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Appellate Courts

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
July 14, 2026 Session

IN RE ADELINE S.

Appeal from the Chancery Court for Knox County
No. 211270-3 Christopher D. Heagerty, Chancellor

No. E2025-02044-COA-R3-CV

This action involves the adoption of a minor child whose mother was deceased. The child's father had gained custody of the child after the child's mother's death, but the father was later arrested and incarcerated. The child was then placed in the custody of the paternal grandparents. With the father's consent, the grandparents filed a petition for termination of the father's parental rights and for adoption. The trial court granted the petition on the same day it was filed. The maternal grandmother, who had been allowed to intervene in custody proceedings involving the minor child and the paternal grandparents pending in a different court, filed a motion seeking to set aside the adoption decree. The trial court denied the motion, and the maternal grandmother has appealed. Determining that the maternal grandmother lacks standing to seek relief in the trial court or on appeal, we conclude that this appeal must be dismissed.

Tenn. R. App. P. 3 Appeal as of Right; Appeal Dismissed

THOMAS R. FRIERSON, II, J., delivered the opinion of the court, in which JOHN W. MCCLARTY, P.J., E.S., and KRISTI M. DAVIS, J., joined.

Meghan A. Bodie, Knoxville, Tennessee, for the appellant, Adriane D.

Cecilia S. Petersen and Heidi Plehn Wegren, Knoxville, Tennessee, for the appellees, Conrad W. and Lori W.

James Stevens Sharp, Jr., Knoxville, Tennessee, for the appellee, Reid W.

OPINION

I. Factual and Procedural Background

In July 2022, the minor child, Adeline S. ("the Child"), was born to Rebekah S. ("Mother") and Reid W. ("Father"), who were not married. Mother died on August 29, 2024. On June 17, 2025, Conrad W. and Lori W. ("Petitioners"), who are the paternal grandparents of the Child, filed a petition in the Knox County Chancery Court ("trial court") seeking to terminate Father's parental rights to the Child. Petitioners also sought to adopt the Child. Father joined in the petition, stating that he had been granted legal custody of the Child in November 2024 following Mother's death.

Petitioners reported that since the Child's birth, the Child had only lived with Mother, the maternal grandmother, Father, and Petitioners. Petitioners averred that they had been granted legal and physical custody of the Child in May 2025 by the Knox County Juvenile Court ("juvenile court"). Petitioners stated that they were currently parties to a pending custody action in the juvenile court along with Father and the maternal grandmother, Adriane D. ("Maternal Grandmother") and that the juvenile court had recently granted Maternal Grandmother permission to intervene in that action. Petitioners requested that the trial court waive the six-month waiting period, home study, and other statutory requirements because of Petitioners' biological relationship with the Child.

Petitioners asserted no statutory grounds for termination in the petition, instead relying upon Father's consent to termination of his parental rights. Petitioners reserved the right to amend their petition and assert statutory grounds for termination if Father were to revoke his consent. Petitioners did assert that placing the Child in Father's custody would pose a risk of substantial harm to the Child and that Father had criminal charges pending against him. Petitioners also asserted that Father had not demonstrated "any lasting adjustment of circumstances, conduct, or conditions that make it safe and beneficial for the child to be" in his home and that termination was in the Child's best interest.

On the same day the petition was filed, the trial court entered a final decree of adoption and granted Petitioners' request to adopt the Child (with Father's consent). The court found that because Father had consented to the adoption and "there are no other parties necessary other than Petitioners," no answer to the adoption petition was required. The court entered an amended final decree on June 25, 2025, which added a finding that "[a]ll persons entitled to notice of the proceedings have been served and all necessary parties as defined by T.C.A. § 36-1-117(a)-(e), are properly before this Court, or their rights have already been terminated, and such termination was proven to this Court."

