

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

Assigned on Briefs August 4, 2026

IN RE BRYKELL F.¹Appeal from the Chancery Court for Williamson County
No. 23AD-2660 Deanna Bell Johnson, Chancellor

No. M2025-00884-COA-R3-PT

Julius W. (hereinafter “Julius” or “Respondent”), the biological father of Brykell F. (“Brykell”), appeals the termination of his parental rights to Brykell. On appeal he contends the trial judge should have recused herself, he was denied due process, and the evidence was insufficient to prove any ground for termination or that termination of his parental rights is in Brykell’s best interest. We affirm.

Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Chancery Court Affirmed

FRANK G. CLEMENT JR., C.J., delivered the opinion of the Court, in which VALERIE L. SMITH and WILLIAM E. PHILLIPS II, JJ., joined.

Christina Hammond Zettersten and Leslea Cole, Brentwood, Tennessee, for the appellant, Julius W.

Tiffany M. Johns, Franklin, Tennessee, for the appellee, Crystal C.

OPINION**FACTS AND PROCEDURAL HISTORY**

Demi R. (“Mother”) is the mother of Brykell, born in March 2022. Mother was married to Jeremy F. (“Jeremy”) at the time of Brykell’s conception and birth. Thus, Jeremy was recognized as Brykell’s legal father. However, Mother and her paramour, Julius, the sole respondent in this action, were of the belief that Julius was the biological

¹ This court has a policy of protecting the identity of children by initializing the last names of the children, parents, close relatives, and pre-adoptive parents and by not providing the children’s exact birth dates.

father. In fact, Julius went to the hospital with Mother when Brykell was born. Nevertheless, Jeremy was identified as the father of Brykell on the birth certificate because he and Mother were married.

Shortly after Brykell's birth, Julius took a DNA test which scientifically proved that he was Brykell's biological father. Two months after Brykell's birth, Mother and Jeremy were granted a divorce and Jeremy was disestablished as the legal father of Brykell in the final decree of divorce, which was entered on May 10, 2022. Although he knew that Jeremy's parental rights had been disestablished, Julius took no legal action to establish his paternity of Brykell.

Brykell was Mother's fifth child. Mother knew that neither Jeremy nor Julius would provide support for Brykell, and she also recognized that she could not support the child on her own. Thus, Julius's mother, Sharita W. ("Sharita"), helped Mother contact Crystal C. (hereinafter "Petitioner"), whom Sharita knew sought to adopt a child. When asked whether she wished to adopt Brykell, Petitioner affirmed that she did.

One month later, Sharita again called Petitioner to confirm that Mother was still willing to surrender Brykell, with the goal that Petitioner would adopt Brykell. Then, on April 15, 2022, when Brykell was only weeks old, Petitioner picked up Brykell and, with Brykell in tow, went to Walmart to purchase necessary supplies, clothing and a bassinette. Thereafter, Petitioner and Mother shared custody of Brykell over the next few weeks, however, Petitioner was solely responsible for paying for and providing for all of Brykell's needs including food, clothing, and medical care.

On September 7, 2022, Mother and Petitioner appeared in the Juvenile Court of Williamson County seeking court approval of the formal surrender of Mother's parental rights to Brykell and transfer of guardianship to Petitioner pursuant to Tennessee Code Annotated § 36-1-111. Specifically, Mother asked the court to approve the surrender of her parental rights to Brykell. Further, Mother and Petitioner requested that the court give guardianship to Petitioner as Brykell's prospective adoptive parent, who had completed a home study approved by Adoption Promises. During the hearing, the court questioned Mother and Petitioner to confirm that they knew their respective rights and responsibilities. Specifically, the court confirmed that Mother knew she was voluntarily surrendering her parental rights, which would not be revokable after three days. At the conclusion of the hearing, the court approved the surrender of Mother's parental rights and granted custody and partial guardianship to Petitioner. The order was entered on the same day as the hearing, October 6, 2022.²

² Mother did not revoke the surrender of her parental rights to Brykell; thus, she is not a party to this termination proceeding.

