

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
August 4, 2026 Session

FILED

08/14/2026

Clerk of the
Appellate Courts

RENE SHERROD v. KEANNA R. ET AL.

**Appeal from the Circuit Court for Davidson County
No. 25C875 C. David Briley, Judge**

No. M2026-00031-COA-R3-JV

A grandmother filed petitions for dependency and neglect and for grandparent visitation in juvenile court. The juvenile court dismissed her petitions for failure to meet her burden of proof. She challenged these decisions before the circuit court, where a de novo proceeding was held. The circuit court similarly did not believe the grandmother's allegations and likewise dismissed her petitions. She appealed to this court. We affirm.

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

JEFFREY USMAN, J., delivered the opinion of the court, in which FRANK G. CLEMENT, JR., C.J., and W. NEAL MCBRAYER, J., joined.

Rene Sherrod, Antioch, Tennessee, pro se.

C. Michael Cardwell, Nashville, Tennessee, for the appellee, Keanna R.

Tara H. Carter, Nashville, Tennessee, for the appellee, Michael J.

Lisa M. Fiehweg, Lebanon, Tennessee, guardian ad litem, for the appellee, M.J.

OPINION

I.

Rene Sherrod is the paternal grandmother of a child born to Keanna R. (Mother) and Michael J. (Father) in 2018. Father and Mother initially involved Ms. Sherrod in her grandchild's life. However, the relationship between Ms. Sherrod and Mother and Father soured, and the parents ceased allowing Ms. Sherrod to spend time with the child.

In January 2024, Ms. Sherrod, who was concerned about the parents' treatment of the child, filed in juvenile court a *Petition for Temporary Custody Including Emergency Removal* of the child. Therein she alleged that the child was dependent and neglected, and she asked the court to place the child temporarily in her custody. Ms. Sherrod raised a variety of allegations. According to Ms. Sherrod, the child was exposed to drug use in the home, beatings by both parents, a lack of proper nutrition, and daily threats. Ms. Sherrod insisted that the child had been "born a very sick child," who "couldn't breath[e]" and had something "wrong with his ears." She claimed that the parents, however, would not get the child medical care. She stated that she knew the child's father hated the child and that the parents forced the child to wear too-small shoes "because they want him to be in pain." According to Ms. Sherrod, the child was "scared of his mother and father" and would "beg[] not to go back" to them when in Ms. Sherrod's care. She alleged this mistreatment had been "going on for five years" and asked the court to order evaluations and drug testing of both parents. Ms. Sherrod, subsequently, also filed an additional petition for grandparent visitation, which the court consolidated with her pending dependency and neglect action.

In response to Ms. Sherrod's allegations, the court referred the matter to the Tennessee Department of Children's Services (DCS) for investigation. After investigating, DCS recommended that the child remain in the care of Father and Mother. DCS found that "there wasn't any evidence to support the allegations of [the child] being abused or neglected." DCS also observed that "Ms. Sherrod tends to get upset and wants to yell, cuss and fuss when she feel[s] she is not being heard."

While the DCS investigation was ongoing, Ms. Sherrod continued submitting various filings in juvenile court. Therein, she alleged that "the system is failing [her] grandson." She added allegations that the child was being "beat[en] and bullied" by his older sister, that the parents "don't feed" the child, that the parents "slap [the child] around all the time," that the parents busted the child's lip, and that the child "is sick because he stay[s] sick." She also claimed that the child was saying inappropriate things, that Father "uses [the child] as a punching bag," and that Mother "likes slapping [the child] in the mouth." Ms. Sherrod indicated that the DCS caseworker was "not doing her job."

A juvenile court magistrate judge simultaneously heard Ms. Sherrod's petitions for grandparent visitation and for dependency and neglect. Ms. Sherrod testified as to her relationship with the child including that she was previously a caregiver to the child. The court noted that Ms. Sherrod "testified as to multiple allegations of abuse and neglect including the minor child having bed bug bit[e]s, being slapped by the parents, screaming into the child's ear, drug use of the parents, tearing of the minor child's clothing and wearing small shoes, medical neglect and untreated mental health issues of the parents."

