

Circuit Court for Baltimore City
Case No. 24-T-21-000069

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 2179

September Term, 2023

IN THE MATTER OF SHERYL W. FLAMER

Graeff,
Arthur,
Battaglia, Lynne A.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Graeff, J.

Filed: January 28, 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 persuasive value only if the citation conforms to Md. Rule 1-104(a)(2)(B).

This appeal arises from an adult guardianship proceeding involving Sheryl W. Flamer. Cecil Flamer, Mrs. Flamer’s husband and one of the appellees, filed an Emergency Petition for guardianship of Mrs. Flamer’s person and property in the Circuit Court for Baltimore City in March 2021. On September 27, 2021, the court appointed Bernadette Green, Mrs. Flamer’s sister and another appellee, as guardian of Mrs. Flamer’s person. Because the court did not think it was in Mrs. Flamer’s best interest to move, it ordered that Mrs. Flamer’s place of residence would remain with her son, Damon Wiggins, appellant, “at least until the review hearing in 90 days.” With respect to the request for a guardian of Mrs. Flamer’s property, the court continued Mr. Flamer’s control of her financial affairs through his power of attorney.¹

On November 9, 2023, the court granted appellees’ petition to change Mrs. Flamer’s abode. It ordered that Mrs. Flamer move to a condominium purchased by Mr. Flamer no later than January 5, 2024.

On appeal, appellant presents the following question for this Court’s review:

Did the trial court abuse its discretion or err as a matter of law in changing the residence of Sheryl W. Flamer, from the home of her son, Appellant Wiggins, to the condominium purchased by her estranged husband for her to live in, with the Guardian of the Person, Flamer’s sister Bernadette Green, when it relied on stale evidence and clearly erroneous facts concerning Sheryl Flamer’s attendance at a funeral some 18 months earlier?

For the reasons set forth below, we shall affirm the judgment of the circuit court.

¹ Mr. Flamer testified that he had prepared a durable power of attorney for Mrs. Flamer to sign in May 2020 at the recommendation of her doctor, who suggested that he do so “as soon as possible before the disease or the situation progressed.”

FACTUAL AND PROCEDURAL BACKGROUND

I.

The Guardianship Petition

In his petition for guardianship, Mr. Flamer alleged that Mrs. Flamer suffered from dementia and Alzheimer’s disease, which resulted in a “loss of higher intellectual functioning, and loss of cognitive function and memory loss.” As a result, Mrs. Flamer required assistance with activities of daily living.² The petition alleged that Mrs. Flamer’s son, Mr. Wiggins, and his wife, Janell Wiggins, “conspired . . . to remove Sheryl W. Flamer from her home . . . for the sole purpose of exploiting her for her finances.” Specifically, it alleged that, since 2021, Mr. Wiggins facilitated an application for social security benefits on Mrs. Flamer’s behalf and repeatedly used her financial accounts, resulting in numerous overdrafts.

Mr. Flamer sought to be appointed as the guardian of Mrs. Flamer’s person and property, asserting that her conditions rendered her incapable of living in an independent environment, effectively managing her affairs, or making and communicating responsible decisions. He alleged that Mrs. Flamer was unable to protect herself from exploitation and manipulation due to her vulnerable state.

The petition alleged that, since moving to Mr. Wiggins’ home, Mrs. Flamer had been isolated from her family. Mr. Wiggins had prevented Mrs. Flamer from

² At the time of the hearing to change her residence in 2023, Mrs. Flamer was 68 years old.

communicating with her husband and her sister, Ms. Green, and he had canceled her cellphone number to restrict contact with friends and family.

II.

The Guardianship Proceeding and Appointment of a Guardian

On September 15, 2021, the court held a hearing on the guardianship proceeding. During the hearing, Mrs. Flamer stated that, “if [she was] going to live with anyone,” it would be with Mr. Wiggins and his wife. She stated that she trusted them with her life because they knew each other well. She testified that she loved Ms. Green, would “always love her and will continue to love her, it’s as simple as that.” She stated that she was divorced from Mr. Flamer, but she did not remember the reason for the divorce.

Mr. Flamer testified that he and Mrs. Flamer got married in May 2000, and they were still married. With the exception of a break in 2005, they had lived together for 21 years until January 6, 2021, when Mrs. Flamer left to go to her son’s house. That day, Mrs. Flamer told Mr. Flamer that she and Mr. Wiggins were going to get something to eat. The receptionist for the building where the Flamers lived then called and said that Mrs. Wiggins was there for Mrs. Flamer, who then went downstairs without her coat, keys, or phone. A short while later, Mr. Flamer went downstairs to check on her and realized that she was gone. He then called Mr. Wiggins, who said she was at his house, and he was not sure how long she would be there. Mr. Wiggins then asked if it “would it be a problem if she doesn’t come back at all.” The next day, on January 7, Mr. Flamer called Mr. Wiggins and spoke with Mrs. Flamer, and she told him that she would be at the Wiggins’ home until January

8, 2021. Mrs. Flamer did not return home on January 8. Mr. Flamer did not have the opportunity to speak with Mrs. Flamer again until she saw him in court for the September 15, 2021 hearing. Mrs. Flamer walked up to Mr. Flamer in the court hallway and said: “I think I know you.”