On April 18, 2023, Petitioner commenced this action by filing a Petition for Termination and Adoption in the Williamson County Chancery Court. The sole respondent identified in the petition was Julius, the biological father of Brykell. He was served with the petition while incarcerated in the Williamson County jail on multiple pending felony charges. Counsel was appointed to represent Julius shortly after the petition was filed, and a Guardian ad Litem was appointed.

On March 17, 2025, a Supplemental Petition for Termination and Adoption was filed by Petitioner. Then, on March 21, 2025, an Amended Petition for Termination of Parental Rights and Adoption was filed, which the trial court identified as the controlling petition.

Petitioner sought termination of Julius's parental rights to Brykell on multiple grounds including the grounds of abandonment relative to an incarcerated person for failure to support and failure to visit under Tennessee Code Annotated § 36-1-102(1)(A)(iv)(a)(2) and wanton disregard for the welfare of Brykell under Tennessee Code Annotated § 36-1-102(A)(iv)(c). The petition also asserted numerous grounds applicable to a putative father under Tennessee Code Annotated § 36-1-113(g)(9)(A) based on the fact that Julius failed to support Brykell, he failed to visit Brykell, he manifested an unwillingness to assume custody of Brykell, he posed a substantial risk of harm to Brykell, and he failed to file to file a paternity action within thirty days of notification that he was the father of Brykell. *See* Tenn. Code Ann. § 36-1-113(g)(A)(v)(i), (ii), (iii), (iv), and (v).

The petition was set for trial on multiple occasions but continued until May 2, 2025, when the case was tried. Five witnesses testified at trial and multiple exhibits were admitted into evidence. The exhibits included a certified copy of Julius's Williamson County criminal record, Maury County criminal record, an order of protection issued against Julius, two photographs of injuries to one of the mothers of his children sustained following an assault by Julius, Cash App records, and a summary of parenting time. The exhibits also included a USB flash drive of jail phone calls wherein Julius made serious threats to Mother as well as to another woman with whom Julius has children.

In the court's final Memorandum and Order, entered on May 12, 2025, the trial court found that five grounds for termination had been proven and that the termination of Julius's parental rights was in Brykell's best interest. Based on these findings, the court terminated Julius's parental rights.

This appeal followed.

Issues

The appellant, Julius, raises six issues:

1. Was there sufficient proof to determine the three consecutive months for grounds of abandonment?
2. Was there sufficient evidence presented to establish the grounds of abandonment?
3. Was the trial court order sufficient to establish that termination is in the best interest of the minor child?
4. Was there sufficient proof to determine that appellant failed to file a petition to establish paternity within thirty (30) days of notice of alleged paternity?
5. Was there a fundamental violation of the appellant's rights by holding trial one (1) day after Petitioner filed a Supplemental Petition?
6. Should the trial judge have recused herself due to presiding over appellant's criminal cases?

The appellee, Petitioner, does not raise any additional issues.

Standard of Review

"Parents have a fundamental constitutional interest in the care and custody of their children under both the United States and Tennessee constitutions." *Keisling v. Keisling*, 92 S.W.3d 374, 378 (Tenn. 2002). "[T]his right is not absolute and parental rights may be terminated if there is clear and convincing evidence justifying such termination under the applicable statute." *In re Drinnon*, 776 S.W.2d 96, 97 (Tenn. Ct. App. 1988) (citing *Santosky v. Kramer*, 455 U.S. 745 (1982)).

"To terminate parental rights, a court must determine that clear and convincing evidence proves not only that statutory grounds exist but also that termination is in the child's best interest." *In re Valentine*, 79 S.W.3d 539, 546 (Tenn. 2002) (citing Tenn. Code Ann. § 36-1-113(c)). "Clear and convincing evidence enables the fact-finder to form a firm belief or conviction regarding the truth of the facts, and eliminates any serious or substantial doubt about the correctness of these factual findings." *In re Bernard T.*, 319 S.W.3d 586, 596 (Tenn. 2010) (citation omitted). "The clear-and-convincing-evidence standard ensures that the facts are established as highly probable, rather than as simply more probable than not." *In re Carrington H.*, 483 S.W.3d 507, 522 (Tenn. 2016).