The testimony of two DCS caseworkers contradicted Ms. Sherrod's claims of abuse and neglect. One caseworker testified that, after conducting a home visit at Mother's and Father's residence, visiting the child at home and at school, speaking with school staff, and

speaking with Ms. Sherrod, the caseworker had “no concerns for the minor child or [the parents’] residence.” Another caseworker testified that she had conducted a home visit, met with the family and the child, and spoke with the child’s medical provider. The caseworker observed that the child was “well dressed” and the home “was clean and orderly.” The caseworker also noted that a medical provider “confirmed [the child] was being routinely seen.” This caseworker also “had no concerns for the [parents] or the minor child.”

The magistrate judge concluded that Ms. Sherrod does have a relationship with the child. The magistrate judge found that the caseworkers’ testimony, however, “rebutted the claims of physical abuse (no marks on kids and no disclosures [of abuse]), drug use (parents had negative drug screens), medical neglect (parents have [primary care providers] for children at Vanderbilt), and environmental neglect (home was clean and had food, water, and electricity).” Regarding the abuse and neglect allegations, the magistrate found Ms. Sherrod had little credibility, “given the acrimonious relationship she has with the parents,” whereas it found the DCS caseworkers’ testimony credible. The magistrate also found that Ms. Sherrod had failed to prove that the child would suffer substantial harm if grandparent visitation was not ordered. Additionally, the magistrate determined that it was not “in the child’s best interest to have grandparent visitation with [Ms. Sherrod] due to her hostile behavior exhibited in court and her extremely acrimonious relationship with the parents.” The magistrate judge ultimately dismissed both of Ms. Sherrod’s petitions for failure to meet her burden of proof.

Ms. Sherrod moved for review of the order by the juvenile court judge, who denied the request. Upon the arguments of counsel and the record in the matter, the juvenile court judge instead concluded that the magistrate judge had explained to Ms. Sherrod “that she was required to present evidence in support of both of her petitions,” “gave [Ms. Sherrod] an opportunity to completely present her case,” and “attempted to focus on the elements of proof” at several points during Ms. Sherrod’s testimony. The juvenile court judge found that there was no abuse of discretion by the magistrate judge nor any additional new arguments that were being presented. The juvenile court designated the magistrate judge’s order to be the final order of the court.

Ms. Sherrod appealed the order denying review to this Court, which transferred the matter to the circuit court in accordance with Tennessee Code Annotated section 37-1-159. Tenn. Code Ann. § 37-1-159(a) (“Any appeal from any final order or judgment in . . . [a] dependent and neglect proceeding, filed under this chapter, may be made to the circuit court that shall hear the testimony of witnesses and try the case de novo.”); *State Dep’t of Children’s Servs. v. Owens*, 129 S.W.3d 50, 55 (Tenn. 2004) (explaining that custody decisions arising out of dependency and neglect proceedings must be appealed to the circuit court).

Testimony was heard by the circuit court judge. While there is no transcript of the

proceedings before the circuit court, the circuit court judge prepared a Tennessee Rule of Appellate Procedure 24(c) statement of the evidence addressing the proceedings.¹ The circuit court heard testimony from Ms. Sherrod, Father, Mother, and the child's guardian ad litem. For her proof, Ms. Sherrod relied on her own testimony.² For their part, Father and Mother testified that Ms. Sherrod initially had a good relationship with the child, who would occasionally stay with her on weekends and for extended periods. They also testified, however, that their relationship with Ms. Sherrod had become tumultuous in relation to the child.

Ms. Sherrod demonstrated hostility toward Father during the hearing. In addition to her aggressive and persistent questioning, Ms. Sherrod also "made various improper comments" about him while he testified, including commenting on the "stupid smirk on his face." When questioned by his own attorney, Father testified that Ms. Sherrod had medical and mental health issues, including a diagnosis of bipolar disorder. He stated that Ms. Sherrod had not seen or had a relationship with the child since the case began.

