

IN THE COURT OF APPEALS OF TENNESSEE  
AT NASHVILLE

Assigned on Briefs July 13, 2026

IN RE MONII N. ET AL.<sup>1</sup>Appeal from the Juvenile Court for Giles County  
No. 25-JV-2058 Robert C. Richardson, Judge

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No. M2026-01046-COA-T10B-CV

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In this petition for recusal appeal, pro se parents seek an accelerated interlocutory review of the trial court's order denying mother's motion seeking disqualification of the juvenile court judge. We affirm.

**Tenn. Sup. Ct. R. 10B Interlocutory Appeal as of Right; Judgment of the Juvenile Court Affirmed**

JEFFREY USMAN, J., delivered the opinion of the court, in which CARMA DENNIS MCGEE, and KRISTI M. DAVIS, JJ., joined.

Katherine B., Ethridge, Tennessee, pro se; and Michael N., Jr., Ethridge, Tennessee, pro se.<sup>2</sup>

**OPINION**

## I.

Katherine B. (Mother) and Michael N., Jr. (Father) (collectively, the Petitioners) appeal the juvenile court's denial of Mother's motion seeking recusal of the trial judge. The record does not reveal the exact nature of the proceedings below, but Mother's filings

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<sup>1</sup> It is the policy of this Court to protect the privacy of children in juvenile cases by avoiding the use of full names.

<sup>2</sup> We have determined that no answer from the other party is necessary to address this expedited interlocutory appeal. *See* Tenn. Sup. Ct. R. 10B §§ 2.05, 2.06; *State ex rel. Johnson v. Morton*, No. M2024-00409-COA-T10B-CV, 2024 WL 1956050, at \*3 n.1 (Tenn. Ct. App. May 3, 2024).

suggest that the children in this case were initially removed from the care of Mother and Father over concerns of truancy, and it appears from the record that both parents were subsequently incarcerated.

Mother filed a motion seeking the trial judge's recusal, asserting that recusal was warranted because Mother had been required to remain outside the courtroom while the court, the Department of Children's Services (DCS), and others discussed the proceedings; because the judge told her certain proceedings had not been transcribed; because she was denied the right to meaningfully meet with appointed counsel; because she "was presented with multiple documents and permanency-related paperwork for signature without counsel present on her behalf"; because of the involvement of an individual named Lynn Short; and because of various alleged wrongdoings committed against Father. Regarding Father, Mother alleged that on May 9, 2025, Father was arrested in Giles County; that his whereabouts in the jail were known; that he was marked a "no show" at a hearing although he was in jail; that he was nevertheless not served with a dependency and neglect petition while in jail; and that he was not transported for court proceedings. She alleged Father was likewise incarcerated in a different county on a September date and was not transported for a hearing. Mother included in her motion a statement that the motion was not brought for an improper purpose and supported it with an affidavit.

The trial court denied the motion. In doing so, the trial court found that Mother was never required to wait outside the courtroom and that there was no ex parte contact. The trial court observed that the court maintained recordings of the proceedings but did not transcribe them, in accordance with Tennessee Rule of Juvenile Procedure 115. The court found Mother was never appointed counsel because she instead requested a continuance to hire counsel, who later filed a notice of appearance on her behalf. The court credited the assertion that Mother had been asked to sign documents during a dependency and neglect proceeding prior to being represented: "As to the allegation of being presented with paperwork for signature prior to being represented, the Court would assume that to be true. For documents in a pending dependency and neglect case before the Court, which the Department prepares, a signature line is usually there for a parent, custodian, or legal guardian to sign." The court identified Ms. Short as a Youth Service Officer for Giles County but was "at a loss" to understand how Ms. Short's presence indicated bias from the court. Regarding the bases related to Father, the court found that Mother could not file motions on Father's behalf and that Father was represented by counsel and did not request to be transported to the hearings. The trial court acknowledged that Father was not served prior to an emergency removal<sup>3</sup> of the children but stated it had no recollection of Father

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<sup>3</sup> See Tenn. Code Ann. § 37-1-117 ("When a child alleged to be dependent and neglected is removed from the custody of such child's parent, guardian, legal custodian, or the person who physically possesses or controls the child prior to a hearing on a petition, a preliminary hearing shall be held no later than seventy-two (72) hours after the child's removal to determine whether such child's continued removal is required under § 37-1-114.").

being incarcerated. Nonetheless, the trial court noted that the sheriff's records reflected that Father spent three hours in jail that day. The court found Mother did not establish that a person of ordinary prudence knowing all the facts known to the judge would find a reasonable basis for questioning the judge's impartiality. The order stated it would become final within ten days of entry. Mother and Father jointly filed an appeal from the trial court's denial of recusal.

## II.

Mother and Father are proceeding pro se.<sup>4</sup> 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 any legal training, and many are 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, however, may not "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'l Responsibility 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 [the litigant] 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.