A couple days after January 6, when Mr. Flamer realized that Mrs. Flamer would not be coming back home, he dropped off Mrs. Flamer’s purse and cellphone at Mr. Wiggins’ home. Mr. Flamer did not get to see Mrs. Flamer when he dropped off her things. Mr. Wiggins did not invite Mr. Flamer into his home, nor did Mr. Flamer ask to go inside.

After January 6, Mr. Flamer exchanged a couple of text messages and phone conversations with Mr. Wiggins until he stopped taking his calls. After approximately one month, Mr. Flamer suggested that he and Mr. Wiggins meet with Mrs. Flamer’s other children to “talk about a plan” for Mrs. Flamer to spend time with her other family members. Mr. Wiggins said that “he would relate that to his mother,” but Mr. Flamer never heard back from him. Around the time Mr. Flamer filed for guardianship of Mrs. Flamer, Mr. Wiggins stopped answering his messages.

Mr. Flamer testified that he felt it was necessary to file for guardianship because there needed to be a resolution to Mrs. Flamer “not being at her home” and “not being able to communicate or not communicating” with Mr. Flamer and her sisters. Mr. Flamer did not think it was in Mrs. Flamer’s best interests to stay in the Wiggins’ household because he did not think she was provided the same comforts as she had in his home, and he did not know if “the care that she needs or possibly could need would be accessible if she stays

in their home.” Additionally, Mr. Flamer did not want Mrs. Flamer to be taken advantage of because, based on his experience, “it seemed like she was being the financial support for that home.” Mr. Flamer noted that he found numerous X-box charges on Mrs. Flamer’s bank account when reviewing her statements.

Shortly after Mrs. Flamer started living with Mr. Wiggins, Mr. Flamer began restricting Mrs. Flamer’s funds because of his “responsibility with the power of attorney to preserve and protect her financial affairs.” Mr. Flamer also continued to pay for her Medicare and supplemental insurance, dental insurance, and long-term care policy.

Mr. Flamer testified that, if he were to be appointed as Mrs. Flamer’s guardian, he would

provide an opportunity for her to have a rental, a three bedroom apartment fully furnished that would be hers, and during a four to six month period of time, I would like for her to work with me to find a three bedroom condominium that would provide her with the same level of comfort and accommodations, and again something that would be hers and she would be making the decisions about who she can call, who she can invite over, just to be able to do that as a part of her life.

Mr. Flamer believed that Ms. Green would be the ideal person to live with Mrs. Flamer because of their supportive relationship. He explained the financial and logistical arrangements he had in place to support this arrangement, including a long-term care policy that could provide professional home care as often as necessary, and his moral commitment to covering all related expenses to ensure Mrs. Flamer’s care for the rest of her life.

Ms. Green testified that she would make sure that Mrs. Flamer was cared for, including attending medical appointments. She expressed doubt about Mr. Wiggins’ and

his wife's capability to oversee Mrs. Flamer's long-term care. Mr. Wiggins had not maintained steady employment because "he didn't get along with people." She did not think the Wiggins were the proper people to oversee Mrs. Flamer's health and finances because:

I don't think at this point they understand where she is right now, it's not where she's going to stay, that she needs -- she will need long term supervision at first, and then long term care and I don't see them being the ones -- I don't see them having the capability to do that.

Mr. Wiggins testified that Mrs. Flamer came to live with him because "she wanted to move on, she wanted to be happy, [and] she wanted to move away from [Mr. Flamer]." He stated that Mrs. Flamer had been in an unhappy marriage for more than ten years due to Mr. Flamer's alleged infidelity, controlling behavior, and unkindness, and Mrs. Flamer first expressed interest in moving out of her home with Mr. Flamer in early 2020. He testified that, when Mrs. Flamer came to live with him on January 6, 2021, her clothes were filthy. Mr. Wiggins also described the living arrangements in his home, where Mrs. Flamer had her own room, and he testified that he or his wife took her to medical appointments.

Janelle Wiggins, Mr. Wiggins' wife, testified that Mrs. Flamer's social security income was deposited into her own account and was used sparingly for personal expenses, emphasizing that Mrs. Flamer's money remained hers and was not used for household expenses. She detailed the medical care provided to Mrs. Flamer, including visits to a gynecologist, eye doctor, neurologist, and neuropsychologist. She also testified that, when they picked up Mrs. Flamer in January 2021, she was in poor physical condition, with dark circles under her eyes, brittle hair, and dirty clothing.

Mrs. Flamer testified again during Mr. Wiggins' case-in-chief. Despite expressing that she did not want a guardian, Mrs. Flamer testified that, if one were appointed, her preference was that it be her son, Damon Wiggins, and his wife.

