disclosure of confidential mental health information of a party under § 33-3-105(3). The court order required by § 33-3-105(3) must contain a qualified protective order that limits the dissemination of confidential protected mental health information to the purpose of the litigation pending before the court and provides for the return or destruction of the confidential protected mental health information at the conclusion of the proceedings;
- (9) The child's interaction and interrelationships with siblings, other relatives and step-relatives, and mentors, as well as the child's involvement with the child's physical surroundings, school, or other significant activities;
- (10) The importance of continuity in the child's life and the length of time the child has lived in a stable, satisfactory environment;
- (11) Evidence of physical or emotional abuse to the child, to the other parent, or to any other person, including the child's siblings. The court may, where appropriate, refer any issues of abuse to juvenile court for further proceedings;

- (12) The character and behavior of any other person who resides in or frequents the home of a parent and such person's interactions with the child;
- (13) The reasonable preference of the child if twelve (12) years of age or older. The court may hear the preference of a younger child upon request. The preference of older children should normally be given greater weight than those of younger children;
- (14) Each parent's employment schedule, and the court may make accommodations consistent with those schedules;
- (15) Whether a parent has had custody or parenting time reduced or restricted in the past and if so, the reasons custody or parenting time was relinquished;
- (16) Whether a parent has failed to pay court-ordered child support;
- (17) Without creating any presumption as to parenting time, the extent to which the parenting schedule proposed or ordered provides each parent with meaningful opportunities to participate in the child's life, consistent with the child's best interest; and
- (18) Any other factors deemed relevant by the court.

Tenn. Code Ann. § 36-6-106(a).

The trial court's order in this case does not make any mention of Tennessee Code Annotated section 36-6-106(a), and the only mention of the Child's best interest is a declaration at the end of the order that "The Court finds that it is within the children's best interests to adopt the permanent parenting plan recited herein." While we acknowledge that the trial court's order contains factual findings that certainly bear on the Child's best interests, the order fails to explain how any certain finding informed its entry of the Permanent Parenting Plan. We emphasize that the deficiency is not a lack of an express, factor-by-factor discussion under Tennessee Code Annotated section 36-6-106(a). The order does not discuss how the court evaluated the relevant facts or why the resulting parenting arrangement with restrictions served the Child's best interests. In order to discern the court's findings of fact and conclusions of law related to the parenting plan, we would have to speculate as to the connections between certain factual findings and the parenting plan determination that the court did not articulate.

Likewise, Tennessee Code Annotated section 36-6-406(d) authorizes a court to impose restrictions on a parent's parenting time when the parent's conduct adversely affects the child's best interests, including substantial nonperformance of parenting responsibilities; failure to financially support the child; alcohol or other substance abuse that interferes with parenting responsibilities; relevant criminal activity; or any other conduct expressly found to adversely affect the child's welfare. As this Court has explained:

In reviewing the trial court's visitation order for an abuse of discretion, the child's welfare is given "paramount consideration," and "the right of the noncustodial parent to reasonable visitation is clearly favored." *Eldridge v. Eldridge*, 42 S.W.3d 82, 85 (Tenn. 2001) (quoting *Suttles v. Suttles*, 748 S.W.2d 427, 429 (Tenn. 1988)). Nevertheless, the noncustodial parent's visitation "may be limited, or eliminated, if there is definite evidence that to permit . . . the right would jeopardize the child, in either a physical or moral sense." *Id.* Such restraints on parental conduct must be well-defined and must involve conduct that competent evidence shows could cause harm to the child. *Hogue*, 147 S.W.3d at 251 (citing *Bates v. Bates*, No. 03A01-9412-CH-00426, 1995 WL 134907, at *3 (Tenn. Ct. App. March 30, 1995)). The purpose of these restraints is to protect the child. *Id.*

Smallman v. Smallman, 689 S.W.3d 845, 866–67 (Tenn. Ct. App. 2023). We recognize that the record in this case contains considerable evidence of Husband's behavior that might warrant restrictions on his parenting time, and that the court's analysis on remand may lead it to a similar conclusion. However, the lack of even any recognition that Husband's parenting time was being limited under the plan leaves this Court and the parties to merely speculate as to the trial court's reasoning for the decisions it made.

In light of the foregoing, we vacate the portion of the trial court's judgment related to the parenting plan, as well as the entry of the Permanent Parenting Plan, and remand with instructions for the trial court to make detailed findings of fact and conclusions of law in accordance with Rule 52.01 in support of its determinations. "We recognize that time has marched on during this litigation." *See Bailey v. Bailey*, No. M2022-01467-COA-R3-CV, 2025 WL 1517411, at *17 (Tenn. Ct. App. May 28, 2025) (quoting *Owens v. May*, No. E2020-01322-COA-R3-JV, 2021 WL 3671097, at *3 (Tenn. Ct. App. Aug. 19, 2021)). To that end, the court may hear additional proof on remand as it deems necessary to create a parenting plan that assesses the parties' and the Child's current circumstances.

IV. CONCLUSION

For the reasons set forth herein, the judgment of trial court is affirmed in part, vacated in part, and remanded. Costs of this appeal are taxed one-half to the appellant,

Wesley Skatzes, and one-half to the appellee, Pamela Skatzes, for which execution may issue, if necessary. The current parenting plan will remain in effect until the trial court enters a new temporary or permanent parenting plan. The case is remanded for further proceedings consistent with this Opinion.

s/ Valerie L. Smith
VALERIE L. SMITH, JUDGE