In an appeal, "this [c]ourt is required 'to review thoroughly the trial court's findings as to each ground for termination and as to whether termination is in the child's best interests.'" *In re Connor B.*, 603 S.W.3d 773, 779 (Tenn. Ct. App. 2020) (quoting *In re Carrington H.*, 483 S.W.3d at 525). In doing so, we must "determine whether the trial

court's findings, made under a clear and convincing standard, are supported by a preponderance of the evidence." *In re F.R.R., III*, 193 S.W.3d 528, 530 (Tenn. 2006). Stated another way, we must make our "own determination as to whether the facts, either as found by the trial court or as supported by a preponderance of the evidence, amount to clear and convincing evidence of the elements necessary to terminate parental rights." *In re Carrington H.*, 483 S.W.3d at 524.

The trial court's findings of fact are reviewed de novo upon the record, accompanied by a presumption of correctness unless the evidence preponderates against those findings. Tenn. R. App. P. 13(d). Questions of law, however, are reviewed de novo with no presumption of correctness. *In re Carrington H.*, 483 S.W.3d at 524. A trial court's ruling regarding whether the evidence sufficiently supports termination is a conclusion of law, which we review de novo with no presumption of correctness. *See id.* Furthermore, a trial court's determinations regarding witness credibility are entitled to great weight on appeal and will not be disturbed "absent clear and convincing evidence to the contrary." *In re Adoption of A.M.H.*, 215 S.W.3d 793, 809 (Tenn. 2007).

ANALYSIS

I. RECUSAL

We begin our analysis with Julius's last issue, whether the trial judge should have recused herself because, Julius alleges, she was biased based on facts she learned while presiding over his criminal cases.³ We find this issue has been waived because Julius failed to file a written motion to recuse the trial judge in the trial court as is required by Tennessee Supreme Court Rule 10B § 2.03.

Tennessee Supreme Court Rule 10B governs appeals from orders denying motions to recuse. "[A] party challenging the impartiality of a judge 'must come forward with some evidence that would prompt a reasonable, disinterested person to believe that the judge's impartiality might reasonably be questioned.'" *Duke v. Duke*, 398 S.W.3d 665, 671 (Tenn. Ct. App. 2012). This requires, *inter alia*, the timely filing of a motion in the trial court that "shall state, with specificity, all factual and legal grounds supporting disqualification of the judge[.]" Tenn. Sup. Ct. R. 10B, § 1.01. Additionally, "[t]he motion shall be supported by an affidavit under oath or a declaration under penalty of perjury on personal knowledge and by other appropriate materials." *Id.*

³ While there is no motion for recusal and no affidavit in support of a motion for recusal in the record, Julius asserts in his appellate brief, "The trial judge in question was the trial judge for nearly all of Appellant's criminal charges spanning from 2018 until 2024, some of which were during the pendency of this termination proceeding."

Julius did not file a Rule 10B motion for recusal or an affidavit to support a recusal motion. Thus, he failed to file the essential components of a request for recusal. *See* Tenn. Sup. Ct. R. 10B, § 1.01; *see also* *Bradfield v. Thoman*, No. W2025-01416-COA-T10B-CV, 2025 WL 2754056, at *2 (Tenn. Ct. App. Sept. 29, 2025).

“A litigant cannot manipulate the judicial process by knowing of allegedly improper judicial conduct but remaining silent until after the legal matter has been resolved unfavorably to the litigant.” *Cook v. State*, 606 S.W.3d 247, 254 (Tenn. 2020) (citing *Davis v. Tenn. Dep’t of Emp’t Sec.*, 23 S.W.3d 304, 313 (Tenn. Ct. App. 1999)). And as we have explained, “[a] claim of judicial bias may be deemed waived if a litigant either fails to file a written recusal motion or fails to file a written recusal motion in a timely manner after learning the facts that form the basis of the request. *Id.* (citing *Tenn. Dep’t of Emp’t Sec.*, 23 S.W.3d at 313).

Accordingly, the recusal issue is waived.

II. DUE PROCESS

Julius contends there was a fundamental violation of his rights because, he alleges, the trial commenced one day after Petitioner filed a supplemental petition to terminate his parental rights.