Janice Dameron, one of Mrs. Flamer's four sisters, testified that, although Mr. Wiggins' "heart [was] in the right place," she did not believe that he and his wife were "capable of taking care of [Mrs. Flamer] in the long term." She thought a placement with her sister, Ms. Green, with Mr. Flamer's support, was appropriate.

The court began its ruling by stating that this was "an extraordinarily difficult case," both legally, because the determination was whether a guardianship was necessary, and "emotionally and psychologically, because of the family dynamics that [were] at play in this case." The court found that, although Mrs. Flamer had been well-cared for, she was a vulnerable adult, and she needed a guardian for her person due to her dementia resulting from Alzheimer's disease. The court credited Mrs. Flamer's testimony that she wanted to live with Mr. Wiggins and his family. It did not credit the allegations of financial exploitation.

The court then discussed the events of January 6, 2021. It stated:

What happened on January 6th is unacceptable. Unacceptable in the sight of the law. I understand that there are times in situations of abuse when it's necessary to intervene and act with subterfuge and remove someone from such a situation, but this was not such a situation.

And Mr. Wiggins and Ms. Wiggins, you did not help yourselves by participating in that conduct. There's an adult way to approach such a thing, which is to talk about a perception of your mother's unhappiness and talk with her husband about what should be done about it and figure out a solution, other than plotting to figure out a way to remove her from the home.

That action was then exacerbated by conduct over months since. It is simply not acceptable to take up sides and affect the relationships around a person who is ill for self-interest.

Now, that's not entirely one-sided. I've seen from the limited evidence, I've seen some indications of it from other parties, but it is primarily, I think, a designed isolation of Ms. Flamer during that period and exercise of control and that is a very significant concern of mine in what to do in this case.

With respect to appointing a guardian of the person for Mrs. Flamer, the court declined to appoint Mr. Flamer as guardian because a primary issue was whether Mrs. Flamer wanted to continue with the marriage. It also declined to appoint Mr. Wiggins as guardian of the person because he had shown poor judgment in the way he had handled the situation since taking his mother from her home, he had shown partisanship that was not in Mrs. Flamer's best interest, and the court thought he would use his authority "to solidify his control over his mother."

The court appointed Ms. Green as guardian of the person, noting her sincerity and closeness to her sister. Because the court thought that it was not in Mrs. Flamer's best interest to change her living arrangement, the court ordered that Mrs. Flamer remain living with the Wiggins family "at least until a review hearing in 90 days." The court stated, however, that Mrs. Flamer's other family members must have access to her. The court noted:

I can't put this family in therapy, so I can't change relationships. It's mysterious to me that there's always been some tension between Mr. Wiggins and Mr. Flamer that has never been bridged to a closer -- you know, clearly, Mr. Flamer freely admitted the relationships of the sisters and clearly he had no problem with his wife interacting extensively with the Wiggins family one-on-one, but there just doesn't seem to have been any relationships beyond that for him and that's part of the problem at this point.

On September 27, 2021, the circuit court issued an order appointing Ms. Green as guardian of the person. It ordered that, “pending further review by the Court, the Guardian of the Person shall not change the disabled person’s place of residence with her son, Damon Wiggins, in Gwynn Oak, Maryland,” and “the Guardian of the Person must obtain Court approval for changing the classification of abode of the disabled person.”

III.

Subsequent hearings leading to the change of residence

The court held hearings on November 30, 2021, January 10, 2022, March 24, 2022, July 29, 2022, December 2, 2022, March 30, 2023, and October 6, 2023. We will discuss only those relevant to the issue on appeal.

On November 30, 2021, the court held a hearing in response to Mr. Flamer’s and Ms. Green’s Motion/Request for Emergency Conference Status. The motion requested that “Mrs. Flamer be removed from the Wiggins home” and be allowed to live with Ms. Green in a condominium purchased for Mrs. Flamer. Counsel for Mr. Flamer and Ms. Green stated that Ms. Green’s visits to Mrs. Flamer had been challenging, noting that Ms. Green, on one visit to the Wiggins’ home, waited at the door for 45 minutes, even though she could “see people moving around” inside. Additionally, there had “been times when the door ha[d] been slammed in her face.” Counsel for Mrs. Flamer argued that, from Mrs. Flamer’s perspective, trips were “sprung upon her,” and her son should not have to force her to go somewhere that she did not want to go. Between the end of September 2021 and

November 27, 2021, Ms. Green had fifteen visits with Mrs. Flamer, but eight of those visits were less than ten minutes long.

Most of Ms. Green's visits with Mrs. Flamer at the Wiggins' home had gone "extremely well." They were happy to see each other and laughed. Ms. Green explained, however, that when she asked Mrs. Flamer if she wanted to go to lunch or go shopping, Mrs. Flamer was not interested. Ms. Green was unable to get Mrs. Flamer "off the front porch."