Mother and Father assert that the trial judge's rulings below exhibit an appearance of partiality or bias. They assert this appearance of bias is apparent because (1) the court found Father did not appear for the May 9 hearing, although Father had been arrested in the lobby of the building; (2) because the trial court acknowledged a lack of service on Father; (3) because "the trial court notes that regarding Petitioner Mother's explicit allegations of caseworker signature forgeries on binding state plans, 'the Court would assume that to be true,'" and the court accordingly treated "the active fabrication of state legal records as a harmless clerical normalcy"; and (4) because the court's order stated that

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<sup>4</sup> It is unclear if or when the parties ceased to be represented by counsel, but Mother's motion to recuse was filed pro se.

it would become final after ten days, although Rule 10B permits 21 days to appeal.

Tennessee Supreme Court Rule 10B governs the procedure for determining whether a judge should preside over a case. *See* Tenn. Sup. Ct. R. 10B. Under section 2.01 of Rule 10B of the Tennessee Supreme Court, a party is entitled to “an accelerated interlocutory appeal as of right” of an order denying a motion to recuse. To seek an accelerated appeal, a party must file “a petition for recusal appeal.” Tenn. Sup. Ct. R. 10B § 2.02. This court conducts a de novo review of the ruling on the motion to recuse. Tenn. Sup. Ct. R. 10B § 2.01; *Duke v. Duke*, 398 S.W.3d 665, 668 n.2 (Tenn. Ct. App. 2012) (noting that the Rule has altered the standard of review of recusal motions).

“Litigants in Tennessee have a fundamental right to a fair trial before an impartial tribunal.” *State v. Griffin*, 610 S.W.3d 752, 757 (Tenn. 2020) (internal citations omitted). Under Tennessee Supreme Court Rule 10, Canon 2, Rule 2.11(A), “A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned.” The public’s confidence in the neutrality and impartiality of the judiciary is a significant interest, *Bean v. Bailey*, 280 S.W.3d 798, 803 (Tenn. 2009), and “[i]f the public is to maintain confidence in our system of justice, a litigant must be afforded . . . the ‘cold neutrality of an impartial court,’” *State v. Cannon*, 254 S.W.3d 287, 307 (Tenn. 2008) (quoting *Davis v. Liberty Mut. Ins. Co.*, 38 S.W.3d 560, 564 (Tenn. 2001)).

“[T]he test for recusal requires a judge to disqualify himself or herself in any proceeding in which ‘a person of ordinary prudence in the judge’s position, knowing all of the facts known to the judge, would find a reasonable basis for questioning the judge’s impartiality.’” *Griffin*, 610 S.W.3d at 758 (quoting *Cannon*, 254 S.W.3d at 307). This test is objective rather than subjective because the appearance of bias harms the integrity of the court system as much as actual bias. *Cannon*, 254 S.W.3d at 307. When a judge’s impartiality might reasonably be questioned, recusal is warranted “[e]ven if a judge believes he [or she] can be fair and impartial.” *Bean*, 280 S.W.3d at 805. The party moving for recusal bears the burden of presenting evidence that would prompt a reasonable, disinterested person to believe that there is a reasonable basis for questioning the judge’s impartiality. *Duke*, 398 S.W.3d at 671.

“To act ‘impartially’ is to act in ‘absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintenance of an open mind in considering issues that may come before a judge.’” *Adams v. Dunavant*, 674 S.W.3d 871, 878 (Tenn. 2023) (quoting Tenn. Sup. Ct. R. 10, Terminology, “Impartiality”). Bias and prejudice generally refer to “a state of mind or attitude that works to predispose a judge for or against a party.” *Alley v. State*, 882 S.W.2d 810, 821 (Tenn. Crim. App. 1994). “To disqualify, prejudice must be of a personal character, directed at the litigant, ‘must stem from an extrajudicial source and result in an opinion on the merits on some basis other than what the judge learned from . . . participation in the case.’” *Id.* (quoting *State ex rel. Wesolich v. Goeke*, 794 S.W.2d 692, 697 (Mo. Ct. App. 1990)). “Adverse rulings by a trial

court are not usually sufficient grounds to establish bias . . . . Rulings of a trial judge, even if erroneous, numerous and continuous, do not, without more, justify disqualification.” *Id.*

On appeal, the Petitioners assert recusal was warranted because the court “erred by penalizing the Father as an absent ‘no-show’ while the state’s own law enforcement actively intercepted and locked him in a cell inside the exact same building.” The trial court found that it had no recollection of Father’s arrest on May 9, 2025, although the court did, in response to the recusal motion, confirm that Father spent three hours in Giles County jail on that day. Insofar as the Petitioners assert that the court’s designation of Father as a “no show” was erroneous because Father was present in jail, such an allegation amounts to an assertion of error, not bias. *See Rich v. Rich*, No. M2018-00485-COA-T10B-CV, 2018 WL 1989619, at \*9 (Tenn. Ct. App. Apr. 27, 2018) (“A judge’s adverse rulings may constitute grounds for an appeal, but they are generally insufficient to establish grounds for recusal, even when they are erroneous, numerous, and continuous.”). The Petitioners present no argument that the court’s ruling was based on a predisposition in favor of one party, prejudice of a personal character, or an opinion stemming from an extrajudicial source, rather than simply a mistake. *See Alley*, 882 S.W.2d at 821.