As noted above, this action commenced on April 18, 2023, when the Petition for Termination and Adoption was filed in the Williamson County Chancery Court. Shortly thereafter, Julius was served with process, and the attorney who was appointed to represent him continued throughout the trial court proceedings and this appeal.

With leave of court, a Supplemental Petition for Termination and Adoption was filed by Petitioner on March 17, 2025, and, thereafter, an Amended Petition for Termination of Parental Rights and Adoption was filed on March 21, 2025.

But as Julius correctly notes in his brief, yet another petition was filed on May 1, 2025, the day before the trial commenced. Why that petition was filed is not clear, but the filing is inconsequential because the amended petition did not assert any new facts or grounds for termination. Whether that petition was filed inadvertently is not apparent from this record. More importantly, as the trial court noted in the final judgment, the operative petition, the Amended Petition for Termination of Parental Rights and Adoption, was filed well in advance of the trial on March 21, 2025. We also note that Julius did not file a motion for continuance based on the filing of the March 21 or May 1, 2025 petitions.

Accordingly, we find no basis upon which to conclude that Julius’s due process rights were violated based on the filing of the amended petition.

III. GROUNDS

To terminate parental rights, a court must find that at least one statutory ground for termination has been proven by clear and convincing evidence. *In re Carrington H.*, 483 S.W.3d at 535 (citing Tenn. Code Ann. § 36-1-113(c)). Petitioner sought termination based on multiple grounds and the trial court found that Petitioner proved all grounds. Thus, we will discuss each ground in turn.

A. Abandonment under Tennessee Code Annotated § 36-1-102

The trial court found that Petitioner proved three grounds of abandonment relative to incarcerated persons under Tennessee Code Annotated § 36-1-102(1)(A)(iv). The statute provides in relevant part that a parent is deemed to have abandoned a child if:

(iv) A parent or guardian is incarcerated at the time of the filing of a . . . petition or amended petition to terminate the parental rights of the parent or guardian of the child who is the subject of the petition for termination of parental rights or adoption or a parent or guardian has been incarcerated during all or part of the . . . three (3) consecutive months immediately preceding the filing of the action if the child is less than four (4) years of age and has:

. . . .

(2) Failed to visit, has failed to support, or has failed to make reasonable payments toward the support of the child for three (3) consecutive months immediately preceding the parent's or guardian's incarceration if the child is less than four (4) years of age.

Tenn. Code Ann. § 36-1-102(1)(A)(iv)(a)(2).⁴

This statute provides an additional ground of abandonment in subsection (c) based on the following definition: “With knowledge of the existence of the born or unborn child, [the parent] engaged in conduct prior to, during, or after incarceration that exhibits a

⁴ The trial court found, which is not disputed:

In the instant case, the child was born March [], 2022; the original petition was filed April 18, 2023, and the amended petition was filed March 21, 2025. Clearly the child was under four years of age at the time of the filing of both the petition and the amended petition. Respondent went into custody and was incarcerated in the Williamson County jail beginning September 6, 2022, and remained in custody until and through the trial on May 2, 2025. Consequently, Respondent was incarcerated both “‘at the time of the filing of the petition’ and during the ‘three (3) consecutive months immediately preceding the filing of the action.’”

wanton disregard for the welfare of the child.” *See* Tenn. Code Ann. § 36-1-102(1)(A)(iv)(c).

The trial court found that Julius abandoned Brykell in three ways, by failing to support Brykell, failing to visit Brykell, and by engaging in conduct prior to, during, or after incarceration that exhibited a wanton disregard for the welfare of Brykell. We discuss each ground in turn.

1. Failure to Visit or Support

The petition was filed on April 18, 2023, when Brykell was under the age of four.⁵ The trial court ruled that Julius’s incarceration began on September 6, 2022, and he remained incarcerated when the petition was filed. Thus, the relevant period to be considered concerning Julius’s alleged failure to visit and failure to support is the three consecutive months immediately preceding Julius’s incarceration, *see* Tenn. Code Ann. § 36-1-102(1)(A)(iv)(a)(2), which is from June 5, 2022, to September 5, 2022. However, as Julius notes in his brief, the trial court ruled that the relevant period was from June 6, 2022, to September 6, 2022.⁶ Julius contends the trial court’s finding concerning the relevant period is one day off. We agree. Nevertheless, we find no reversible error with the one-day error because the relevant facts of this case did not change during that twenty-four-hour period.