On October 29, 2021, Mrs. Flamer was scheduled to attend her father's 91st birthday party with Ms. Green and their other sister, Treva. They had planned to pick Mrs. Flamer up from the Wiggins' house and spend the weekend in Virginia. When they arrived, however, Mrs. Wiggins informed them that Mrs. Flamer did not want to go, and they could not "force her to go." Mrs. Flamer then stated: "I'm not going. You can't make me." Ms. Green responded: "I could make you. I have the court order. I could call 911 and make you go with us, but since it is dad's 91st birthday, this weekend is about dad. It's not about either one of us, so I'm going to let it go for today." Mrs. Wiggins testified that she told Ms. Green that "as the guardian you are supposed to make sure that her wellbeing is taken care of. Forcing her to go somewhere that she wasn't -- doesn't want to go has nothing to do with her well-being."

At the end of the hearing, the court noted that the "animosity and tension" between the family members was palpable, and Mrs. Flamer would inevitably "absorb the conflict and the attitudes." It found that the "indications that she has lost trust in her sisters is a

good indication of how that has influenced her in this entire case.” It found, however, that Mr. Flamer had not shown, at that point, a basis to grant a change in where she was living. Accordingly it denied the request to change Mrs. Flamer’s residence.

The court encouraged the parties, however, to make an effort to communicate together to get Mrs. Flamer to do things. With respect to Ms. Green’s testimony that she was unwelcome in the Wiggins’ home, the court stated:

Winter is here. Visits on the porch are no longer acceptable. We may be in unusually good weather, but that’s just not going to be a viable option and it may be that Ms. Flamer continues to be unwilling to leave the house for some period of time.

The Wiggins and Ms. Green should talk to each other. If it takes Mr. Wiggins, you saying, “I was wrong and you are permitted to come into the house because these visits have to occur indoors,” then you better do it.

And Ms. Green, if you were insulted by that statement before, you better overcome it. Because unless Ms. Flamer becomes interested in going out to lunch, and I would encourage it, or interested in going to your home for an afternoon, then I would encourage it, then there need[s] to be, continue to be, these visits at home.

Additionally, the court stated:

I still think that the Wiggins’ household is the best place for Ms. Flamer to live, but I am still concerned that that puts her under the influence of two parties who want to reinforce this conflict. And again, the incident with the birthday party to me is an illustration of that, is too easily accepting the outcome that you want without encouraging the other option.

On March 24, 2022, during a subsequent hearing, Mr. Wiggins stated that he encouraged Mrs. Flamer to go out with Ms. Green and “anyone else.” He explained, however, that when Mrs. Flamer

doesn’t want to go, she doesn’t want to go. And a lot of times -- the day leading up to [Ms. Green] coming, a lot of times, [Mrs. Flamer] would -- I

would call it -- and have, like, anxiety. She would get upset. And I don't know if it's the condition, that she don't' [sic] want to do it, or -- she gets upset. So if she doesn't want to go, it's -- you know, it's sensitive. I can't explain it any more than that.

On April 21, 2022, Mr. Flamer filed an Emergency Motion for Expedited Hearing and Ruling in Connection with Upcoming Funeral Services for Ward's Mother. He alleged that Mr. Wiggins had indicated that Mrs. Flamer may not attend the funeral of her mother because, among other reasons, her "doctor stated that she should not attend" and Mrs. Flamer was "having a hard time sleeping." Mrs. Flamer's doctor, however, denied saying that and stated that he thought that it would be good for her to attend.

On April 29, 2022,³ based on the parties' agreement, the court ordered that:

1. Respondent Sheryl W. Flamer will attend the services and other family events for her mother's death in Virginia on April 30 and May 1, 2022.
2. **The Guardian of the Person, Bernadette Green, and/or other family members will make arrangements for transportation** of Respondent Flamer to and from Virginia and for her lodging in Virginia.
3. **All parties will communicate and cooperate to carry out the arrangements**, including encouraging Respondent Flamer to make the trip. The Guardian of the Person will keep Damon and Janelle Wiggins informed of the planned time for departure and expected time of return and of any change in plans if a change is necessary.

(Emphasis added).

On July 29, 2022, the court held a status conference to discuss the need for a care manager. Mrs. Flamer was having ongoing medical issues, including recurring dental

³ The court order states that the court conducted a conference by remote electronic means on April 28, 2022. There is no transcript of this proceeding in the record on appeal.

problems. The parties agreed to get recommendations for a geriatric care manager to help manage Mrs. Flamer's care.

Mrs. Flamer's counsel stated that Mrs. Flamer's transportation to her mother's funeral did not take place in the manner "counsel had all understood" that it would. Counsel for Ms. Green and Mr. Flamer stated that the order directed that Ms. Green would travel with Mrs. Flamer to the funeral. Instead, she was transported to the funeral by her other sons, Shane and Jay, and Ms. Green was told the day after the order was made that Mrs. Flamer's sons would be transporting her to the funeral. Counsel for Mr. Wiggins stated that his understanding was that Mrs. Flamer's son offered to drive Mrs. Flamer to the funeral, and "Ms. Green accepted it."