Two days later, on June 27, 2025, Maternal Grandmother filed a motion seeking to set aside the adoption decree pursuant to Tennessee Rule of Civil Procedure 60.02(2) and (5). Maternal Grandmother stated that Mother had maintained sole custody of the Child

from the Child's birth in July 2022 until Mother passed away in August 2024. Maternal Grandmother asserted that at the time of Mother's passing, Mother and Father were engaged in litigation concerning paternity, custody, and visitation; that no order of parentage had been entered; and that the Child and Mother had resided with and been cared for by Maternal Grandmother during Mother's illness. Following Mother's death, Father had obtained custody of the Child.

Maternal Grandmother explained that a few months after Father obtained custody of the Child, he was arrested and charged with three counts of indecent exposure and one count of sexual exploitation of a minor "after he was found masturbating to child pornography on the front porch of his residence." Petitioners then obtained custody of the Child in the juvenile court with Father's consent.

Maternal Grandmother stated that when she learned of these developments, she likewise filed a petition for custody in the juvenile court on May 15, 2025. Father's counsel then contacted Maternal Grandmother's counsel on June 10, 2025, "to inform her that the Maternal Grandmother's intervention [in the juvenile court action] was not contested." Maternal Grandmother reported that an order was entered that same day allowing her to intervene in the juvenile court proceedings and that none of the other parties informed her or her counsel that the petition for termination and adoption was forthcoming.

According to her motion, Maternal Grandmother did not learn of entry of the adoption decree until after it had been finalized. Maternal Grandmother noted that Father's counsel contacted Maternal Grandmother's counsel on June 17, 2025, and stated that an adoption order had been entered. Prior to that time, neither she nor the Child's guardian *ad litem* in the juvenile court matter had been informed of the adoption proceedings. Petitioner's counsel sent a letter and notice of adoption to Maternal Grandmother's counsel on June 20, 2025.

Maternal Grandmother claimed that Petitioners had violated Tennessee Code Annotated § 36-1-113(d)(4) by failing to notify the juvenile court of the adoption proceedings prior to finalization of the adoption decree. According to Maternal Grandmother, Petitioners had intended to engage in "covert" actions to adopt the Child as evinced by the fact that they had contacted the putative father registry two days after consenting to Maternal Grandmother's intervention in the juvenile court proceedings. She further alleged that Petitioners and Father had "colluded to file and finalize the adoption petition regarding the minor child before the Maternal Grandmother was given any indication it was occurring, thus thwarting her ability to intervene in this matter" because they knew she would have sought intervention. Maternal Grandmother propounded that she had maintained an active role in the Child's life since her birth and likely would have prevailed in a best interest hearing against Petitioners, who only had custody of the Child for one month before filing their petition. Maternal Grandmother argued that the adoption decree should be set aside based on Petitioners' misrepresentations to the trial court in

omitting details of Father's criminal behavior and Petitioners' failure to notify Maternal Grandmother of the adoption proceedings before "removing" her ability to intervene.

Petitioners filed an answer, wherein they admitted that during the period between Mother's death and Father's arrest, Father had communicated regularly with and made the Child available for visits with Maternal Grandmother. Petitioners also averred that they had allowed Maternal Grandmother to exercise visitation with the Child after they obtained custody in May 2025. Petitioners denied having attempted to thwart Maternal Grandmother's relationship with the Child and stated that they had "demonstrated their commitment to keeping her in [the Child's] life."

On September 5, 2025, Maternal Grandmother filed an amended motion to set aside, and Petitioners answered the amended motion on October 1, 2025. Maternal Grandmother filed a memorandum in support of her motion, contending that although Tennessee Code Annotated § 36-1-113(d)(4) did not specify a timeframe within which notice of the filing of an adoption petition had to be provided to the court wherein the custody proceedings were pending, § 36-1-113(d)(2)(A)(v) clarified the appropriate timeframe for such notice by stating that a petition to terminate parental rights "shall state . . . [a]ny notice required pursuant to subdivision (d)(4) has been given[.]" Ergo, Maternal Grandmother argued that according to these statutory provisions, Petitioners were required to send notice before the termination and adoption petition was filed, and this did not occur.