In contrast with Ms. Sherrod's description of what was occurring with the child, Father testified that he and Mother provided a stable environment for the child. He stated that he and Mother lived with the child and provided for the child's needs, that he has continuously worked, and that the child attended school each day. He denied that the child was a sick baby, as alleged by Ms. Sherrod, and testified that there had been disputes between the parties over the child's nose running. Father also stated that the child had to have tubes placed in his ears.

Mother testified that she believed the child was not safe with Ms. Sherrod and that Ms. Sherrod was not a good influence on the child. She recounted an instance where Ms. Sherrod "had an outburst" in front of the child while Mother was working from home. She also testified that the child's behavior was negatively affected after periods of staying with Ms. Sherrod, resulting in the decision to place the child in daycare instead. Mother described Ms. Sherrod's behavior toward her and Father as "harassing" and the reason why Ms. Sherrod was no longer permitted to see the child. The child's guardian ad litem agreed that, based on her review of the circumstances and supported by the parents' testimony, it

¹ Ms. Sherrod alleges that one of the trial judge's staff included numerous untruths in the appellate record, specifically in the statement of evidence. However, because the statement of evidence was approved by the trial judge, we conclude that it is properly before this court for consideration. *See* Tenn. R. App. P. 24(f) (directing the trial judge to approve the transcript or statement of the evidence).

² Following the final hearing, Ms. Sherrod filed a series of documents in which she accused the trial judge and his staff of various improper conduct, including telling her that she could not have witnesses appear when she asked for DCS's presence at the trial. The record before us reflects that neither the trial judge nor his staff told Ms. Sherrod that she could not have witnesses or could not have DCS appear; rather, she was told that the court could not subpoena witnesses for her and that she had to subpoena witnesses herself if she wanted them to be present.

was in the child's best interests to maintain his current circumstances, being with his parents and not with Ms. Sherrod.

The circuit court entered a final order dismissing both the dependency and neglect petition and the petition for grandparent visitation. The circuit court found that Ms. Sherrod had presented insufficient evidence to support her allegations. The circuit court concluded that there was "no evidence at all of any dependency and neglect concerns." Although the court had "no doubt from the testimony that [Ms. Sherrod] loves her grandson," the circuit court found that "the hostility demonstrated during the testimony between the Grandmother and the Parents is not in the best interests of the child." Concerned about Ms. Sherrod's behavior, the circuit court concluded that the "level of hostility exhibited outweighs all other best interest factors." *See* Tenn. Code Ann. § 36-6-307 (listing the factors considered in determining the best interest of a child as related to grandparent visitation).

Ms. Sherrod appealed to this court. We are faced with significant challenges in fully understanding Ms. Sherrod's briefing before this court, but Father and Mother properly recognize her broad issues on appeal to be as follows:

[I.] Whether the trial court properly dismissed the dependency and neglect petition for a lack of clear and convincing evidence[,]

[and]

[II.] Whether the trial court properly dismissed the petition for grandparent's visitation[.]

Father and Mother also seek to have costs assessed against Ms. Sherrod, contending that Ms. Sherrod's appeal is frivolous. *See* Tenn. Code Ann. § 27-1-122.

II.

Ms. Sherrod is proceeding pro se in this appeal. Pro se litigants "are entitled to fair and equal treatment by the courts." *Vandergriff v. ParkRidge E. Hosp.*, 482 S.W.3d 545, 551 (Tenn. Ct. App. 2015). Courts should be mindful that pro se litigants often lack legal training and may be unfamiliar with the justice system. *State v. Sprunger*, 458 S.W.3d 482, 491 (Tenn. 2015). Accordingly, courts should afford some degree of leeway in considering the briefing from a pro se litigant, *Young v. Barrow*, 130 S.W.3d 59, 63 (Tenn. Ct. App. 2003), and should consider the substance of the pro se litigant's filing. *Poursaied v. Tenn. Bd. of Nursing*, 643 S.W.3d 157, 165 (Tenn. Ct. App. 2021).

Pro se litigants may not, however, "shift the burden of litigating their case to the courts." *Whitaker v. Whirlpool Corp.*, 32 S.W.3d 222, 227 (Tenn. Ct. App. 2000).

