

FILED

07/22/2020

Clerk of the
Appellate Courts

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

Assigned on Briefs June 1, 2020

IN RE: BRAELYN K. S.

**Chancery Court for Sullivan County
No. 19-CK-41754M**

No. E2020-00043-COA-R3-PT

RICHARD H. DINKINS, J., concurring and dissenting.

Because I believe that the line of cases holding that the petitioner seeking to terminate a parent's rights under Tennessee Code Annotated section 36-1-113(g)(14) must prove both a "failure to manifest an ability and willingness to assume custody" with respect to the first prong of the analysis, I respectfully dissent from that portion of the majority's opinion. *See In re Ayden S.*, No. M2017-01185-COA-R3-PT, 2018 WL 2447044, at *7 (Tenn. Ct. App. May 31, 2018). In all other respects, including affirming the termination of Father's parental rights, I concur.

/s/ Richard H. Dinkins.

RICHARD H. DINKINS, JUDGE