On November 4, 2025, Maternal Grandmother filed a memorandum regarding her standing to pursue the motion to set aside. Maternal Grandmother contended that she maintained standing based on the requirement found in Tennessee Code Annotated § 36-1-113(d)(4). She further asserted that because a custody proceeding was pending in the juvenile court, to which she had been made a party, and because Petitioners had failed to notify that court of the filing of a termination and adoption petition pursuant to Tennessee Code Annotated § 36-1-113(d)(4), she had standing to request that the adoption decree be set aside. Maternal Grandmother urged that she had been wrongfully deprived of her ability to intervene in the adoption proceedings. Petitioners filed a memorandum in opposition, arguing that Maternal Grandmother did not maintain standing under Tennessee law to seek to set aside the adoption decree. Petitioners posited that Maternal Grandmother was not a necessary party to the adoption proceedings and was not entitled to notice of same.

On December 11, 2025, the trial court entered a Memorandum Opinion and Order denying Maternal Grandmother's motion to set aside the adoption decree. In its findings, the trial court noted that Maternal Grandmother had conceded that she was not entitled to notice of the termination and adoption proceedings pursuant to Tennessee Code Annotated § 36-1-117, which states that "[o]ther biological or legal relatives of the child . . . are not necessary parties . . . and shall not be entitled to notice of the adoption proceedings unless they are the guardian or custodian of the child . . . at the time the petition is filed."

The trial court then analyzed Maternal Grandmother's postulate that she was entitled to notice pursuant to Tennessee Code Annotated § 36-1-113(d)(4) (West July 1, 2024, to current), which states in pertinent part:

> The petition to terminate parental rights, if filed separately from the adoption petition, may be filed as provided in § 36-1-114. If the petition is filed in a court different from the court where there is a pending custody, dependency, neglect or abuse proceeding concerning a person whose parental rights are sought to be terminated in the petition, a notice of the filing of the petition, together with a copy of the petition, shall be sent by the petitioner to the court where the prior proceeding is pending.

Recognizing that the adoption statutes should be strictly construed and relying on *In re K.A.Y.*, 80 S.W.3d 19, 23 (Tenn. Ct. App. 2002), the trial court stated:

> The statute merely requires that the notice "shall be sent by the petitioner to the court where the prior proceeding is pending." *Id.* Presumably, the parties of the prior proceeding would receive notice in one form or another by the filing of the notice in that proceeding; however, the statute, when strictly construed, does not require the petitioner of the adoption proceeding to give additional notice to the parties to those prior proceedings.
>
> It would appear that the notice required by TENN. CODE ANN. § 36-1-113(d)(4) merely reflects a communication to the court where the prior proceeding is pending to inform that court that a petition for adoption of the minor child has been filed in another court and the effects thereof. Indeed, once the petition for adoption is filed, the adoption court has "exclusive jurisdiction of all matters pertaining to the child" with some exceptions that are not applicable to the instant petition for adoption. *See* TENN. CODE ANN. § 36-1-116(f)(1). Stated differently, a prior proceeding seeking custody of the child is suspended and the "jurisdiction of all other pending matters concerning the child . . . shall be transferred to and assumed by the adoption court." TENN. CODE ANN. § 36-1-116(f)(2). Thus, the notice of the filing of the petition for adoption informs the court where the prior proceeding is pending that jurisdiction over the minor child that is the subject of the proceeding has been removed from that court and that the jurisdiction over the child has been transferred to and assumed by the adoption court.
>
> In the case at bar, the Maternal Grandmother does not point to any other requirement in the statutory scheme for her proposition that she was entitled to notice of the filing of the adoption petition. Rather, it would appear from the statutory scheme as a whole that the notice under TENN.