Additionally, “[i]t is not the role of the courts, trial or appellate, to research or construct a litigant’s case or arguments for him or her.” *Sneed v. Bd. of Prof. Resp. of Sup. Ct.*, 301 S.W.3d 603, 615 (Tenn. 2010). In considering appeals from pro se litigants, the court cannot write the litigants’ briefs for them, create arguments, or “dig through the record in an attempt to discover arguments or issues that [they] may have made had they been represented by counsel.” *Murray v. Miracle*, 457 S.W.3d 399, 402 (Tenn. Ct. App. 2014). It is imperative that courts remain “mindful of the boundary between fairness to a pro se litigant and unfairness to the pro se litigant’s adversary.” *Hessmer v. Hessmer*, 138 S.W.3d 901, 903 (Tenn. Ct. App. 2003).

III.

Following a bench trial, we review the trial court’s findings of fact “de novo upon the record with a presumption of correctness, ‘unless the preponderance of the evidence is otherwise.’” *Mathes v. 99 Hermitage, LLC*, 696 S.W.3d 542, 552 (Tenn. 2024) (quoting *Regions Bank v. Thomas*, 532 S.W.3d 330, 336 (Tenn. 2017) (quoting Tenn. R. App. P. 13(d))). “When it comes to live, in-court witnesses, appellate courts should afford trial courts considerable deference when reviewing issues that hinge on the witnesses’ credibility because trial courts are ‘uniquely positioned to observe the demeanor and conduct of witnesses.’” *Kelly v. Kelly*, 445 S.W.3d 685, 692 (Tenn. 2014) (citations omitted); see *Mitchell v. Archibald*, 971 S.W.2d 25, 29 (Tenn. Ct. App. 1998) (“One of the most time-honored principles of appellate review is that trial courts are best situated to determine the credibility of the witnesses and to resolve factual disputes hinging on credibility determinations.”). In conducting this deferential review, “a trial court’s determination of credibility will not be overturned on appeal unless there is clear and convincing evidence to the contrary.” *Allstate Ins. Co. v. Tarrant*, 363 S.W.3d 508, 515 (Tenn. 2012). Tennessee appellate courts review a trial court’s determinations on questions of law “de novo with no presumption of correctness accorded to the rulings of the courts below.” *McNabb v. Harrison*, 710 S.W.3d 653, 658 (Tenn. 2025); see *Hughes v. Metro. Gov’t of Nashville & Davidson Cnty.*, 340 S.W.3d 352, 360 (Tenn. 2011).

IV.

Ms. Sherrod reiterates on appeal that she is seeking temporary emergency custody of the child based on alleged “child abuse and neglect.” She clarifies that she does not seek to terminate Father’s or Mother’s parental rights to the child or to remove the child from their custody “indefinitely.” What Ms. Sherrod wants is “help for [her] grandson” and “to make sure he is ok.”

Under Tennessee law, a child who is suffering from abuse is dependent and neglected. Tenn. Code Ann. § 37-1-102(b)(13)(G) (effective May 5, 2023 to June 30, 2024). When a child is found to be dependent and neglected, a court can choose to make any of several different orders of disposition based on what it determines is “best suited to

the protection and physical, mental and moral welfare of the child.” Tenn. Code Ann. § 37-1-130(a). This may include permitting the child to remain with the child’s parents, transferring temporary legal custody to another individual, or placing the child with DCS or another licensed agency or organization. *Id.*

“A determination that a child is dependent and neglected must be supported by clear and convincing evidence.” *In re Kansas B.*, 664 S.W.3d 22, 28 (Tenn. Ct. App. 2022); *In re Emmalee O.*, 464 S.W.3d 311, 323 (Tenn. Ct. App. 2015). Clear and convincing evidence is evidence that “eliminates any serious or substantial doubt concerning the correctness of the conclusions to be drawn from the evidence.” *Thomas v. Smith*, 682 S.W.3d 213, 223 (Tenn. Ct. App. 2023). “Whether a child has been proven dependent and neglected by clear and convincing evidence is a question of law which we review de novo without a presumption of correctness.” *In re Kansas B.*, 664 S.W.3d at 28; *In re Emmalee O.*, 464 S.W.3d at 324.

