

## Application of Findings to TCA 36-6-106 Factors

Below each of the ten factors of TCA 36-6-106 I have listed the finding and have opined a score for each parent on that factor. The scoring values go from one to seven. The scale used is:

- 1: ample evidence of behavior against this factor
- 2: good evidence of behavior against this factor
- 3: minor evidence of behavior against this factor
- 4: no data in support of that factor or against this factor
- 5: minor evidence of the presence of this factor
- 6: good evidence of the presence of this factor
- 7: ample evidence of the presence of this factor

(1) The love, affection and emotional ties existing between the parents or caregivers and the child;

**Mother:** MINOR has a strong bond with the mother and clearly MOTHER has a very strong bond with MINOR. While mother's bond is strong, there is evidence that the bond isn't always in MINOR's best interest. For example, in allowing MINOR to attend mature entertainment shows, the mother demonstrates some behavior that the bond that does exist may not be in MINOR's best interest. (6)

**Father:** While MINOR doesn't articulate a bond with Father, clearly she does have a good bond with him as evidenced by her interest in showing the father things she has experienced, her affection for him as shown in her desire to sit next to him watching TV. (6)

(2) The disposition of the parents or caregivers to provide the child with food, clothing, medical care, education and other necessary care and the degree to which a parent or caregiver has been the primary caregiver;

**Mother:** Mother has the disposition of providing care as she has in the past (7)

**Father:** Father, to the degree he has functioned as the primary parent, has shown a disposition to provide MINOR with life's necessities. (7)

(3) The importance of continuity in the child's life and the length of time the child has lived in a stable, satisfactory environment; provided, that, where there is a finding, under subdivision (a)(8), of child abuse, as defined in § 39-15-401 or § 39-15-402, or child sexual abuse, as defined in § 37-1-602, by one (1) parent, and that a non-perpetrating parent or caregiver has relocated in order to flee the perpetrating parent, that the relocation shall not weigh against an award of custody;

**Mother:** Except during the time MINOR spent in foster care, she has been primarily with the mother and continuity in that environment is important. School evidence supports the fact that MINOR is well adjusted in her school environment. (6)

**Father:** For the past several years father has regularly had parenting time every other weekend. Interruption in that time has been to factors outside his control. A change to award primary custody to the father would involve a shift and not be consistent with continuity in MINOR's life. (3)

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(9) The character and behavior of any other person who resides in or frequents the home of a parent or caregiver and the person's interactions with the child; and

**Mother:** Mother's boyfriend was interviewed. MINOR and FATHER indicate that he is of good character and positively interacts with MINOR. (7)

**Father:** There is no other person in the Father's home except the paternal grandmother of MINOR who exercises limited but very positive influence on MINOR. Extended family is close to MINOR. (7)

(10) Each parent or caregiver's past and potential for future performance of parenting responsibilities, including the willingness and ability of each of the parents and caregivers to facilitate and encourage a close and continuing parent-child relationship between the child and both of the child's parents, consistent with the best interest of the child.

**Mother:** Clearly MOTHER exercises no boundary controls with MINOR and also encourages the MINOR to fear Father. This behavior does not encourage a close and continuing parent-child relationship between MINOR and her father. (2)

**Father:** While FATHER verbalized bitterness against MOTHER, there is no evidence that he engages MINOR in his thoughts or feelings. He does not request information from MINOR about her mother and articulates his desire for a good relationship between MINOR and MOTHER. (6)

Total score Mother: 51

Total score Father: 57

\*\*\*\*\*FACTITIOUS DATA USED FOR EXAMPLE ONLY\*\*\*\*\*