> CODE ANN. § 36-1-113(d)(4), the provision upon which the Maternal Grandmother relies, is merely required to be given to the Juvenile Court to inform the Juvenile Court of the effects of the filing of the petition for adoption in this Court had upon the jurisdiction over the Minor Child in the Juvenile Court. As noted above, the proceedings before the Juvenile Court has been suspended, and the Juvenile Court's jurisdiction over the Minor Child was transferred to and assumed by this Court upon the filing of the petition for adoption of the Minor Child. *See* TENN. CODE ANN. §§ 36-1-116(f)(1), -116(f)(2). Thus, the Court finds and concludes, strictly construing the statutory scheme as required, that the Maternal Grandmother was not entitled to notice of the filing of the adoption proceedings under TENN. CODE ANN. § 36-1-113(d)(4). Because she was not entitled to notice of the filing of the petition for adoption, the Maternal Grandmother is not a necessary party to this adoption proceeding.

The trial court also noted that Maternal Grandmother had not sought to intervene in the termination and adoption proceedings, and the court questioned her standing to do so, finding that she had no basis for intervention as of right. The court further explained that the "current iteration of the statutory scheme demonstrates a strong legislative intent for the finality of final decrees of adoption," inasmuch as the statute provided that adoption decrees could not be questioned "by reason of defect or irregularity therein." *See* Tenn. Code Ann. § 36-1-122 (West July 1, 2024, to current). The court noted that even if it were assumed that Maternal Grandmother had standing to collaterally attack the adoption decree, she had demonstrated no jurisdictional defect therein. The court thus denied Maternal Grandmother's motion. Maternal Grandmother timely appealed.

II. Issues Presented

Maternal Grandmother presents the following issues for our review, which we have restated slightly:

1. Whether the trial court erred by finding that Maternal Grandmother was not entitled to notice of the adoption petition's filing pursuant to Tennessee Code Annotated § 36-1-113(d)(4).

2. Whether the trial court erred by finding that Maternal Grandmother did not have standing to challenge the adoption decree.

3. Whether the trial court erred by finding that Petitioners' adoption of the Child was in the Child's best interest.

4. Whether Maternal Grandmother is entitled to an award of attorney's fees on appeal pursuant to Tennessee Code Annotated § 36-5-103(c).

Petitioners present the following additional issues:

5. Whether Maternal Grandmother, a non-party, is entitled to appeal.

6. Whether Maternal Grandmother was entitled to file pleadings in the trial court when she had not sought to intervene.

7. Whether Maternal Grandmother would properly have been allowed to intervene in the trial court proceedings as of right or by permission.

8. Whether Maternal Grandmother can seek attorney's fees pursuant to Tennessee Code Annotated § 36-5-103(c).

III. Standard of Review

We review questions of law *de novo* with no presumption of correctness. *Bowden v. Ward*, 27 S.W.3d 913, 916 (Tenn. 2000). We review a trial court's decision regarding a post-judgment motion to alter or amend under an abuse of discretion standard. *See Stricklin v. Stricklin*, 490 S.W.3d 8, 11 (Tenn. Ct. App. 2015).

Concerning the interpretation of statutes, our Supreme Court has elucidated:

> Our role in construing statutes is to ascertain and give effect to the legislative intent without unduly restricting or expanding the statute's intended scope. *Owens v. State*, 908 S.W.2d 923, 926 (Tenn. 1995). To this end, we presume that every word in a statute has meaning and purpose and should be given full effect if the obvious intention of the General Assembly is not violated by so doing. *In re C.K.G.*, 173 S.W.3d 714, 722 (Tenn. 2005). When a statute is clear, we apply the plain meaning without complicating the task. *Eastman Chem. Co. v. Johnson*, 151 S.W.3d 503, 507 (Tenn. 2004).

In re Sidney J., 313 S.W.3d 772, 774 (Tenn. 2010).

Finally, with respect to standing, this Court has explained:

> The doctrine of standing is used to determine whether a particular plaintiff is entitled to judicial relief. It requires the court to determine whether the plaintiff has alleged a sufficiently personal stake in the outcome of the litigation to warrant a judicial resolution of the dispute. To establish standing, a plaintiff must show: (1) that it has sustained a distinct and palpable injury, (2) that the injury was caused by the challenged conduct, and

(3) that the injury is one that can be addressed by a remedy that the court is empowered to give.