Ms. Sherrod argues that the trial court erred in finding that there was “no evidence at all of any dependency and neglect concerns.” She describes the trial court’s order as full of “many things that [are] very untrue,” with “discrepancies between the judge’s verbal ruling and the written draft.”³ In challenging the dismissal of her dependency and neglect

³ Ms. Sherrod asserts that the circuit court judge is biased against her, and she seeks a new judge on remand. As this Court has previously explained:

“An appellate court may . . . order reassignment of a case to a different judge in the exercise of the court’s inherent power to administer the system of appeals and remand.” *See* 5 Am. Jur. 2d Appellate Review § 754 (2007). Some factors to be considered by an appellate court in deciding whether to exercise its supervisory authority to reassign a case are: (1) whether on remand the trial judge can be expected to follow the dictates of the appellate court; (2) whether reassignment is advisable to maintain the appearance of justice; (3) whether reassignment risks undue waste and duplication. *Id.* “In the rare case where a judge has repeatedly adhered to an erroneous view after the error is called to his attention . . . reassignment to another judge may be advisable in order to avoid ‘an exercise in futility in which the Court is merely marching up the hill only to march right down again.’” *Mahoney v. Loma Alta Prop. Owners Ass’n, Inc.*, [84 So.3d 907, 919] (Ala. Civ. App. [] 2011) (quoting *United States v. Tucker*, 404 U.S. 443, 452, 92 S. Ct. 589, 594, 30 L.Ed.2d 592 (1972)) (Blackmun, J., dissenting) (internal citation omitted)).

Gottesman v. Hecker, No. W2025-00966-COA-R3-CV, 2026 WL 880824, at *13 (Tenn. Ct. App. Mar. 31, 2026) (quoting *Rudd v. Rudd*, No. W2011-01007-COA-R3CV, 2011 WL 6777030, at *7 (Tenn. Ct. App. Dec. 22, 2011) (other internal citations omitted)). *See Culbertson v. Culbertson*, 455 S.W.3d 107, 157-58 (Tenn. Ct. App. 2014) (finding that consideration of the factors outlined in *Rudd* warranted reassignment to a new trial court judge upon remand); *Biggs v. Town of Nolensville*, No. M2021-00397-COA-R3-CV, 2022 WL 41117, at *6 (Tenn. Ct. App. Jan. 5, 2022) (finding that consideration of the *Rudd* factors did not mandate reassignment upon remand).

Ms. Sherrod has not adequately developed or supported her request for a reassignment of the case to a different trial court judge.

petition on appeal, Ms. Sherrod makes many of the same factual arguments before this court that she made in the trial court: she states that her grandson “was in danger,” that Father and Mother were “hurting” him, and that Father and Mother “even involved his sister by letting her bully him.” She repeats her accusations that the parents use drugs in the home around the child. Ms. Sherrod states that she “witnessed everything” and argues that there has been “no proof that [her] grandson wasn’t in danger.”

Ms. Sherrod had the burden of proof, requiring a showing of dependency and neglect by clear and convincing evidence. *See In re Jonathan S. C-B*, No. M2010-02536-COA-R3-JV, 2012 WL 3112897, at *15 (Tenn. Ct. App. July 31, 2012) (explaining that, “[w]here dependency and neglect is alleged, the party attempting to prove dependency and neglect, not the person denying it, carries the burden of proof”). She relied on her own testimony in support of her allegations. The trial court, however, did not credit her testimony and instead was persuaded by the truthfulness of Mother’s, Father’s, and the guardian ad litem’s testimony regarding the child’s wellbeing in the care of the child’s parents.

The trial court had an opportunity to evaluate the testimony of witnesses and found the parents’ denials of the abuse and neglect allegations to be credible while the trial court did not believe Ms. Sherrod. As noted above, it is not the function of the appellate courts “to second-guess or reevaluate the trial court’s credibility determinations.” *Richardson v. Moore*, No. M2025-00135-COA-R3-CV, 2026 WL 1758615, at *6 (Tenn. Ct. App. June 18, 2026) (citing *Armbrister v. Armbrister*, 414 S.W.3d 685, 693 (Tenn. 2013)).