We now turn our attention to Julius’s contention that the evidence was insufficient to support the trial court’s finding that he failed to visit or make reasonable payments toward the support of Brykell during this three-month period. Specifically, he contends the trial court erred in finding that the funds he paid to Mother were token support and that the time he spent with Brykell was token visitation.

The trial court found that Julius failed to visit or support Brykell during the relevant period, which was while Brykell was in the care and custody of Petitioner and being financially supported by Petitioner. Specifically, the court found,

During this relevant time period, Respondent knew the child was living with and being cared for by Petitioner. Yet, not once during that time period did Respondent contact Petitioner and ask to visit with the child or offer to

⁵ Brykell was thirteen months old when the petition was filed.

⁶ Julius was serving a six-year sentence at 30% in the state penitentiary when this trial occurred.

support the child or make any reasonable payments toward the support of the child.⁷

We also find it material that the trial court went on to find that “Respondent never reached out to Petitioner to try to visit with the child. In fact, Respondent told Petitioner he was on the run from police because there were warrants out for his arrest and, therefore, he could not go to court regarding the child.” The court also found that “the small amount of time Respondent was around the child while he was with [Mother] amounts to token visitation.” The court also found Julius’s testimony regarding the small amount of time he was around Brykell was “not credible” and that Julius failed to present competent evidence to challenge the findings regarding visitation.

Based on these and other facts as found by the trial court, the court concluded that Petitioner had proven the grounds of abandonment based on Julius’s failure to visit and failure to support Brykell under Tennessee Code Annotated 36-1-102(1)(A)(iv)(a)(2).

The evidence in the record clearly and convincingly supports the trial court’s findings and conclusions; thus, we affirm the trial court’s conclusion that these two grounds were proven.

2. Wanton Disregard

The statute provides an additional definition stating that abandonment also means: “With knowledge of the existence of the born or unborn child, [the parent] engaged in conduct prior to, during, or after incarceration that exhibits a wanton disregard for the welfare of the child.” *See* Tenn. Code Ann. § 36-1-102(1)(A)(iv)(c).

The trial court made extensive findings regarding this ground, finding in pertinent part:

[W]hile the child was just five months old, Respondent punched [Mother] in the mouth, threw her on the bed, and strangled her while she was holding their child. Respondent then left the residence but returned and threw an object through the window and stole [Mother]’s television. Respondent was later charged with numerous serious crimes and ultimately pled guilty to aggravated assault, aggravated burglary, and vandalism.

⁷ The trial court also found that “Respondent did pay [Mother] \$431.91 for the support of the child during the relevant time period, but this money is merely token support.” Whether that payment is token for a three-month period is debatable, but the payment was made to Brykell’s mother, not to Petitioner who was solely responsible for the care of Brykell during the relevant three-month period. Thus, Julius made no payments to Petitioner for the support of Brykell during the relevant period.

Also, while [Mother] was pregnant with the child, Respondent stalked Ms. Cuadrado [the mother of another child of Julius's] to Kroger, got into her car, and strangled her in the presence of their children, causing her to bleed on one of the children. Ms. Cuadrado later obtained an order of protection against Respondent, which he violated on numerous occasions.

On August 5, 2024, Respondent pled guilty to three misdemeanor counts of violating an order of protection in Williamson County. All three of these offenses occurred after the date the child was born. On August 19, 2024, Respondent pled guilty to Aggravated Assault, a class C felony, Aggravated Burglary, a class C felony, and Vandalism, a class E felony. All three of these crimes were perpetrated on [Mother] when Respondent punched [Mother] in the face, threw her on the bed strangled her, and then later threw an object through the window and stole her television.

For a long period of time, Respondent remained on the run from the police with outstanding warrants. On one occasion, Respondent and [Mother] were in a vehicle together with their child and Respondent kicked [Mother] out of the vehicle. Respondent drove away with the child. The police called Respondent and asked him to bring in the child Respondent refused to do so because he was wanted on outstanding warrants and was afraid of being arrested.

