

IN THE COURT OF APPEALS OF TENNESSEE
AT JACKSON
MAY 21, 2002 Session

**PIONEER SUBDIVISION HOMEOWNERS ASSOCIATION, INC. v.
PROFESSIONAL COUNSELING SERVICES, INC.**

**Direct Appeal from the Chancery Court for Dyer County
No. 00C438; The Honorable Ron E. Harmon, Chancellor**

No. W2001-03053-COA-R3-CV - Filed October 31, 2002

Holly Kirby Lillard, J., concurring separately.

I concur fully with the majority opinion in this case. I write separately only to state an additional reason for reversal of the trial court's order placing residents of Pioneer Subdivision on the selection committee for the group home. Even if this relief had been sought in the pleadings, it would be erroneous to award such relief. Placing neighboring homeowners on the selection committee raises a host of issues, such as the disclosure of confidential medical information about potential residents of the group home to persons who are not medical professionals and are under no obligation to maintain the confidentiality of such information. Quite the opposite; as "representatives" of the neighbors, such persons on the selection committee would likely feel obliged to disclose this information to residents of the neighborhood near the group home. The concerns of the neighbors are genuine and not without basis, but their remedy is with the legislature in enacting the statute providing that group homes may be placed in residential neighborhoods regardless of zoning restrictions. The courts are not free to create remedies which have the effect of amending the existing statutes. Our task is to enforce the statutes as they are written. For this reason, I concur separately.

HOLLY KIRBY LILLARD, J.