The primary focus of a standing inquiry is on the party, not on the merits of the claim. Thus, a party's standing does not depend on the likelihood of success of its claim on the merits. However, because a party's standing may hinge on the nature of its claims, a standing inquiry requires a "careful judicial examination of a complaint's allegations to ascertain whether the particular plaintiff is entitled to an adjudication of the particular claims asserted." *Allen v. Wright*, 468 U.S. 737, 752, 104 S. Ct. 3315, 3325, 82 L. Ed. 2d 556 (1984).

The sort of distinct and palpable injury that will create standing must be an injury to a recognized legal right or interest. In many cases, this right or interest may be created or defined by statute. Thus, in cases where a party is seeking to vindicate a statutory right of interest, the doctrine of standing requires the party to demonstrate that its claim falls within the zone of interests protected or regulated by the statute in question.

City of Brentwood v. Metro. Bd. of Zoning Appeals, 149 S.W.3d 49, 55-56 (Tenn. Ct. App. 2004) (other internal citations omitted). Moreover, "standing is an issue that cannot be waived in a termination of parental rights/adoption case." *In re Joseph F.*, 492 S.W.3d 690, 696 (Tenn. Ct. App. 2016).

IV. Standing

As a threshold matter, we must first address Maternal Grandmother's standing to file a motion seeking relief from or to appeal the trial court's rulings made during the underlying adoption proceedings. Although the trial court, in its order denying Maternal Grandmother's motion, questioned Maternal Grandmother's standing to file a post-judgment motion for relief in those proceedings, the court appeared to stop just short of finding that Maternal Grandmother lacked standing. However, the court appropriately noted that Maternal Grandmother's motions to set aside were "filed by a person who was not named as a party to, and has not intervened in, this adoption proceeding." Predicated upon longstanding precedent, we determine that Maternal Grandmother lacked standing to seek post-judgment relief in the adoption proceedings by reason of her failure to file a petition to intervene in those proceedings. We further determine that she likewise lacks standing to appeal the trial court's disposition of the post-judgment motion.

In the underlying proceedings, Petitioners were clearly eligible to file the adoption petition because they maintained physical custody of the Child. *See* Tenn. Code Ann. § 36-1-115(b) (West May 5, 2023, to current). The trial court granted the petition to terminate Father's parental rights and adopt the Child based on Father's consent to the

termination and adoption pursuant to Tennessee Code Annotated § 36-1-117(f) (West July 1, 2024, to current), which provides:

> When the child is related to one (1) of the petitioners or is the stepchild of the petitioner, and the legal or biological parent or parents or guardian or guardians of the child signs the adoption petition as a co-petitioner for the specific purpose, as stated in the petition, of giving consent to the adoption, no further surrender, parental consent, or termination of parental rights shall be required as to that parent or guardian, as the act of joining in the adoption petition shall be deemed a complete surrender[.]

The trial court also found that Petitioners' adoption of the Child was in the Child's best interest.

Upon subsequently learning of the adoption decree's entry, Maternal Grandmother filed a motion in the trial court seeking to set aside the adoption decree pursuant to Tennessee Rule of Civil Procedure 60.02(2) and (5). However, Maternal Grandmother was not a party to that proceeding. Moreover, despite the ensuing hearings regarding her motion and the trial court's expressions of doubt concerning her standing, Maternal Grandmother never sought to intervene in the adoption proceedings.[1]

This Court has previously explained that when "a person is not made a party of record to a lawsuit, he has no standing therein which enables him to take part in the proceedings." *Carson v. Challenger Corp.*, No. W2006-00558-COA-R3-CV, 2007 WL 177575, at *4 (Tenn. Ct. App. Jan. 25, 2007); *see In re Estate of Reed*, No. W2003-00210-COA-R3-CV, 2004 WL 1488568, at *2 (Tenn. Ct. App. July 1, 2004) (determining that because the appellant was not a party to the underlying proceedings and had not sought to intervene, he had no standing to file a motion seeking post-judgment relief and affirming the trial court's denial of his motion). "Standing is a judge-made doctrine" pursuant to which courts "refuse to determine the merits of a legal controversy irrespective of its correctness where the party advancing it is not properly situated to prosecute the action." *Knierim v. Leatherwood*, 542 S.W.2d 806, 808 (Tenn. 1976).