The court stated:

it does give me pause because the agreement and what I put in an order was [] this event Ms. Green is making the arrangements. And if I heard that Ms. Green decided okay, the best way to do this is one of the other sons does the transportation, that's fine. But if it was presented to her as oh, new arrangement, and just because it's not Damon Wiggins it's okay, that isn't okay because the agreement was Ms. Green is in charge of this.

And so, you know, it's good that she made it to the funeral, that there wasn't some conflict over it, and but it's just interesting that even these extremely minor simple things are marked by wrestling with control over who's going to be calling the shots.

IV.

Change of Abode

On August 25, 2023, Ms. Green and Mr. Flamer filed a petition for a change of abode, requesting that Mrs. Flamer be permitted to move into a condominium with Ms.

Green. The petition alleged that Mr. Wiggins was controlling toward Mrs. Flamer, resulting in her “missing out on spending time with her family and friends.”

Mr. Wiggins filed an opposition to the petition, denying “the allegations and insinuations that he has been somehow exercising undue influence or improper control over his mother.” He alleged that Ms. Green regularly visited Mrs. Flamer, Mrs. Flamer’s friends had visited, and her children had visited her in Mr. Wiggins’ home. Mr. Wiggins asserted that Ms. Green was attempting to relitigate matters previously addressed by the court, and she had not presented any new evidence, aside from speculation, to support a change of abode.

On November 9, 2023, the court held a hearing on the petition. Several witnesses testified.

A.

Ann Arrington

Ann Arrington, an Aging Life Care Manager at Marcordia, was hired to assist counsel in finding the best living options for Mrs. Flamer. Ms. Arrington observed that Mrs. Flamer “has a lot of people that love her,” and “she has had a very robust life.”

Ms. Arrington prepared a report based on her visits with Mrs. Flamer, Ms. Green, and Mr. Wiggins. To assess Mrs. Flamer’s living conditions at the Wiggins’ home, Ms. Arrington conducted two home visits. During these visits, she observed the living room, but she did not see Mrs. Flamer’s bedroom or any upstairs areas. Mr. Wiggins advised her that Mrs. Flamer had her own bedroom and access to a bathroom.

Ms. Arrington expressed concerns about the suitability of Mr. Wiggins' home for Mrs. Flamer's health needs. She noted that, "as her disease progresses, if her mobility becomes impaired there are many stairs up into the home, there are many people in the home, there's toys," which could present "a fall hazard [or] tripping hazard." Ms. Arrington testified that Mrs. Flamer's dementia was "very significant," and her needs at that time included maintenance, ensuring her safety, and being in an area that "promotes her ability to walk safely and on an even surface." As the disease progressed, however, Mrs. Flamer's mobility would likely become impaired, making it difficult to navigate stairs and tight spaces.

Ms. Arrington testified that "quality of life is the most important," and it was important to have access to all the people in her life. She recommended that Mrs. Flamer move to a secure condominium with Ms. Green because the condominium would provide a "more open environment, a simpler environment, a calmer environment." The condominium was located on the first floor of a gated community with a doorman, and it featured open hallways and rooms, ample space for potential future medical equipment, and accommodations for mobility challenges, making it an ideal environment for Mrs. Flamer to age in place. Additionally, if Mrs. Flamer lived with Ms. Green, the guardian of the person, Ms. Green would be better positioned to ensure proper medical care in a setting where caregivers could provide consistent support. Ms. Arrington was concerned about Mrs. Flamer remaining at Mr. Wiggins' home because, although Ms. Green was responsible for medical decisions, she lacked daily access to ensure treatment compliance

due to limited communication with Mr. Wiggins. There had been times where Ms. Green took Mrs. Flamer for medical treatments, and Ms. Green was unable to answer questions about follow up care. If Ms. Green was not living with Mrs. Flamer as the disease progressed, she would not be able to follow through on treatment recommendations. If Mrs. Flamer got to the point where she could not leave the home, she would become isolated because, based on Mr. Wiggins' "open hostility and unwillingness to have other people in her life," people would stop visiting.

B.

Bernadette Green

Ms. Green testified that she typically visited Mrs. Flamer four or more days a week at the Wiggins' home to assist Mrs. Flamer with medical appointments and personal care. It was difficult for her to discuss Mrs. Flamer's living conditions at the Wiggins' home because she did not go inside the house due to Mr. Wiggins not wanting her there. Ms. Green communicated with Mr. Wiggins about Mrs. Flamer only by text message because that is what he preferred.