Likewise, the Petitioners’ second allegation of error, that there was impropriety in achieving service on Father, is a merits-based issue that may be appealed through the normal appellate process. The Petitioners state that “the trial court explicitly admits that ‘there was no proper service at the initial hearing’ regarding the Father. Under Tennessee law, a court cannot strip custodial rights or build jurisdiction over a non-served parent based on abstract ‘notice.’” The Petitioners have made no showing that the failure of the Department of Children’s Services to serve Father was due to bias on the part of the court, and it is difficult to see how one party’s ineffective service could be attributed to the trial judge. *See id.* Insofar as the Petitioners assert that the error was in holding the proceedings prior to service on Father, this amounts to an assertion of legal error, not partiality. Recusal is warranted by bias or prejudice, not by a trial court’s substantive errors. *See Cannon*, 254 S.W.3d at 308 (“A trial judge’s adverse rulings are not usually sufficient to establish bias.”).

The Petitioners also cannot prevail on the issue of the alleged “forgeries.” Mother’s initial 10B motion to disqualify the judge made absolutely no allegations regarding forgeries. Instead, she alleged she “was presented with multiple documents and permanency-related paperwork for signature without counsel present on her behalf.” The court’s order stated that the court “would assume that to be true” because parents were sometimes asked by DCS to sign documents in dependency and neglect cases. The court was presented with no argument, and made no findings, on the existence of any “forgeries.” A party cannot present an argument for the first time on appeal. *Powell v. Cmty. Health Sys., Inc.*, 312 S.W.3d 496, 511 (Tenn. 2010) (“It is axiomatic that parties will not be permitted to raise issues on appeal that they did not first raise in the trial court.”). “Stated another way, the allegations must first be presented to the trial judge in a motion for

recusal,” and this court will not consider issues not ruled on by the judge deciding whether to recuse. *Fox v. Gordon*, No. M2024-01083-COA-T10B-CV, 2024 WL 3857840, at \*2 (Tenn. Ct. App. Aug. 16, 2024). The judge never ruled on any allegations regarding forgery. Furthermore, the allegation that DCS asked Mother to sign documents prior to being represented by counsel likewise does not establish bias on the part of the judge.

Similarly, the appeals deadline issue was not a basis for recusal below, and accordingly, the Petitioners cannot prevail on the assertion that the trial court’s statement regarding the recusal order’s finality is evidence of bias or prejudice. The court’s order stated that it would become final after 10 days. *See* Tenn. R. Juv. P. 118(e) (“An appeal may be filed with the clerk of the juvenile court within 10 days of the entry of the final order. A prematurely filed notice of appeal shall be treated as filed on the day of entry of the order from which the appeal is taken.”). However, section 2.02 of Rule 10B gives a party 21 days to appeal a denial of recusal. Tenn. Sup. Ct. R. 10B § 2.02 (“To effect an accelerated interlocutory appeal as of right from the denial of a motion for disqualification or recusal of the trial court judge, a petition for recusal appeal shall be filed in the appropriate appellate court within twenty-one days of the trial court’s entry of the order.”). The Petitioners filed their appeal in a timely manner under either deadline. We note that this is again an allegation of error, not bias. There is no assertion or showing that the court imposed an improper deadline out of prejudice or animosity rather than mistake. In any event, the deadline in the order was not a basis for recusal presented to the trial court. “We will not consider additional allegations of bias raised on appeal when not included in the initial motion for recusal filed in the trial court.” *Fox*, 2024 WL 3857840, at \*2.

As noted above, the party moving for recusal bears the burden of presenting evidence that would prompt a reasonable, disinterested person to believe that there is a reasonable basis for questioning the judge’s impartiality. *Duke*, 398 S.W.3d at 671. Furthermore, “recusal is required if a person of ordinary prudence in the judge’s position, knowing all of the facts known to the judge, would find a reasonable basis for questioning the judge’s impartiality.” *Adams*, 674 S.W.3d at 878 (citations omitted). We cannot conclude that the trial court erred in denying the motion seeking recusal.

#### IV.

Based on the foregoing reasoning, we affirm the judgment of the Juvenile Court for Giles County. Costs of this appeal are taxed to the appellants, Katherine B. and Michael N., Jr., for which execution may issue if necessary.

s/ Jeffrey Usman  
JEFFREY USMAN, JUDGE