

IN THE COURT OF APPEALS OF TENNESSEE  
AT KNOXVILLE  
May 13, 2002 Session

**IN RE: MADELAINE SIERRA REDMAN, RAY H. BOWEN, JR., and  
MARTHA L. BOWEN v. NATHAN SCOTT REDMAN**

**Appeal from the Circuit Court for Hawkins County  
No. 9578**

**FILED JULY 22, 2002**

**No. E2001-02730-COA-R3-CV**

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CHARLES D. SUSANO, JR., J., concurring.

I concur in Judge Franks' opinion. In doing so, I note the correctness of Judge Franks' statement that "[t]he father does not argue that the statute [*i.e.*, T.C.A. §§ 36-6-306 and -307] relied upon by the Trial Court is unconstitutional." The record is clear that the Attorney General was not put on notice of a constitutional challenge. *See* Tenn. R. Civ. P. 24.04. In concurring in the majority opinion, I adhere to the thoughts expressed by me in *Dugan v. Myers*, C/A No. E2001-00281-COA-R3-JV, 2001 Tenn. App. LEXIS 716 (Tenn. Ct. App. E.S., filed September 24, 2001) (Susano, J., concurring), *no perm. app. requested*, and *Terry v. Botts*, C/A No. E2000-01288-COA-R3-CV, 2001 Tenn. App. LEXIS 103 (Tenn. Ct. App. E.S., filed February 22, 2001) (Susano, J., concurring), *no perm. app. requested*.

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CHARLES D. SUSANO, JR., JUDGE