

IN THE COURT OF APPEALS OF TENNESSEE
AT JACKSON
Assigned on Briefs April 1, 2026

FILED

08/12/2026

Clerk of the
Appellate Courts

IN RE CALEB B.

Appeal from the Juvenile Court for Madison County
No. 63-56-275 Christy R. Little, Judge

No. W2025-01239-COA-R3-JV

A father filed a petition for a permanent parenting plan regarding a minor child. The child's mother was in the process of moving with the child to Florida when the petition was filed. At the final hearing, the court ordered the mother to return the minor child to Tennessee and, after the mother chose to remain in Tennessee, entered a parenting plan designating the mother as the primary residential parent. The mother appeals, arguing that the trial court erred in its application of the parental relocation statute. We have determined that the parental relocation statute did not apply and affirm the trial court's decision.

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

ANDY D. BENNETT, J., delivered the opinion of the Court, in which J. STEVEN STAFFORD, P.J., W.S., and WILLIAM E. PHILLIPS II, J., joined.

Ariel Prince, Jackson, Tennessee, pro se.

Raheem Burt, Jackson, Tennessee, pro se.

OPINION

FACTUAL AND PROCEDURAL BACKGROUND

Raheem Burt ("Father") and Ariel Prince ("Mother") are the parents of a minor child, Caleb B., born in 2016. The parties have never been married. In October 2024, Father filed a petition to set visitation and establish a permanent parenting plan. The parties agreed on a temporary parenting plan in January 2025, providing that Father would have parenting time every other week from Wednesday at 7:00 a.m. until Thursday at 7:30 p.m., and that he could eat lunch with the child at school during his parenting time. Because of the child's special medical needs, one of the parents went to the child's school each day at lunch. The child receives Supplemental Security Income benefits because of his disability.

At a hearing on February 4, 2025, a magistrate heard testimony from Father about his desire to establish paternity and to obtain a permanent parenting plan. Father testified that he had been part of the child's life since birth and had signed the birth certificate. Prior to September 2024, he had exercised parenting time with the child every weekend and during school breaks. In September 2024, according to Father, the child was sick, and he wanted to bring Mother some medicine. Father and Mother had a verbal altercation, during which she said that he was "just a babysitter." After that point, Father stopped visiting the child and hired an attorney to file the petition to set visitation. Father testified that the parties had been following the temporary parenting plan. He requested a permanent parenting plan giving the parties equal parenting time. Father testified that Mother had told him in approximately October 2024 that she was going to move to Florida. He did not agree to her proposed move.

Mother testified that she had some concerns about the child being in Father's care and that Father had not been providing any financial assistance for the child. She described the altercation she and Father had in September 2024 and stated that she had subsequently attempted to contact Father multiple times, but he did not respond. Mother stated that she wanted to move back to Florida, where she had a strong family support system. She had already secured housing and employment there. Mother acknowledged that, from about August 2024 until the altercation, Father had been seeing the child every weekend. Before that, he had been visiting about every other weekend, although there was no set schedule. Mother stated that there had always been times when Father would get upset and then would remain silent for a week or more.

At the end of the hearing, the court ordered DNA testing. The parties would then return for another hearing before the trial judge. The DNA test results showed a 99.999% probability that Father was the child's biological father.

A hearing was held before the trial judge on June 10, 2025. Father's counsel requested that the court order Mother to move back from Florida and establish a reasonable parenting plan. The court questioned Mother about her reasons for moving to Florida, and Mother stated that her uncle there had health issues and that she had family support there. Mother acknowledged that her father lived in Jackson, Tennessee. The child was receiving treatment for his special needs at Vanderbilt; Mother stated that she would fly back from Florida every six months for his medical appointments. Mother contended that the main reason for her move was "just the betterment of my life for me and my children."¹ During the hearing, the court chastised Mother for failing to bring the child with her from Florida to allow him to see Father.

When questioned by Father's counsel, Mother testified that she had called Father several times to tell him about her move to Florida and he had not responded. At that point,

¹ Mother also has a teenage son from another relationship.

Father's counsel played audio recordings of messages Mother left on Father's voicemail in October 2024. On the recordings, Mother berated Father for failing to see the child for about a month because Father was upset with her. Mother stated that her mother had seen Father in a store with another woman, and Mother believed that was the reason Father was not seeing the child. She further said: "I'm going to put your ass on child support[,] and I'm get the fuck up out of Tennessee, on my mama, on my life, on Caleb's life."

Mother acknowledged that she was frustrated and angry with Father when she left the voicemails. She testified that Father had been going to the child's school to visit him "and tell him lies and stuff." Mother's father was the dean of students at the child's school. Mother stated that her mother lived in Florida and that she had aunts and uncles on both sides of her family who also lived there. The father of Mother's other child lived in Jackson. On further questioning, Mother clarified that her mother had lived in Jackson with her father until recently and had been in Florida for several weeks looking for a place to live. The court then accused her of committing perjury. Mother had been living in Section 8 housing in Jackson and admitted that the rent in Florida would be significantly higher (\$49 a month in Jackson, \$400 or more a month in Florida). She believed it was a better opportunity for her in Florida.

Mother testified that she was living in an apartment in Florida with the child and her other son. She initially stated that she relocated to Florida in February 2025, but the child did not relocate there until May 2025. When questioned by the court, Mother explained that she lived with her parents in Jackson until the end of the school year. She began paying rent on the Florida apartment in February 2025. Mother presented the court with a proposed parenting plan that provided for Father to have parenting time during holidays and for the majority of the summer.

