

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

Assigned on Briefs September 3, 2026

JOLENE RENEE SCHOLL v. MICHAEL RAY SCHOLL**Appeal from the Chancery Court for Montgomery County**
No. MC-CH-CV-DI-23-377 Adrienne Gilliam Fry, Judge

No. M2025-01767-COA-R3-CV

This appeal follows post-divorce proceedings in which one parent asked for permission to relocate with her children while the other parent asked to modify the permanent parenting plan. After an evidentiary hearing, the trial court denied the request to relocate and modified the parenting plan. The relocating parent appeals, but due to deficiencies in her briefing, her issues have been waived.

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

W. NEAL MCBRAYER, J., delivered the opinion of the court, in which THOMAS R. FRIERSON, II and VALERIE L. SMITH, JJ., joined.

Jolene Renee Bauer, East Peoria, Illinois, pro se appellant.

Michael Ray Scholl, Clarksville, Tennessee, pro se appellee.

MEMORANDUM OPINION¹**I.**

Representing herself, Jolene Renee (Scholl) Bauer filed a “Motion for Review of Parenting Plan.” In effect, the motion requested permission to relocate to Illinois and to be named the primary residential parent of the two children Ms. Bauer shared with her ex-husband, Michael Ray Scholl. Mr. Scholl opposed the request, alleging that it would be in

¹ Under the rules of this Court, the opinion may not be “cited or relied on for any reason in any unrelated case.” TENN. CT. APP. R. 10.

the children's best interest "to remain primarily in Montgomery County, Tennessee and attend the schools they have been attending for years." Mr. Scholl also claimed that Ms. Bauer had "abandoned her children in October, 2024 and ha[d] failed and refused to visit with them, communicate with them, nurture them and fulfill her role as a [m]other."

After holding an evidentiary hearing on Ms. Bauer's request to relocate, the court first considered whether relocation was in the best interest of the children. *See* Tenn. Code Ann. § 36-6-108(c)(1) (2021) (requiring the court to determine the best interest of the child if the relocation is opposed). Based on the applicable statutory factors, the court found that allowing the children to relocate to Illinois with Ms. Bauer would not be in their best interest. *See id.* § 36-6-108(c)(2) (listing the statutory factors to consider "[i]n determining whether relocation is in the best interest of the minor child"). In doing so, it determined that Ms. Bauer had moved to Illinois at least seven months before her request to relocate and that Mr. Scholl had been the primary caregiver of the children since then.

Because of Ms. Bauer's move, the court next modified the parenting plan. *See id.* § 36-6-108(c)(4) (requiring the court to modify the parenting plan "if the parent proposing to relocate elects to do so despite the court's decision denying the parent's petition for approval"). Among other changes, the court reduced Ms. Bauer's parenting time to 80 days, making Mr. Scholl the primary residential parent. The court also made findings regarding the parties' incomes for purposes of setting Ms. Bauer's child support obligation.²

Within 30 days of the entry of the final order, Ms. Bauer filed a "Motion for Parenting Plan to be Corrected and Reconsideration of Primary Parent for Health and Welfare of Child." In her motion, she asked that the child support worksheet be corrected because it allegedly omitted some of Mr. Scholl's income. She also asked to be named as the primary residential parent of the younger child.

In a single order, the trial court resolved Ms. Bauer's motion along with several other filings that had been made after entry of the order denying the request to relocate and modifying the parenting plan. On Ms. Bauer's motion, which the court treated as a motion to alter or amend, it found that the child support worksheet correctly stated both parties' current incomes. *See* TENN. R. CIV. P. 59.04. The court also determined that there was no legal or factual basis to grant Ms. Bauer relief from the modified permanent parenting plan.

