

IN THE COURT OF APPEALS OF TENNESSEE  
WESTERN SECTION AT NASHVILLE

**FILED**

**May 23, 1997**

**Cecil W. Crowson  
Appellate Court Clerk**

CONNIE A. WILLIAMS, )  
(Now Montgomery) )  
 )  
Respondent/Counter-Petitioner/ )  
Appellant, )  
 )  
VS. )  
 )  
MICHAEL C. WILLIAMS, )  
 )  
Petitioner/Counter-Respondent/ )  
Appellee. )

Appeal No.  
01-A-01-9610-CV-00468

Putnam Circuit  
No. NJ-3698

**OPINION DISSENTING IN PART AND  
CONCURRING IN THE RESULT**

I respectfully dissent from the majority's conclusion that a substantial change of circumstances has not occurred since the lower court's prior custody order. Perhaps I am being overly technical, because the majority does qualify its conclusion by adding, "sufficiently compelling to warrant changing custody." I agree that the evidence preponderates against the trial judge's finding that the best interests of the children would be served by placing them in the father's primary custody, but I believe the parents' new relationships, and the impact they have on the children is a sufficient change to warrant a fresh look by the court. Especially in this case, where the children themselves have put out such contradictory signals about the changes in their lives.

I would reverse the custody award based solely on the preponderance of the evidence.

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BEN H. CANTRELL, JUDGE