

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

Assigned on Briefs April 19, 2004

IN RE: ADOPTION OF T.A.M.

No. M2003-02247-COA-R3-PT - Filed May 12, 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). I agree, however, that a review of the evidence in the case discloses that the truth of the factual conclusions made by the trial are “highly probable” and thus the clear and convincing evidence standard is met. Therefore, I concur with the court’s decision to affirm the order terminating R.G.L.’s parental rights.

WILLIAM B. CAIN, JUDGE