

IN THE COURT OF APPEALS OF TENNESSEE
EASTERN SECTION

FILED

**September 6,
1995**

**Cecil Crowson, Jr.
Appellate Court Clerk**

CASA JUVENILE SERVICES)
ASSOCIATION, INC. and) HAMBLEN COUNTY
TENNESSEE DEPARTMENT OF) 03A01-9503-JV-00099
HUMAN SERVICES)
)
Petitioners-Appellees)
)
v.)
)
LORETTA NMN PHILLIPS ARRIETTA)
)
Respondent-Appellant)
and) HON. MINDY NORTON SEALS,
) JUDGE
)
FLORENCIA ARRIETTA SALGADO)
)
Respondent)
)
IN RE: DUSTIN MATTHEW)
ARRIETTA)
D.O.B. 7-18-88) AFFIRMED AND REMANDED

C. E. BUD CUNNINGHAM OF MORRISTOWN FOR APPELLANT

CHARLES W. BURSON, Attorney General and Reporter, and MICHELLE
McGRIFF, Assistant Attorney General, OF NASHVILLE FOR APPELLEES

O P I N I O N

Goddard, P.J.

Loretta Phillips Arrietta, mother of Dustin Matthew Arrietta, appeals a judgment of the Juvenile Court for Hamblen County which terminated her parental rights.

She raises the following two issues on appeal:

- I. Whether the Court erred in its failure to return the child to the Respondent/Appellant when there was a clear abuse of discretion by DHS in its treatment of Respondent/Appellant.
- II. Whether there was clear and convincing evidence that the termination of the parental rights was in the child's best interests.

Our review of the record persuades us that the evidence preponderates in favor of the Trial Court's actions as to both issues. We accordingly conclude that this is an appropriate case for affirmance under Rule 10(a) of this Court.¹

The case is remanded for collection of costs below. Costs of appeal are adjudged against Ms. Arrietta and her surety.

Houston M. Goddard, P.J.

CONCUR:

Herschel P. Franks, J.

¹ Rule 10. (a) Affirmance Without Opinion. The Court, with the concurrence of all judges participating in the case, may affirm the action of the trial court by order without rendering a formal opinion when an opinion would have no precedential value and one or more of the following circumstances exist and are dispositive of the appeal:

(1) the Court concurs in the facts as found or as found by necessary implication by the trial court.

(2) there is material evidence to support the verdict of the jury.

(3) no reversible error of law appears.

Such cases may be affirmed as follows: "Affirmed in accordance with Court of Appeals Rule 10(a)."

Don T. McMurray, J.