

Circuit Court for Anne Arundel County
Case No. C-02-FM-20-001308

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 731

September Term, 2024

IN THE MATTER OF NAJEE WILSON

Wells, C.J.,
Arthur,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Arthur, J.

Filed: June 30, 2025

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

The Circuit Court for Anne Arundel County appointed appellant Davian Caffee and appellee Joy Wilson Hart as co-guardians of the person and property of their adult son, Najee Wilson.

After several years of serving as a co-guardian with Mr. Caffee, Ms. Hart petitioned to remove Mr. Caffee as one of Mr. Wilson’s guardians. The circuit court granted Ms. Hart’s petition and removed Mr. Caffee as a guardian of Mr. Wilson’s person and property. This timely appeal followed.

The sole issue presented for our consideration is whether the circuit court erred in removing Mr. Caffee as joint guardian of Mr. Wilson. We discern no error and affirm the judgment of the circuit court.

FACTUAL AND PROCEDURAL BACKGROUND

Mr. Wilson was born in May 2002. His primary care physician has diagnosed him with autism spectrum disorder; attention deficit hyperactivity disorder; mild intellectual disability; a genetic disorder; periventricular white matter disease;¹ epilepsy; hearing loss; anxiety; and a chromosomal abnormality.

Mr. Wilson’s parents, Davian Caffee and Joy Wilson Hart, are not married. Beginning in 2014, Mr. Wilson would alternate living with Mr. Caffee and Ms. Hart on a weekly basis.

¹ Periventricular white matter disease “is associated with abnormalities on tests that involve complex cognitive processes[.]” Charles J. Bae, et al., *Neurologic signs predict periventricular white matter lesions on MRI*, CAN. J. NEUROL. SCI., May 2004.

When Mr. Wilson turned eighteen in May 2020, Ms. Hart petitioned the circuit court for appointment of a guardian of his person and property. Ms. Hart asked the court to appoint her as the guardian of both.

In July 2020, Mr. Caffee filed a response to Ms. Hart’s petition. He asked that the court deny Ms. Hart’s request to appoint her as the sole guardian of Mr. Wilson’s person and property. That same day, Mr. Caffee filed what he styled as a counter-petition for appointment of a guardian of Mr. Wilson’s person and property. He asked the court to appoint Ms. Hart and him as joint guardians of Mr. Wilson’s person and property.

In October 2020, the parties appeared in circuit court for a hearing on the parties’ petitions. The court found it was “appropriate to appoint both” Mr. Caffee and Ms. Hart as co-guardians of Mr. Wilson’s person and property. Ms. Hart moved to reconsider that order in November 2020, but the court denied the motion.

On December 12, 2023, Ms. Hart petitioned the court to remove Mr. Caffee as a guardian of Mr. Wilson’s person and property. Ms. Hart’s petition argued that it was in Mr. Wilson’s best interest for Ms. Hart to be “his sole guardian of his person and property.”

The parties appeared in the circuit court on May 10, 2024, for a hearing on Ms. Hart’s petition. Ms. Hart argued that it was proper to remove Mr. Caffee as a guardian “given the nature of the estranged relationship” between Mr. Wilson and Mr. Caffee. Mr. Caffee argued that any estrangement between him and his son was attributable to Ms. Hart encouraging Mr. Wilson to alienate himself from Mr. Caffee.

Ms. Hart testified on her own behalf. She told the court that Mr. Wilson’s relationship with Mr. Caffee had broken down since the court established the co-guardianship. She also told the court that Mr. Wilson has gained a sense of independence since 2020. She testified that Mr. Wilson had decided to enroll in college and had begun to make friends.

Ms. Hart testified that Mr. Wilson had started to become nervous to be around Mr. Caffee and did not want to interact with him. Ms. Hart described a time in 2022 when she accompanied Mr. Wilson to his college orientation. Ms. Hart testified that Mr. Wilson instructed her “not [to] tell [Mr. Caffee] that he was enrolled in school.” Ms. Hart related that Mr. Caffee showed up unexpectedly to Mr. Wilson’s orientation and that Mr. Wilson “became extremely nervous, and he began to hold onto” Ms. Hart’s arm. She also testified that Mr. Wilson began to “physically shake” upon Mr. Caffee’s arrival.

Ms. Hart described a situation in August 2023 when she took Mr. Wilson to an appointment with an eye doctor.² Ms. Hart testified that, during the appointment, Mr. Caffee interrupted Mr. Wilson’s eye examination and began to tell Mr. Wilson that he missed spending time with him. Ms. Hart said that Mr. Wilson “was making it clear that” he did not want Mr. Caffee at the appointment, and Mr. Caffee replied that his son was rebuffing him because Ms. Hart had told him to do so. Ms. Hart testified that, as a result of this interaction, Mr. Wilson “became extremely pink or reddish” and he “became stiff . . . and began to stutter.”