Over the past two years, Mrs. Flamer's mental capabilities had regressed. She had to be specifically told every step that she needed to take when going out. There had been instances where she was not able to freely interact with her family. For example, Mrs. Flamer "was not allowed to sit with the family" at their mother's funeral, and Ms. Green did not see Mrs. Flamer at the funeral. When Mrs. Flamer's sons brought her to the funeral, they did not sit in the reserved seating section with the rest of the family. The family was

not notified that Mrs. Flamer was not going to join them in entering the funeral and sitting together. Mrs. Flamer also was not seen at the burial or repast after the funeral.

Ms. Green testified that, although the court had ordered that she bring Mrs. Flamer to their mother's funeral, Ms. Green was informed by Mr. Wiggins that Mrs. Flamer would not be going with her; "she was being taken to the funeral." Ms. Green responded to Mr. Wiggins that she was the one who was to take Mrs. Flamer to the funeral, but the court was closed, so she could not enforce the order. Mrs. Flamer's sons, Jay and Shane, brought her to the funeral.

Ms. Green testified that a change in abode was necessary for Mrs. Flamer's safety. She believed the condominium was more suitable than the Wiggins' home because it offered more safety features. Specifically, the condominium was in a gated community, there was a concierge at the front desk, locked doors between the lobby and outside, cameras on the whole property, and no steps. Living in the condominium would enhance Mrs. Flamer's ability to visit with friends and family because "all are welcome." It would facilitate Mrs. Flamer's independence and autonomy because "she can move around on her own," and "if she wants to listen to music or she wants to nap . . . her space is there." At the condominium, Mrs. Flamer danced, sang, and was happy. In contrast, Ms. Green had witnessed Mrs. Flamer unhappy at the Wiggins' home. When Ms. Green picked her up from the Wiggins' home, Mrs. Flamer would often answer the door crying, grab and hug Ms. Green, and tell her how glad she was to see her. Mrs. Flamer was showing signs of unhappiness, stress, and anxiety while living at the Wiggins' home.

C.

Janice Dameron

Janice Dameron, Mrs. Flamer's sister, was the youngest of the eleven siblings. She and Mrs. Flamer had always been close. She testified about the potential benefits of Mrs. Flamer moving to the condominium, including that the move would improve Mrs. Flamer's social interactions by allowing visits from people who had been unable to see her while she was living with Mr. Wiggins. Ms. Dameron explained that Mrs. Flamer was experiencing limited social interaction at the Wiggins' home because "people don't come because nobody wants to get into any type of altercations." She noted that Mr. Wiggins could occasionally have a temper. Additionally, she testified that the condominium would provide a more suitable environment for managing Mrs. Flamer's dementia, offering more space and making it easier to bring in care providers.

D.

Shane Wiggins

Shane Wiggins, Mrs. Flamer's son and Mr. Wiggins' brother, testified that there had been no obstructions to his ability to visit Mrs. Flamer. When he visited Mrs. Flamer at the Wiggins' home, she was always in a good mood. Mrs. Flamer had no issues going up or down stairs, and there had not been any risk of her wandering off. He was not aware of anyone who had not visited Mrs. Flamer at the Wiggins' home who would go to see her if she moved to the condominium.

Shane testified that he and his brother Jay brought Mrs. Flamer to her mother's funeral. He was not aware that the family was supposed to walk in together, and there was no communication from family members about any expectations of him. He and Mrs. Flamer paid their respects and then sat down together and talked with his brother Jay and people from the other side of their family.

E.

Janelle Wiggins

Mrs. Wiggins testified that Mrs. Flamer's disease had progressed since moving in with the Wiggins family. Mrs. Flamer's memory was deteriorating, and she required assistance with daily activities and personal care, often needing reminders to complete them. Mrs. Flamer had not experienced any issues with using the stairs or wandering off. To ensure Mrs. Flamer's safety, she and her husband had implemented several measures, including a doorbell camera, automatic door locks, and not leaving Mrs. Flamer home alone.

F.

Damon Wiggins

Mr. Wiggins testified that multiple family members and Mrs. Flamer's best friend had visited Mrs. Flamer at his home. When Mrs. Flamer's visitors came over, they usually sat outside in the backyard. He was not aware of anyone who wanted to visit Mrs. Flamer at his home but was unable to do so. He testified that he never told Ms. Green that she was not welcome inside his home.

Mrs. Flamer's memory and ability to express herself had declined, but she had not experienced any physical decline. If Mrs. Flamer began having issues with the stairs, they "would have to figure that out." He testified that his mother had enough space in his home, and there was no reason to change her place of abode.

G.

Circuit Court's Decision and Order

In rendering its oral ruling, the court began by noting that

[Mrs. Flamer's] actual living situation now and the proposed living situation that has been advanced by the Guardian Of The Person are perfectly acceptable arrangements.

That is, I do not find that there is any present deficiency in either the living environment or in the care that Ms. Flamer is receiving living in the Wiggins household.

There certainly are comparative advantages to one over the other, but I do not find that there's any current risk to Ms. Flamer or current deficiency in the way she is being cared for."