Based on these and other findings of fact, the court concluded that Petitioner had proven that grounds exist to terminate Julius's parental rights pursuant to Tennessee Code Annotated § 36-1-102(1)(A)(iv)(c) for his wanton disregard for the welfare of Brykell. The evidence in the record clearly and convincingly supports the trial court's findings and conclusion; thus, we affirm the trial court's conclusion that this ground was proven.

B. Putative Father Grounds Under Tennessee Code Annotated § 36-1-113

Tennessee Code Annotated § 36-1-113(g)(9)(A) identifies five grounds upon which the parental rights of a person who is not a legal parent at the time of the filing of a petition to terminate parental rights of such person and who is the putative father of the child, may be terminated. The five grounds upon which a putative father's rights may be terminated, each of which is at issue here, are as follows:

- i) The person has failed, without good cause or excuse, to make reasonable and consistent payments for the support of the child in accordance with the child support guidelines promulgated by the department pursuant to § 36-5-101;

ii) The person has failed to seek reasonable visitation with the child, and if visitation has been granted, has failed to visit altogether, or has engaged in only token visitation, as defined in § 36-1-102;

iii) The person has failed to manifest an ability and willingness to assume legal and physical custody of the child;

iv) Placing custody of the child in the person's legal and physical custody would pose a risk of substantial harm to the physical or psychological welfare of the child; or

v) The person has failed to file a petition to establish paternity of the child within thirty days after notice of alleged paternity

The trial court found that Petitioner had proven all five grounds. We shall discuss each of them in turn.

As the trial court explained, "Respondent failed to support the child and visit the child. Thus, Petitioner has proven, by clear and convincing evidence, factors i) and ii) under Section 36-1-113(g)(9)(A)." We agree. We affirm the trial court's conclusion that these two grounds were proven.

Regarding subsection iii), whether Julius failed to manifest an ability and willingness to assume legal and physical custody of Brykell, the trial court made specific findings of fact including the following:

In the instant case, when Respondent learned [Mother] wanted to surrender the child, Respondent took no action to ensure his rights as a parent. When [Mother] and her husband divorced two months after the child was born and [Mother's] husband was disestablished as the biological father, Respondent took no action. Respondent was specifically instructed by the magistrate in Maury County on how to go about ensuring his parental rights and failed to do so regarding the child in this case as well as his children with [Ms.] Cuadrado. Indeed, Respondent admitted at trial he did not manifest a willingness to parent any of his children.

As for manifesting a willingness to take physical custody of the child, Respondent failed to visit the child when he was with Petitioner, only asked Petitioner on one occasion if he could see the child, and only had token visits with the child when he (the child) was with [Mother]. Also, Respondent failed to financially support the child. Moreover, Respondent continued to engage in criminal conduct, including violently assaulting the mother of his child, violating orders of protection, and evading police. *See In re Kaylene*

J., 2021 WL 2135954 (Tenn. Ct. App. 2021) (trial court did not err by finding the mother failed to manifest an ability or willingness to assume custody or financial responsibility of the children because the evidence showed the mother continuously lived a volatile and chaotic lifestyle, failed to visit the children, incurred several new criminal charges, and failed to support the children). Furthermore, Respondent does not have the ability to take physical custody of the child because he (Respondent) is currently serving a six-year sentence in the state penitentiary. Respondent also demonstrated an inability to take physical and legal custody of the child because he was on the run from law enforcement and could not appear in court for fear of being arrested. In fact, he could not even return the child to the police after he kicked [Mother] out of the car and took the child because he was afraid of being arrested on outstanding warrants.

Based on these and other findings, the trial court concluded that Julius failed to manifest an ability and willingness to assume legal and physical custody of Brykell as defined under Tennessee Code Annotated § 36-1-113(g)(9)(A)(iii). We agree. Thus, we affirm the trial court's ruling on this ground.