Pertinent to this appeal, the court's order also awarded Mr. Scholl sanctions. It found that Ms. Bauer had placed furniture belonging to Mr. Scholl outside the former marital residence exposing it to the elements, causing \$1,200 in damages. So the court

² Shortly after entering its final order and a permanent parenting plan order modifying the original parenting plan, Chancellor Kimberly Lund recused herself from the case, and Judge Adrienne G. Fry was designated to hear any further proceedings.

ordered an offset of \$1,200 from any proceeds that Ms. Bauer might receive from the sale of the former marital residence.

Ms. Bauer appealed. After filing her notice of appeal, she moved to recuse the trial judge. Ms. Bauer claimed that the trial judge had a personal relationship with Mr. Scholl's girlfriend. Ms. Bauer described the girlfriend as an attorney practicing in Montgomery County.

The trial court denied the request to recuse. It concluded that the motion did not comply with the procedural requirements in that the motion was not supported by an affidavit under oath or declaration under penalty of perjury. *See* TENN. SUP. CT. R. 10B § 1.01. The motion also failed to “state that it [wa]s not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.” *Id.*

Despite the motion to recuse being procedurally deficient, the court addressed its merits. The court acknowledged that Mr. Scholl's girlfriend was an attorney practicing in Montgomery County, but it denied that there was “a ‘close personal relationship’ or any other ‘personal relationship’ with said individual besides a professional association.”

II.

A.

As they have done before, both parties have chosen to represent themselves on appeal. *See Scholl v. Scholl*, No. M2024-01759-COA-R3-CV, 2025 WL 3230723 (Tenn. Ct. App. Nov. 19, 2025). Like trial courts, appellate courts must be conscious of “the difficulties encountered by a party who is embarking into the maze of the judicial process with no experience or formal training.” *Irvin v. City of Clarksville*, 767 S.W.2d 649, 652 (Tenn. Ct. App. 1988). Still, a self-represented appellant must “comply[] with the same substantive and procedural rules that represented parties are expected to observe.” *Hessmer v. Hessmer*, 138 S.W.3d 901, 903 (Tenn. Ct. App. 2003) (citations omitted).

In the earlier appeal, Ms. Bauer's brief was “seriously non-complaint” with the rules governing the content of appellate briefs. *Scholl*, 2025 WL 3230723, at *6. So we considered her issues waived. *Id.* We reach the same conclusion in this appeal.

Under Tennessee Rule of Appellate Procedure 27, the appellant's brief must include a “statement of the issues presented for review” and an argument that states “the contentions of the appellant with respect to the issues presented, and the reasons therefor, including the reasons why the contentions require appellate relief, with citations to the authorities and appropriate references to the record . . . relied on.” TENN. R. APP. P.

27(a)(4), (a)(7)(A). Our own rules provide further detail on what must be included in the written argument for each issue. *See* TENN. CT. APP. R. 6(a).

Here, the problems begin with Ms. Bauer's statement of the issues. In her initial filing, which she entitled an "Application for Review and Appeal of Custody Determination, Child Support and Money for Furniture," she identifies nine issues for review. But she includes an argument for only eight issues, and one of those arguments is for a new issue, relating to the denial of the motion to recuse. The fact that the recusal issue was not identified in her statement of issues is sufficient for that issue to be deemed waived. *See Hodge v. Craig*, 382 S.W.3d 325, 335 (Tenn. 2012) (recognizing that "an issue may be deemed waived when it is argued in the brief but is not designated as an issue in accordance with Tenn. R. App. P. 27(a)(4)" (citations omitted)).

Shortly after her filing, Ms. Bauer moved for leave to file a corrected appellant's brief. The motion admitted that, "[a]fter reviewing the Tennessee Rules of Appellate Procedure and the Rules of the Tennessee Court of Appeals, Appellant identified formatting, organizational, and citation deficiencies that should be corrected." The motion continued that the corrected brief would "not materially alter the issues presented for review," rather it would "correct[] formatting, add[] citations to the record and legal authority, improve[] organization, and clarif[y] arguments already raised." We granted the request.

