

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

Assigned on Briefs January 7, 2004

IN RE S.M.

No. M2003-00422-COA-R3-PT - Filed January 15, 2004

WILLIAM B. CAIN, J., concurring.

I disagree with the standard of review employed by the court in this case for the reasons discussed at more length in *In Re Z.J.S.*, No. M2002-02235-COA-R3-JV, 2003 WL 21266854, at *18-22 (Tenn.Ct.App. June 3, 2003) (No Tenn. R. App. P. 11 application filed; *Estate of Acuff v. O'Linger*, 56 S.W.3d 527, 533-37 (Tenn.Ct.App. 2001). However, I would reach the same result employing the standard of review recited in *Acuff v. O'Linger*, 56 S.W.3d 527 at 537. Therefore, I concur with the court's decision to reverse the order terminating R.G.L.'s parental rights.

WILLIAM B. CAIN, JUDGE