Regarding subsection (iv), the trial court found that placing custody of Brykell in Julius's legal and physical custody would pose a substantial risk of harm to the physical or psychological welfare of Brykell. In reaching this conclusion the trial court made numerous findings including the following:

Respondent is abusive and dangerous, particularly to women. He has strangled at least two of the mothers of his children as well as stalked and beat them. Respondent was on the run from law enforcement and evaded arrest for a long time, which substantially interfered with his ability to parent the child. He could not even return the child to the police when necessary for fear he would be arrested on outstanding warrants. Respondent violated an order of protection on numerous occasions. If Respondent were to obtain physical custody of the child, the child would be unable to continue the relationships he has with his half-siblings born to Ms. Cuadrado as she has made it clear she is afraid of Respondent and afraid for Respondent to be around her children.

In addition, if Respondent were to obtain physical and legal custody of the child, the child would suffer substantial psychological harm as he would be removed from the only parent he has known since birth, which is Petitioner. She has cared for the child since birth, taken him for all his medical appointments, spent nights by his bedside in the hospital when he had RSV and COVID, and kept him up to date on his vaccines, not to mention provided

food, shelter, and transportation for him. Petitioner works from home and the child is with her nearly all the time. Petitioner has taken the child to meet her family in Ohio and has relatives in Middle Tennessee with whom the child has developed relationships. Indeed, Respondent himself testified at trial that he is okay with Petitioner adopting the child.

Based on these and numerous other findings, the trial court concluded that Petitioner had proven the ground as stated under Tennessee Code Annotated § 36-1-113(g)(9)(A)(iv) based on clear and convincing evidence. We agree and affirm this ruling.

As for subsection (v), the parental rights of a putative father may be terminated if it is proven that he failed to file a petition to establish paternity of his child within thirty days of notice of paternity. *See* Tenn. Code Ann. § 36-1-113(g)(9)(A)(v). In ruling that this ground was proven, the trial court made the following findings of fact:

Respondent was at the hospital when the child was born. He knew the child was his, yet he failed to file a petition to establish paternity. When [Mother] and [Jeremy] divorced, and [Jeremy] was disestablished as the father, Respondent took no action. When [Mother] told Respondent she planned to put the child up for adoption, Respondent took no action, including any action to file a petition to establish paternity.

Although not mentioned in the above quote, the trial court noted earlier in its judgment that Julius had taken a DNA test and was informed that he was indeed the father of Brykell. Therefore, Julius was on notice of his paternity but took no legal action within thirty days to establish his paternity.

Based on these and other facts, the trial court concluded that Petitioner proved this ground based on clear and convincing evidence. We agree; thus, we affirm the trial court's ruling that this ground was proven.

IV. BEST INTEREST ANALYSIS

Once a court has found clear and convincing evidence of one or more grounds for termination, "the interests of parent and child diverge." *In re Jude M.*, 619 S.W.3d 224, 244 (Tenn. Ct. App. 2020) (citations omitted). "While the parent's interests do not evaporate upon a finding of unfitness, the focus of the proceedings shifts to the best interests of the child." *In re Audrey S.*, 182 S.W.3d 838, 877 (Tenn. Ct. App. 2005) (citation omitted).

"Facts considered in the best interest analysis must be proven by 'a preponderance of the evidence, not by clear and convincing evidence.'" *In re Gabriella D.*, 531 S.W.3d 662, 681 (Tenn. 2017) (citations omitted). After a court makes its factual findings regarding the grounds for termination, it must consider the combined weight of the best interest

factors to determine whether it amounts to clear and convincing proof that termination is in the child's best interests. *See id.*; *see also In re Kaliyah S.*, 455 S.W.3d 533, 555–56 (Tenn. 2015).

In determining whether termination of parental rights is in a child's best interest, courts consider the non-exhaustive list of statutory factors in Tennessee Code Annotated § 36-1-113(i)(1). *In re M.A.R.*, 183 S.W.3d 652, 667 (Tenn. Ct. App. 2005). These statutory factors are not exclusive, and courts are free to consider any other proof offered at a termination proceeding that is relevant to the best interest analysis. *In re Neveah M.*, 614 S.W.3d 659, 679 (Tenn. 2020) (citations omitted).

It is important to note that evaluating the best interest factors is not as simple as tallying which weighs in favor of and against termination. *In re Chayson D.*, 720 S.W.3d 123, 146 (Tenn. Ct. App. 2023). Instead, courts must conduct a holistic assessment of whether terminating a parent's rights is in the best interest of the child. *In re Violet L.*, No. W2025-00982-COA-R3-PT, 2026 WL 1831898, at *15 (Tenn. Ct. App. June 25, 2026).