The court stated that the evidence at the hearing confirmed its initial determination that Ms. Green was the appropriate person to serve as guardian of the person. With respect to the initial decision to have Mrs. Flamer continue to reside with Mr. Wiggins, however, the court stated:

I took a chance when I entered the original orders and it might be characterized as a mistake now either in hindsight or maybe even a mistake at that time of separating the authority of the Guardian Of The Person in Ms. Green from the custodial arrangement or the living arrangement for Ms. Flamer by having her continue to live in Mr. Wiggins' and Ms. Wiggins' household. And my hope at the time was that the passage of time might improve that situation and begin to heal the dynamic in the family which was evident at that time.

Unfortunately, I don't think that that has happened completely. I don't want to suggest that I'm not giving credit to the family members for improvement. I think there has been improvement particularly in the last year, but it is striking to me that we are still litigating the funeral visit. We are still litigating various conflicts that have occurred over the last two years, and I can see improvement over that period but I don't see that the situation has resolved.

The court stated that it would not comment on all of the evidence presented, but it noted that Ms. Arrington's testimony was "not particularly helpful" because she did not physically see the bedroom where Mrs. Flamer was living in the Wiggins' home, which detracted "from her credibility in terms of the thoroughness of her evaluation." Some of her opinions were outside of her expertise, and the court did not give her recommendations much weight.

The court found that, with respect to physical space, the condominium was preferable. It would avoid future mobility issues, had more space, and had fewer people living in the space. Additionally, the condominium provided a "more protected environment" should wandering become a risk for Mrs. Flamer.

The court found that all of the family members were valuable to Mrs. Flamer and her quality of life, but unfortunately, the rift in the family had not healed in the way that the court had hoped it would. The court expressed reluctance to relitigate "the funeral issue," but it stated that it did not believe either son's testimony and expressed that its order was "not followed in full." It explained:

The order says that Ms. Flamer is to attend the funeral and other family events, and I do not find it credible for Shane Wiggins who was there to say well, we weren't aware of what else was going on.

When you go to a major family funeral that has to be held in a high school auditorium and you don't realize the family is going to have a preferred position in the funeral, I just do not find that to be credible.

And while I agree that Ms. Green agreed that Shane and Jay, I think is his name, the other brother, the other son, that she agreed to have them transport Ms. Flamer at the last minute, there should have been more attention from Damon Wiggins to the fact that *this had been a litigated matter that I had decided with Ms. Green making the arrangements for the transportation.*

If that were an isolated event and far in the past, it would have little significance to me but to me, it signifies as late as April of last year, the ongoing tension and the ongoing efforts of Damon Wiggins to control the way things happened with his mother, not to stop it, not to resist it altogether, but to exercise that level of control.

Again, I don't fault only him but it is amazing to me that to this day, there is this standoff between I'm not welcome in the house, I don't go into the house, he has to relent, he has to invite me in. I mean, there's no question in prior proceedings Mr. Damon Wiggins expressed the idea that Ms. Green was not welcome to come into his house. I thought I had dealt with that, but it persists as an issue in this relationship.

(Emphasis added).

The court stated that it was a "delicate balance," but it was going to grant the petition for a change in abode. It ordered that Mrs. Flamer's "place of abode will shift to the condominium that has been provided by Mr. Flamer financially and is being lived in and will be lived in by the Guardian Of The Person." The court explained:

The most important factor to me which is in a sense undoing what may have been my own mistake, is that it makes sense to unify the Guardian Of The Person with the person who is exercising daily custodial responsibility for Ms. Flamer that has a preference in terms of her medical care, in terms of knowing where she lives and what her day-to-day situation is.

(Emphasis added).

On November 9, 2023 the court issued its order approving the change of abode. The order stated that, “[b]ased on the evidence presented and the Court’s knowledge of the prior proceedings in this action,” it was in the best interests of Mrs. Flamer to change her abode to the condominium purchased by Mr. Flamer. It ordered that the move be completed no later than January 5, 2024.

This appeal followed.

DISCUSSION

Mr. Wiggins contends that the circuit court erred and abused its discretion when it changed Mrs. Flamer’s residence from Mr. Wiggins’ home to the condominium. He argues, first, that the decision was based on “stale evidence” because the “only facts relied upon by the trial court in its decision to change [Mrs. Flamer’s] residence on November 9, 2023 concerned events which had taken place on April 30 and May 1, 2022.” Second, he contends that the court’s factual finding that it previously had ordered Ms. Green to make transportation arrangements for Mrs. Flamer to attend her mother’s funeral was clearly erroneous. Accordingly, he argues that the court’s decision should be vacated.