While Ms. Sherrod contends that the trial court erred as to its factual determinations, the record simply does not show any reversible error by the trial court. Having reviewed the record before us, we simply cannot say that the trial court erred in concluding that Ms. Sherrod failed to present clear and convincing evidence to carry her burden with regard to her dependency and neglect petition.

V.

As for Ms. Sherrod’s petition for grandparent visitation, she argues that her “grandson needed [her] and [she] couldn’t be separated from him” or “let him down.” Tennessee’s grandparent visitation statute provides:

In considering a petition for grandparent visitation, the court shall first determine the presence of a danger of substantial harm to the child. Such finding of substantial harm may be based upon cessation or severe reduction of the relationship between an unmarried minor child and the child’s grandparent if the court determines, upon proper proof, that:

(A) The child had such a significant existing relationship with the grandparent that loss or severe reduction of the relationship is likely to occasion severe emotional harm to the child;

(B) The grandparent functioned as a primary caregiver such that cessation or severe reduction of the relationship could interrupt provision of the daily needs of the child and thus occasion physical or emotional harm; or

(C) The child had a significant existing relationship with the grandparent and loss or severe reduction of the relationship presents the danger of other direct and substantial harm to the child.

Tenn. Code Ann. § 36-6-306(b)(1) (effective April 18, 2018 to April 10, 2024).

The petitioning grandparent “ha[s] the burden to show a likelihood of severe emotional harm to the child due to the loss of the grandparent-grandchild relationship.” *McGarity v. Jerrolds*, 429 S.W.3d 562, 573 (Tenn. Ct. App. 2013). If the court finds that there exists a danger of substantial harm to the child if grandparent visitation is not ordered, “the court shall then determine whether grandparent visitation would be in the best interests of the child based upon the factors in § 36-6-307.” Tenn. Code Ann. § 36-6-306(c).

Tennessee Code Annotated section 36-6-307 provides:

In determining the best interests of the child under § 36-6-306, the court shall consider all pertinent matters, including, but not necessarily limited to, the following:

(1) The length and quality of the prior relationship between the child and the grandparent and the role performed by the grandparent;

(2) The existing emotional ties of the child to the grandparent;

(3) The preference of the child if the child is determined to be of sufficient maturity to express a preference;

(4) The effect of hostility between the grandparent and the parent of the child manifested before the child, and the willingness of the grandparent, except in case of abuse, to encourage a close relationship between the child and the parent or parents, or guardian or guardians of the child;

(5) The good faith of the grandparent in filing the petition;

(6) If the parents are divorced or separated, the time-sharing arrangement that exists between the parents with respect to the child;

(7) If one (1) parent is deceased or missing, the fact that the grandparents requesting visitation are the parents of the deceased or missing person;

(8) Any unreasonable deprivation of the grandparent's opportunity to visit with the child by the child's parents or guardian, including denying visitation of the minor child to the grandparent for a period exceeding ninety (90) days;

(9) Whether the grandparent is seeking to maintain a significant existing relationship with the child;

(10) Whether awarding grandparent visitation would interfere with the parent-child relationship; and

(11) Any court finding that the child's parent or guardian is unfit.

“[T]he ‘substantial harm’ component is the threshold question in grandparent visitation cases.” *McGarity*, 429 S.W.3d at 570. While the trial court made a factual finding that “[Ms. Sherrod] loves her grandson,” the trial court did not find that the child would likely suffer substantial harm if visitation with her was not ordered. Furthermore, the trial court found that visitation between Ms. Sherrod and the child was “not in the best interests of the child.” In considering the child’s best interest, the trial court indicated that its decision turned upon the factor set forth in Tennessee Code Annotated section 36-6-307(4) (“The effect of hostility between the grandparent and the parent of the child manifested before the child, and the willingness of the grandparent, except in case of abuse, to encourage a close relationship between the child and the parent or parents, or guardian or guardians of the child”). The trial court, which plainly did not believe Ms. Sherrod’s allegations and was concerned with her behavior, indicated that under the circumstances of this case hostility outweighed all other considerations.