Here, the trial court conducted a holistic assessment of whether terminating Julius's parental rights is in the best interest of Brykell and concluded that "the question is answered with a resounding yes." This conclusion is fully supported by the trial court's findings which include the following:

As demonstrated at length above, Respondent is a dangerous and violent man. He severely abuses women, stalking, beating, and choking them. And these are women with whom Respondent has had children. Respondent evades police and attempts to bribe and coerce witnesses. Respondent violates orders of protection.

Respondent had no stable living environment, made a living selling marijuana, and put himself in a situation such that his trailer was shot at.

Respondent failed to provide more than token financial support for the child and failed to engage in more than token visitation with the child. When [Mother] said she was going to put the child up for adoption, Respondent took no action. While the Court appreciates the efforts Respondent has made to better himself while being incarcerated, those efforts do not overcome everything else he has done.

Petitioner, on the other hand, has taken wonderful care of the child since he was born. Petitioner has clothed and fed the child, provided medical care for the child, provided transportation and shelter for the child, and has seen to all of his needs. With Petitioner, the child has established relationships with his half-siblings (Respondent's children) as well as with Petitioner's family. With Petitioner, the child is well cared for and living a happy and healthy

life. For these reasons, the Court finds it is in the best interest of the child for Respondent's parental rights to be terminated.

As we noted above, the trial court reasoned that the answer to the question of whether termination of Julius's parental rights was in the best interest of Brykell was a "resounding yes." Having conducted our own de novo review of the record, we have determined that the evidence preponderates in favor of the trial court's factual findings. We also conclude that the combined weight of the relevant factors clearly and convincingly established that termination of Julius's parental rights is in the best interest of Brykell. *See In re Carrington H.*, 483 S.W.3d at 535; *see also In re Kaliyah S.*, 455 S.W.3d at 555–56.

The foregoing notwithstanding, we recognize the mandate as stated in Tennessee Code Annotated section 36-1-113(k), that a trial "court shall enter an order that makes *specific findings of fact and conclusions of law* within thirty (30) days of the conclusion of the hearing." *See In re Bentley E.*, 703 S.W.3d 298, 303 (Tenn. 2024). And as the Supreme Court explained in *Bentley*, when appropriate findings of fact are not included in the trial court's order, the appellate court cannot conduct a de novo review; instead, the case must be remanded for the trial court to enter sufficient findings of fact and conclusions of law. *See id.*

In *Bentley*, the Court noted that "[f]or each [best interest] factor, the trial court should make factual findings supporting the application of the factor" and concluded that "several of the factors set out by the trial court are not supported by factual findings and are instead conclusory statements." *Id.* at 304. For that reason, the Court ruled in *Bentley* that "the trial court's best interest analysis is insufficient," vacated the trial court's decision to terminate, and remanded for the trial court to enter sufficient factual findings and conclusions of law for the best interest analysis. *Id.*

Here, the trial court made extensive findings of fact concerning Brykell's best interests, albeit they were not separately stated under the heading of each statutory factor. Nevertheless, they are not conclusory statements, which was the case in *Bentley*. *See id.* at 304. More importantly, they are findings of fact that relate to the statutory best interest factors that are the most relevant to the facts of this case and they clearly and convincingly demonstrate that termination of Julius's parental rights is in Brykell's best interest. Thus, based on the unique facts of this case, we have concluded that it would be an unnecessary use of judicial resources to vacate the trial court's judgment and remand for the trial court to enter separate factual findings of fact relative to each best interest factor.

Accordingly, we affirm the trial court's determination that termination of Julius's parental rights is in Brykell's best interest.

Based on our rulings that grounds for termination have been proven and that termination of Julius's parental rights is in Brykell's best interest, we affirm the termination of Julius's rights to Brykell.

IN CONCLUSION

For the foregoing reasons, we affirm the judgment of the trial court. Costs of appeal are assessed against the appellant, Julius W.

FRANK G. CLEMENT JR., C.J.