

IN THE COURT OF APPEALS OF TENNESSEE  
AT KNOXVILLE

December 10, 2013 Session

**IN RE NATHANIEL C. T., JASON J. T. AND EMERALD S. T.**

**Appeal from the Chancery Court for Washington County  
No. 8948 G. Richard Johnson, Chancellor**

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**No. E2013-01001-COA-R3-CV-FILED-MARCH 17, 2014**

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CHARLES D. SUSANO, JR., Chief Judge, concurring.

I concur completely in the majority opinion. I write separately to state that I do not believe the language of Tenn. Code Ann. § 36-5-103 is broad enough to encompass a dispute between two biological parents on one side and two third persons with no custodial rights on the other. As I parse the wording of § 36-5-103, it only pertains to a dispute between spouses or a dispute between a “spouse” and an “other person to whom the custody of the child, or children, is awarded.” Since this case does not present either of these factual scenarios, I would hold, as an additional basis for the Court’s decision, that the language of § 36-5-103 is simply not applicable to these facts. *See Brewster v. Galloway*, E2011-01455-COA-R3-CV, 2012 WL 2849428 at \*12 (Tenn. Ct. App. E.S., filed July 11, 2012) (Susano, J., concurring).

I concur in the majority opinion.

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CHARLES D. SUSANO, JR., CHIEF JUDGE