In challenging this determination on appeal, Ms. Sherrod’s brief contains no table of contents, no table of authorities, no statement of the issues, no statement of the case, no citations to the record, and no citations to authority. *See* Tenn. R. App. P. 27(a)(1), (2), (5), (6), (7); Tenn. Ct. App. R. 6(a). Father and Mother have sought dismissal of Ms. Sherrod’s appeal based on her failure to comply with the Tennessee Rules of Appellate Procedure regarding the content of appellate briefs.

Regarding transgressions of the Tennessee Rules of Appellate Procedure, the Tennessee Supreme Court “has repeatedly emphasized that the overall intent of the

appellate rules is ‘to disregard technicality in form in order to determine every appellate proceeding on its merits.’” *DiNovo v. Binkley*, 706 S.W.3d 334, 336 (Tenn. 2025) (quoting *Trezevant v. Trezevant*, 696 S.W.3d 527, 530 (Tenn. 2024)). “Tennessee courts must reasonably exercise their discretion to excuse technical deficiencies that do not significantly impede the appellate process.” *Id.* Accordingly, when a violation does not prejudice the opposing party or “otherwise frustrate . . . meaningful appellate review,” this court may disregard technical deficiencies. *Id.*

This court may not, however, abandon its role as a neutral reviewer to become an advocate for one of the parties or look past the violation where there is unfair prejudice to the opposing party. *See, e.g., Trezevant*, 696 S.W.3d at 531 (noting that “an appellant that broadly asserts error in the statement of issues and presents an argument that leaves the opposing party guessing at the issues to which it must respond, or leaves the reviewing court scouring the record for reversible errors, risks having its issues waived”). *Compare Hamadani v. Meshreky*, No. M2023-01161-COA-R3-CV, 2024 WL 3466977, at *3 (Tenn. Ct. App. July 19, 2024) (declining to consider the merits based upon a Rule 27 violation where the nature of the violation was such that “[t]o consider this appeal on the merits would necessitate shifting this court’s role on appeal from neutral reviewer to advocate for the appellant”); *with Etheredge v. Estate of Etheredge*, No. M2022-00451-COA-R3-CV, 2023 WL 5367681, at *4 (Tenn. Ct. App. Aug. 22, 2023) (considering an issue despite a Rule 27 violation where “the error in approach to record citation by Wife’s Estate has not imposed meaningful prejudice to the [opposing party] or any meaningful burden upon this court”); *and FedTrust Fed. Credit Union v. Brooks*, No. W2022-01119-COA-R3-CV, 2023 WL 3994520, at *2 (Tenn. Ct. App. June 1, 2023) (considering an issue where “the legal analysis is relatively straightforward, and we perceive no prejudice to [the opposing party] or the administration of justice from considering [appellant’s] arguments despite her Rule 27 violations”); *and City of La Vergne v. LeQuire*, No. M2016-00028-COA-R3-CV, 2016 WL 6124117, at *2 (Tenn. Ct. App. Oct. 19, 2016) (considering the appeal on the merits despite violations of Rule 27 because the shortcomings of the brief did “not impede our ability to consider the merits of his argument on appeal” and the opposing party “does not contend that it would be unfairly prejudiced by our doing so”).

Regarding the grandparent visitation issue, neither this court nor the appellees have been able to discern or adequately apprehend Ms. Sherrod’s argument, preventing the appellees from being able to meaningfully respond and forcing this court into a position of an advocate rather than a neutral reviewer. It is clear Ms. Sherrod wants to visit the child and believes the trial court erred in declining to grant her petition to do so. Beyond the factual arguments already addressed and rejected above regarding the dependency and neglect petition, it is unclear what reversible error she believes the trial court to have made as to its decision on grandparent visitation.