² Mr. Wilson’s attorney testified that this incident occurred in October 2022. The date of the incident does not affect our analysis.

Ms. Hart told the court that removing Mr. Caffee as one of the guardians would make it easier to assist Mr. Wilson with the daily tasks. Ms. Hart testified that Mr. Caffee consistently made it difficult to complete the annual guardianship report mandated by Maryland Rule 10-206. She also testified that Mr. Caffee made Ms. Hart “continuously reschedule” Mr. Wilson’s doctor’s appointments, even though she was taking Mr. Wilson to a considerable majority of those appointments.

Mr. Caffee testified on his own behalf. He disputed Ms. Hart’s testimony that Mr. Wilson did not want him to attend college orientation, calling the day in question “a normal day.” He also disagreed with Ms. Hart’s characterization of the eye appointment. He testified that the eye examination occurred at a time when he had not seen Mr. Wilson in months. Because Ms. Hart informed him of Mr. Wilson’s appointment, Mr. Caffee decided to attend. Mr. Caffee testified that Mr. Wilson never said that he did not want him at the appointment and that only Ms. Hart said anything to that effect on the day of the appointment.

Mr. Caffee’s attorney offered into evidence text messages that Mr. Wilson exchanged with Mr. Caffee. In the text messages, Mr. Wilson stated that he did not want Mr. Caffee coming to his appointments and did not want Mr. Caffee contacting him. Mr. Caffee expressed his opinion that those messages, which were in paragraph format with “full punctuation,” could not have been written by Mr. Wilson, but were, in fact, written by Ms. Hart. Mr. Caffee urged the court to “be realistic” when looking at the text exchanges.

On cross-examination, Ms. Hart’s attorney asked Mr. Caffee if his daughter— Mr. Wilson’s half-sister—had ever accused Mr. Wilson of sexual assault. Mr. Caffee said that she had. Mr. Caffee agreed with Ms. Hart’s attorney that Mr. Wilson was arrested and handcuffed as a result of that accusation. He also agreed that Ms. Hart paid for Mr. Wilson to retain an attorney in connection with that accusation and that Mr. Caffee had provided no financial assistance to Ms. Hart or to Mr. Wilson to help pay for the attorney.

Ms. Hart’s attorney also asked if Mr. Wilson had ever petitioned for a temporary protective order against Mr. Caffee. Mr. Caffee said that he had. Mr. Caffee agreed with Ms. Hart’s attorney that he and Mr. Wilson spoke to each other in the aftermath of that temporary protective order hearing and that Mr. Wilson told Mr. Caffee that he “wanted his space” from him.³

After re-direct examination, the court said to Mr. Caffee that Mr. Wilson is an adult and has a right to decide who he does and does not want to see. The court asked Mr. Caffee: “[W]hat reason would there be for the [c]ourt to say it’s in [Mr. Wilson’s] best interest to do something he absolutely doesn’t want?” Mr. Caffee replied that Ms. Hart had “intentionally isolated” him from Mr. Wilson, that he had done all he can to be involved in his son’s life, and that Ms. Hart was not allowing him to be involved.

Mr. Wilson’s attorney testified. She told the court that she had an opportunity to speak at length with Mr. Wilson, who stressed that he wanted to “maintain his independence” as an adult. She also told the court that Mr. Wilson “feels anxious when

³ Ms. Hart testified that Mr. Wilson agreed to withdraw the protective order by agreement and instead talk things out with his father.

he has to talk to his father or thinks about needing to talk to his father.” She testified that the incident at the eye doctor “was significant in [Mr. Wilson’s] mind.” She said that Mr. Wilson told her that he “told [his] dad not to come” to the appointment and that Mr. Caffee “was annoying” at the appointment. Ultimately, she testified that she believed Mr. Wilson was “able to determine emotionally what he wants,” which was for Ms. Hart to be his guardian. She did not believe that Mr. Wilson was, at that time, “ready for a relationship” with Mr. Caffee.

The court ruled from the bench. It stated that it had the opportunity to interview Mr. Wilson at a prior proceeding and that that interview, combined with the hearing testimony, made it “clear . . . that [Mr. Wilson] has a visible physical reaction to his discomfort with being around his father right now.” It ruled that it was not in Mr. Wilson’s “best interest for his dad to remain as guardian” because it believed that Mr. Caffee was “inhibiting [Mr. Wilson’s] growth[,] which has been [progressing] by leaps and bounds by all accounts.” The court did not find that Mr. Caffee was “a bad parent[,]” but it found that the reunification had to be on Mr. Wilson’s own terms. The court removed Mr. Caffee as the guardian of Mr. Wilson’s person and property.

