

IN THE COURT OF APPEALS OF TENNESSEE  
AT JACKSON

**VENESSA LYNN TOTTY v. MICHAEL ALAN TOTTY**

**An Appeal from the Circuit Court for Shelby County  
No. 157141-5 R.D. Kay S. Robilio, Judge**

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**No. W1999-02426-COA-R3-CV - Decided May 2, 2000**

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JUDGE FARMER, concurring.

**SEPARATE CONCURRING OPINION**

I concur with the results reached by the majority in this case. With respect to the issue of counseling, I agree with the majority that the statute has become inapplicable in the present case due to the child having reached majority. I write separately because of my concern that the majority opinion might be interpreted as limiting a trial court's discretion to order counseling to that specifically set forth in T.C.A. § 36-6-101(e)(1), the text of which is set forth in the majority opinion. I interpret the statute to be permissive rather than prohibitive. For example, I can envision a trial court ordering a non-custodial parent to undergo counseling for anger management as a condition of exercising visitation rights. I do not believe the aforementioned statute prohibits this.