In the absence of a developed argument presented by Ms. Sherrod, any further review of this issue in the present case would require this court to abandon its role of neutral reviewer and become instead an advocate for Ms. Sherrod, which is something we cannot

do. *Hamadani*, 2024 WL 3466977, at *3; see *Turley v. Mendez*, No. W2024-00894-COA-R3-CV, 2025 WL 1937206, at *4 (Tenn. Ct. App. July 15, 2025) (dismissing a pro se litigant’s appeal and reasoning that “[i]n the absence of any cogent argument, this Court is placed in the position of having to make Mr. Turley’s arguments for him . . .”). Ms. Sherrod is plainly upset at Mother, Father, DCS, the guardian ad litem, and the various trial judges that have considered her case. She is plainly concerned about the child. She has not, however, explained to this court what error she believes the trial court has committed beyond those factual issues addressed above, and we are not empowered to scour the record in search of errors and to develop an argument in support of her position.⁴

VI.

Father and Mother argue that Ms. Sherrod’s appeal is frivolous and that costs incurred in the appeal should be assessed to her. Tennessee Code Annotated section 27-1-122 provides as follows:

When it appears to any reviewing court that the appeal from any court of record was frivolous or taken solely for delay, the court may, either upon motion of a party or of its own motion, 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.

A frivolous appeal is one that is “utterly devoid of merit,” *Combustion Eng’g, Inc. v. Kennedy*, 562 S.W.2d 202, 205 (Tenn. 1978), or has “no reasonable chance of success,” *Davis v. Gulf Ins. Grp.*, 546 S.W.2d 583, 586 (Tenn. 1977). “Whether to award damages due to a frivolous appeal is a discretionary decision by the appellate court.” *White v. Hayes*, 715 S.W.3d 657, 672 (Tenn. Ct. App. 2024).

In the exercise of our discretion in this case, we conclude that the costs of the appeal should be assessed to Ms. Sherrod pursuant to Tennessee Code Annotated section 27-1-

⁴ In contrast, Ms. Sherrod’s argument for reversible error as to the dependency and neglect petition, while suffering from a variety of Rule 27 deficiencies, is sufficiently clear from her brief. Additionally, the record on these points is sufficiently limited, such that Ms. Sherrod’s violations of Rule 27 did not prejudice the appellees in responding to her argument or prevent this court from being able to consider her argument. This court has addressed the merits of an argument that has been set forth in briefs containing deficiencies under Rule 27 when “the legal analysis is relatively straightforward” and neither the appellee nor the administration of justice would be prejudiced by looking past deviations from the Tennessee Rules of Appellate Procedure. *Brooks*, 2023 WL 3994520, at *2. Here, we are presented with a modestly sized record with relevant portions being clear, and Mother and Father filed a brief that illustrates an understanding of Ms. Sherrod’s argument as to the dependency and neglect petition. Because the Rule 27 violations in Ms. Sherrod’s appellate brief did not impose any meaningful prejudice on an opposing party or interfere with the administration of justice by this court as to the dependency and neglect issue, we were able to consider Ms. Sherrod’s arguments on the merits of that issue.

122. Ms. Sherrod has cited no legal authorities in support of her position, and she has raised a purely fact-based challenge grounded in a record that is entirely in contrast to her position. We recognize that Ms. Sherrod wants to help her grandson. We do not doubt that she loves and wants what is best for him. However, the role of an appellate court is to review the lower courts' determinations for error based on a developed factual record and the arguments of the parties with appropriate citations to legal authorities and to the record in support of their positions. *See State v. Bristol*, 654 S.W.3d 917, 926 (Tenn. 2022); Tenn. R. App. P. 27. Ms. Sherrod's briefing in its form and, more importantly, its substance is so extremely deficient as to render her appeal frivolous. Accordingly, we agree that costs should be assessed to Ms. Sherrod.

VII.

For the aforementioned reasons, we affirm the judgment of the Circuit Court for Davidson County. Costs of this appeal are taxed to the Appellant, Rene Sherrod, for which execution may issue if necessary. The case is remanded for such further proceedings as may be necessary and consistent with this opinion.

s/ Jeffrey Usman
JEFFREY USMAN, JUDGE