At the end of the hearing, the court admonished Mother for relocating to Florida without the court's permission. The court questioned Mother's credibility regarding her motives for moving to Florida. The court emphasized that Mother did not bring the child with her to Tennessee when she came for this court appearance, which the court considered further evidence that Mother was not trying to facilitate the child's relationship with Father. The court believed that Mother's decisions were motivated by spite and that she lacked valid reasons for moving.

In an order entered on July 30, 2025, the court found that Mother had moved to Florida with the minor child without permission of the court. The court found that "this move was not in the Best Interest of the minor child and there was essentially no valid reason for the move and the Court finds that this move was done out of spite for the Father." The court ordered Mother to return to Jackson, Tennessee with the child on or before the beginning of school in August 2025. The court stated that, if Mother stayed in Florida, Father would become the child's primary residential parent. Based upon the assumption that Mother would return to Jackson, the trial court entered a permanent parenting plan

with Mother as the primary residential parent and giving Father 132 days per year of residential parenting time. Father was ordered to pay \$106 a month in child support. Because the court's July 2025 order failed to include a certificate of service, the court entered another order on December 3, 2025, essentially restating the same provisions.

Mother has appealed the trial court's decision and raises the following issues: (1) whether the trial court erred in finding no reasonable purpose under Tenn. Code Ann. § 36-6-108(d)(1); (2) whether the trial court erred in finding a vindictive motive under Tenn. Code Ann. § 36-6-108(d)(3); and (3) whether the trial court failed to properly weigh the best interest factors under Tenn. Code Ann. § 36-6-106.

STANDARD OF REVIEW

We review a trial court's findings of fact after a non-jury proceeding de novo upon the record with a presumption of correctness, unless the evidence preponderates otherwise. *See* TENN. R. APP. P. 13(d); *Regions Bank v. Thomas*, 532 S.W.3d 330, 336 (Tenn. 2017). We review the trial court's conclusions of law de novo with no presumption of correctness. *Bowden v. Ward*, 27 S.W.3d 913, 916 (Tenn. 2000). When the trial court has heard the testimony of witnesses, we give "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) (quoting *State v. Binette*, 33 S.W.3d 215, 217 (Tenn. 2000)). We will not reject a trial court's "'assessment of witness credibility absent clear and convincing evidence to the contrary.'" *Id.* (quoting *Wells v. Tenn. Bd. of Regents*, 9 S.W.3d 779, 783 (Tenn. 1999)).

ANALYSIS

All three issues raised by Mother relate to whether the trial court properly applied the relocation statute, Tenn. Code Ann. § 36-6-108. She specifically argues that the trial court erred in finding no reasonable purpose for her relocation, in finding that she had a vindictive motive, and in failing to properly weigh the best interest factors.²

² Even if Mother intended to raise the issue of best interests with respect to the trial court's determination of the permanent parenting plan (rather than under the relocation statute), we would consider the issue waived pursuant to Tenn. R. App. P. 27(a) and Tenn. Ct. App. R. 6. Mother's argument regarding best interests consists of only two sentences. Under Tenn. R. App. P. 27(a)(7), an appellant's brief must put forward "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." Although we give "'pro se litigants who are untrained in the law a certain amount of leeway in drafting their pleadings and briefs,'" we cannot "'excuse pro se litigants from complying with the same substantive and procedural rules that represented parties are expected to observe.'" *Lacy v. Mitchell*, 541 S.W.3d 55, 59 (Tenn. Ct. App. 2016) (quoting *Hessmer v. Hessmer*, 138 S.W.3d 901, 903 (Tenn. Ct. App. 2003)).

The relocation statute provides, in pertinent part, as follows:

After custody or co-parenting has been established by the entry of a permanent parenting plan or final order, if a parent who is spending intervals of time with a child desires to relocate outside the state or more than fifty (50) miles from the other parent within the state, the relocating parent shall send a notice to the other parent at the other parent's last known address by registered or certified mail.

Tenn. Code Ann. § 36-6-108(a) (emphasis added). Once the parent who wishes to move provides the required notice, the other parent may file a petition objecting to the relocation. Tenn. Code Ann. § 36-6-108(b).

In the present case, when Father filed his petition seeking the establishment of a permanent parenting plan, no such plan existed. Therefore, under the plain language of Tenn. Code Ann. § 36-6-108(a), the relocation statute did not apply. As a result, the issues presented by Mother to this Court were never before the trial court. The matter properly before the trial court was the establishment of a permanent parenting plan. In filing his petition, Father invoked the jurisdiction of the court to establish a parenting plan, and the parties entered into an agreed temporary parenting plan. Indeed, in the final order, the trial court did not invoke the relocation statute, and the only mention of Mother's move was to opine on what the court believed to be Mother's motivations. Because Mother returned to Tennessee, the trial court exercised its authority to establish a permanent parenting plan with Mother as the primary residential parent.³

CONCLUSION

The judgment of the trial court is affirmed. Costs of this appeal are assessed against the appellant, Ariel Prince, for which execution may issue if necessary.

/s/ Andy D. Bennett
ANDY D. BENNETT, JUDGE

³ At the time the petition was filed, Mother and the child remained in Tennessee. The trial court had jurisdiction over the child and had the authority to order the child's return to Tennessee. Now that the trial court has ordered a permanent parenting plan, the relocation statute could properly be applied in the future.