In a case involving facts particularly similar to those presented in the case at bar, this Court expressly held that a grandparent who maintained no custodial or guardianship

[1] Maternal Grandmother asserts in her appellate brief that if she had received prior notice of Petitioners' filing of the adoption petition, she "would have had standing to intervene under T.C.A. § 36-1-115(b)," which provides that "[t]he petitioner must have physical custody . . . of the child sought to be adopted . . . **unless they are filing an intervening petition seeking to adopt the child**." (Emphasis added in appellate brief.) She thus argues that by "concealing" their intent to adopt the Child, Petitioners somehow thwarted Maternal Grandmother's intervention in the adoption proceedings. The fallacy in this argument is that Maternal Grandmother could have filed a petition to intervene at any time during the proceedings below, such as when she filed her motion to set aside the adoption decree, but she did not do so.

rights concerning her grandchild was not entitled to notice of adoption proceedings filed by the child's foster parents and, more importantly, that the trial court could not grant her post-judgment relief regarding entry of the adoption decree because she was not a party to the adoption proceedings and had not sought to intervene therein. *See In re Janessa R.K.B.E.*, No. E2011-01254-COA-R3-CV, 2012 WL 1193123, at *3 (Tenn. Ct. App. Apr. 9, 2012); *see also In re Lyric N.*, No. E2021-00578-COA-R3-CV, 2022 WL 3010501, at *7 (Tenn. Ct. App. July 29, 2022) (determining that a child's aunt, who was not a party to adoption proceedings concerning the child filed by the child's grandmother, could nonetheless file a petition for post-judgment relief in those proceedings because she had properly sought to intervene therein and because "the terms 'party' and 'parties' shall include any person filing a motion to intervene pursuant to Tenn. R. Civ. P. 24.") (quoting Tenn. R. App. P. 4(f)). Here, Maternal Grandmother was not a party to the adoption proceedings and failed to file a petition to intervene in those proceedings. Accordingly, she lacked standing to seek post-judgment relief concerning entry of the adoption decree. *See In re Janessa R.K.B.E.*, 2012 WL 1193123, at *3.

Moreover, inasmuch as Maternal Grandmother was not a party to the underlying proceedings and failed to file a motion to intervene therein, she also lacks standing to pursue this appeal. *See Posey v. Dryvit Sys., Inc.*, No. E2003-00392-COA-R3-CV, 2004 WL 572348, at *7 (Tenn. Ct. App. Mar. 22, 2004) (dismissing appeal after determining that non-parties maintained no standing to appeal); *Garrison v. Stamps*, 109 S.W.3d 374, 377 (Tenn. Ct. App. 2003) ("It is unnecessary for this Court to determine whether or not the Rule 60.02(5) Motion was properly granted by the probate court since [the non-party] Appellant ha[d] no standing either to oppose such action or to appeal such action."); *see also* Tenn. R. App. P. 3(f) (stating that the "notice of appeal shall specify the party or parties taking the appeal by naming each one in the caption or body of the notice"); Tenn. R. App. P. 3(i) (stating that for Rule 3's purposes, "the terms 'party' and 'parties' shall include any person filing a motion to intervene pursuant to Tenn. R. Civ. P. 24."). As such, we conclude that Maternal Grandmother's appeal must be dismissed.

V. Conclusion

For the foregoing reasons, we dismiss this appeal for lack of standing. We remand to the trial court for collection of costs below. Costs on appeal are assessed to the appellant, Adriane D.

s/Thomas R. Frierson, II

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THOMAS R. FRIERSON, II, JUDGE