IN THE COURT OF APPEALS

SHERRY RENEE VAUGHN,	)	HAMBLEN CHANCERY
	)	C. A. NO. 03A01-9601-CH-00026
Appellee	)	
vs.	)	HON. DENNIS H. INMAN
	)	CHANCELLOR
ANN MARIE VAUGHN,	)	APPEAL DISMISSED - REMANDED
Appellant	)	

JANICE H. SNIDER, Morristown, for appellant.

CLINTON R. ANDERSON, Morristown, for appellee.

OPINION

McMurray, J.

This is a child custody case. The natural mother and the step-mother of the child in question are the contending parties.

The child's father is deceased. After a bench trial, the court decreed temporary custody to the step-mother and ordered each party to submit to counseling through Cherokee Health Systems. He further directed that the child receive counseling.

The appellant, the natural mother, argues before this court that the court was in error in placing the child in the custody of the step-mother using the "best interest of the child" test and without making a determination that the natural mother was an unfit parent. There may be some merit in the appellant's argument. See Bond v. McKenzie, 896 S.W.2d 546 (Tenn. 1995) and the cases therein cited. We are unable to address the issue, however, because the judgment from which this appeal is taken is not a final judgment giving rise to an appeal as of right. See Rule 3, T.R.A.P. It is clear from the trial court's memorandum opinion and order entered thereon that he considered the order to be interlocutory with a reconsideration of the question to take place after all parties had undergone counseling. The court noted in the memorandum opinion that "[the] court should advise that at least one goal of this counseling, apart from the attention deficit disorder, is to determine if it will be feasible within the foreseeable future to entrust custody of this child to the biological mother."

While we are at liberty to consider the case as an interlocutory appeal, we decline to do so. Custody arrangements are among

the most profoundly important decisions that courts make. They are factually driven and require a careful balancing of many factors. Rogero v. Pitt, 759 S.W.2d 109, 112 (Tenn. 1988); Holloway v. Bradley, 190 Tenn. 565, 571, 230 S.W.2d 1003, 1006 (1950). They are best made following a hearing during which the trial court has the opportunity to view the parties and to determine their comparative fitness first hand.

For reasons stated, we dismiss this appeal. Costs are taxed to the appellant and this case is remanded to the trial court for the collection thereof.

_____
Don T. McMurray, J.

CONCUR:

_____
Houston M. Goddard, Presiding Judge

_____
Charles D. Susano, Jr., J.

IN THE COURT OF APPEALS

SHERRY RENEE VAUGHN,	)	HAMBLEN CHANCERY
	)	C. A. NO. 03A01-9601-CH-00026
	)	
Appellee	)	
	)	
	)	
	)	
	)	
	)	
vs.	)	HON. DENNIS H. INMAN
	)	CHANCELLOR
	)	
	)	
	)	
	)	
	)	
ANN MARIE VAUGHN,	)	APPEAL DISMISSED - REMANDED
	)	
Appellant	)	

ORDER

This appeal came on to be heard upon the record from the Chancery Court of Hamblen County, briefs and argument of counsel. Upon consideration thereof, this Court is of the opinion that this appeal is premature for lack of a final judgment.

Accordingly, we dismiss this appeal. Costs are taxed to the appellant and this case is remanded to the trial court for the collection thereof.

PER CURIAM