Ms. Bauer's "Corrected Appellant Brief" identifies eight issues for review, which were included among the nine she identified in her original filing.³ But rather than clarifying the arguments already raised or adding record citations or legal authority, the corrected brief's argument section is only a revised version of the issues presented. The argument section of the corrected brief reads as follows:

ARGUMENT

- I. The Trial Court Failed to Properly Apply the Best Interest Factors.
- II. The Trial Court Failed to Adequately Consider Evidence of Parental Alienation.
- III. The Trial Court Failed to Adequately Consider Evidence of Father's Mental Health.
- IV. The Trial Court Erred in Denying Relocation.
- V. The Trial Court Erred by Reducing Parenting Time While Increasing Child Support.
- VI. The Trial Court Erred Regarding the Furniture Award.

³ While the corrected brief might have settled what issues are presented by Ms. Bauer on appeal, after this case was submitted for decision, she filed an untimely reply brief that listed ten issues for review.

- VII. The Trial Court Failed to Explain Its Departure from Prior Judicial Findings.
- VIII. The Trial Court Failed to Make Findings Required by Tenn. R. Civ. P. 52.01.

Even combining the “argument” in the corrected brief and what Ms. Bauer included in her original filing, her briefing is insufficient. The argument in the original filing contains no references to the record.⁴ *See* TENN. R. APP. P. 27(a)(7)(A). And there are only a few citations to authorities. The only case citations are the two included in the cursory argument related to the recusal issue. *See Bean v. Bean*, 40 S.W.3d 52, 55 (Tenn. Ct. App. 2000) (noting that “[c]ourts have routinely held that the failure to make appropriate references to the record and to cite relevant authority in the argument section of the brief as required by Rule 27(a)(7) constitutes a waiver of the issue” (citations omitted)). Beyond these deficiencies, Ms. Bauer has only constructed skeletal arguments for each issue. “[W]here a party fails to develop an argument in support of his or her contention or merely constructs a skeletal argument, the issue is waived.” *Sneed v. Bd. of Pro. Resp.*, 301 S.W.3d 603, 615 (Tenn. 2010); *accord Newcomb v. Kohler Co.*, 222 S.W.3d 368, 400 (Tenn. Ct. App. 2006) (observing that “[a] skeletal argument that is really nothing more than an assertion will not properly preserve a claim, especially when the brief presents a multitude of other arguments” (citation omitted)).

B.

Beyond arguing that she waived her issues on appeal, Mr. Scholl asserts that Ms. Bauer’s appeal is frivolous and requests an award of costs. But he does not rely on the frivolous appeals statute as the basis for his request. *See* Tenn. Code Ann. § 27-1-122 (2017) (authorizing an appellate court to “award just damages against the appellant, which may include, but need not be limited to, costs, interest on the judgment, and expenses incurred by the appellee as a result of the appeal” if it was “frivolous or taken solely for delay”). Instead, he requests that we sanction Ms. Bauer under Tennessee Supreme Court Rule 57. Rule 57 provides that the Tennessee Supreme Court may impose sanctions on a party for certain rule violations or, among other things, for a brief that is “frivolous.” TENN. SUP. CT. R. 57(a). However, this Court has no authority under Rule 57.

⁴ Although she seeks to raise several factual issues, Ms. Bauer did not file a transcript or a statement of the evidence, TENN. R. APP. P. 24(b), (c), which already placed her “at a distinct disadvantage.” *Irvin*, 767 S.W.2d at 653. Without either a transcript or statement of the evidence, we must presume that there was sufficient evidence before the trial court to support its factual findings. *See In re Est. of Henderson*, 121 S.W.3d 643, 647 n.5 (Tenn. 2003); *Coakley v. Daniels*, 840 S.W.2d 367, 370 (Tenn. Ct. App. 1992).

III.

We affirm the trial court's judgment. The case is remanded for such further proceedings as may be necessary and consistent with this opinion.

s/ W. Neal McBrayer
W. NEAL MCBRAYER, JUDGE