Mr. Caffee appealed the decision in a timely manner.

STANDARD OF REVIEW

“[G]uardianship proceedings, whether they involve minors or adults, are equitable proceedings.” *Matter of Meddings*, 244 Md. App. 204, 219 (2019). In *Kicherer v. Kicherer*, 285 Md. 114, 118-19 (1979), the Court stated that:

a court of equity assumes jurisdiction in guardianship matters to protect those who, because of illness or other disability, are unable to care for themselves. In reality the court is the guardian; an individual who is given that title is merely an agent or arm of that tribunal in carrying out its sacred responsibility.

In *Meddings*, we described the standard of review when considering the appointment of a guardian for an adult:

[I]n reviewing whether a circuit court properly decided to appoint a guardian for an adult, we adopt a tri-partite and interrelated standard of review. Factual findings will be reviewed for clear error, while purely legal determinations will be reviewed without deference, unless the error be harmless. As to the ultimate conclusion of whether an adult guardianship is appropriate, the circuit court’s decision will not be disturbed unless there has been a clear abuse of discretion.

Meddings, 244 Md. App. at 220.

DISCUSSION

Mr. Caffee argues that the circuit court erred by determining that “removing [him] as a joint guardian is somehow less restrictive than [Ms. Hart] serving as sole guardian.” In support of his argument, Mr. Caffee points to Md. Code (1974, 2022 Repl. Vol.), § 13-705(b) of the Estates and Trusts Article (“ET”). That statute states, in pertinent part, that “[a] guardian of the person shall be appointed if the court determines from clear and convincing evidence that . . . [n]o less restrictive form of intervention is available that is consistent with the person’s welfare and safety.” Mr. Caffee argues that, “[b]y definition,” the circuit court’s order removing him as a guardian is “exactly as restrictive” as the original order appointing him as a guardian, which, he says, constitutes “an error of law.”

Mr. Caffee’s argument is unconvincing. ET § 13-705(b), by its clear terms, applies to the appointment of a guardian, not the removal of one. Mr. Caffee misreads that portion of the Code to say that a court must find some less restrictive alternative to removing someone as a guardian before doing so. The Code plainly does not mean what Mr. Caffee argues that it means.

The process for removal of a guardian is set forth in Maryland Rules 10-208(d) and 10-712(e), not ET § 13-705(b). Maryland Rule 10-208(d) provides that “[i]f the court finds grounds for removal, it may remove the guardian and appoint a substituted or successor guardian[.]” Maryland Rule 10-712(e) similarly provides that “[i]f the court finds grounds for removal, it may remove the fiduciary and appoint a substituted or successor fiduciary[.]” Mr. Caffee does not argue that there were no grounds for his removal as Mr. Wilson’s guardian. He argues only that it is in Mr. Wilson’s “best interests” that he remain one of the guardians.

Even if Mr. Caffee properly presented an argument that there were no grounds for his removal as Mr. Wilson’s guardian, we would find support in the record for the circuit court’s conclusion that there were grounds. The court heard testimony that Mr. Wilson was considerably uncomfortable when Mr. Caffee attended his doctor’s appointments. This testimony was echoed by Mr. Wilson’s attorney, who testified that the incident at the eye doctor’s office was “significant in [Mr. Wilson’s] mind.” The court viewed text messages in which Mr. Wilson told Mr. Caffee that he did not want him at doctor’s appointments and did not want to communicate with him. Mr. Caffee expressed his opinion that Mr. Wilson did not write those text messages, but the court was entitled to

give as much weight as it deemed appropriate to the texts themselves. The court heard testimony that Mr. Caffee did not financially support Mr. Wilson when Mr. Caffee’s daughter accused him of sexual assault. The court also heard testimony that Mr. Wilson told his father that he needed space from him in the aftermath of the hearing on the temporary protective order. The court heard testimony from Mr. Wilson’s attorney that she did not feel as though Mr. Wilson was “ready for a relationship” with Mr. Caffee. And, perhaps most important, the court heard from Mr. Wilson himself in a prior proceeding. The substance of Mr. Wilson’s conversation with the court is not in the record, but nobody objected to the circuit court’s reliance on it, and the court was entitled to consider Mr. Wilson’s own feelings and desires.

In summary, the circuit court did not err or abuse its discretion when it found that the evidence that it heard at the May 10, 2024, hearing—as well as what it heard from Mr. Wilson himself some months earlier—constituted “grounds for removal” of Mr. Caffee as the co-guardian of Mr. Wilson’s person and property. Md. Rule 10-208(d); Md. Rule 10-712(e).

**JUDGMENT OF THE CIRCUIT COURT
FOR ANNE ARUNDEL COUNTY
AFFIRMED; COSTS TO BE PAID BY
APPELLANT.**