Mr. Flamer and Ms. Green contend that the trial court’s order changing the abode of Mrs. Flamer was neither an abuse of discretion nor clearly erroneous. They assert that Mrs. Flamer’s “mental capacity was diminishing at a rapid rate due in part” to the Wiggins’ isolation and manipulation of her. They argue that the court, after a review of all the circumstances, properly exercised its discretion in ruling that it was in Mrs. Flamer’s best interest to relocate her “to a condominium where she could be with the designated court

appointed Guardian of Person, Ms. Green, daily caregivers to support her medical needs, have free access to all family members and persons that care about Mrs. Flamer and space to visit with all her grandchildren.”

We review a circuit court’s decisions regarding guardianship for an abuse of discretion. *See Kicherer v. Kicherer*, 285 Md. 114, 119 (1979). “The exercise of a judge’s discretion is presumed to be correct, [the judge] is presumed to know the law, and is presumed to have performed his duties properly.” *In re Adoption of Jayden G.*, 433 Md. 50, 87 (2013) (quoting *Smith v. Johns Hopkins Cmty. Physicians, Inc.*, 209 Md. App. 406, 425 (2013)). An appellate court reviewing for an abuse of discretion “will only disturb a court’s ruling if it ‘does not logically follow from the findings upon which it supposedly rests or has no reasonable relationship to its announced objective.’” *Id.* (quoting *King v. State*, 407 Md. 682, 697 (2009)).

I.

Stale Evidence

Mr. Wiggins contends that the circuit court erred and abused its discretion in changing Mrs. Flamer’s residence because the sole basis for the decision was evidence relating to Mrs. Flamer’s attendance at her mother’s funeral, which he argues was “stale.” Mr. Flamer and Ms. Green contend that this argument is flawed, asserting that the court relied on multiple factors in determining that it was in Mrs. Flamer’s best interest to live in the condominium with Ms. Green, the guardian of her person.

Mr. Wiggins cited several cases in his brief, which he states support “[t]he principle that court action must be based upon events which have occurred in the not too distant past.” These cases, however, are inapposite on the facts here. Two of these cases, *Rohrer v. Humane Society of Washington County*, 454 Md. 1, 42-43 (2017), and *Lee v. State*, 47 Md. App. 213, 219 (1980), discussed stale evidence in the context of taking possession of an animal based on animal cruelty and probable cause for a search warrant. *Dobbyn v. Dobbyn*, 57 Md. App. 662, 674-75 (1984), a divorce case, involved the value of investment accounts, and we held that, when dividing property according to an absolute divorce, the accounts should be valued from the time of liquidation or the date the parties were granted an absolute divorce, not from the date the initial divorce complaint was filed.

In those cases, the timing of the evidence was more critical to the decision at issue. In a guardianship proceeding, however, the court’s concern is with the best interest of the person in need of a guardian. *See e.g., Wentzel v. Montgomery Gen. Hosp., Inc.*, 293 Md. 685, 702 (1982) (a court of equity assessing guardianship over persons with a disability may afford the relief necessary to protect the disabled individual’s best interest); *Meek v. Linton*, 245 Md. App. 689, 722-23 (2020) (a statutory preference in the appointment of a guardian “*is always subject to the overriding concern of the best interest of the ward*”) (quoting *Mack v. Mack*, 329 Md. 188, 203 (1993)).

Here, the circuit court’s decision to consider the full range of circumstances surrounding the family’s relationship with Mrs. Flamer was entirely appropriate. In that context, i.e. guardianship, the totality of the circumstances is the relevant inquiry.

Although the court did note that it was “striking” that the parties were “still litigating the funeral visit,” which had occurred more than a year prior to the decision at issue, it discussed this event in conjunction with its finding that conflicts in the family’s dynamics had been present for a long period of time and still had not resolved. The court noted that, reviewing all the evidence, after years of hearings, the conflict in the family had not resolved, and based on that and other factors, it found that it would be in Mrs. Flamer’s best interest to reside in a residence with the guardian of her person. We perceive no error or abuse of discretion by the circuit court in this regard.

II.

Erroneous Factual Finding

Mr. Wiggins next contends that the court’s decision was based on clearly erroneous evidence because it erroneously recalled the contents of its prior order regarding Mrs. Flamer’s transportation to her mother’s funeral. He argues that the court thought that it had ordered that only Ms. Green was to make the transportation arrangements, but the order itself shows that was factually incorrect.

Mr. Flamer and Ms. Green did not directly address this contention in their brief. At oral argument, however, counsel stated that the court’s factual finding that Ms. Green was responsible for transporting Mrs. Flamer to the funeral was not clearly erroneous. Counsel stated that “all parties agreed” that Ms. Green would transport Mrs. Flamer to the funeral. She argued that the order meant that Ms. Green, as the guardian of Mrs. Flamer’s person, would arrange for the transportation, but that did not happen.

“[W]e give deference to the factual findings of the trial judge and will reverse only for clear factual error. A factual finding is clearly erroneous if there is no competent and material evidence in the record to support it.” *Hoang v. Hewitt Ave. Assocs., LLC*, 177 Md. App. 562, 576 (2007) (internal citations omitted).

Here, the court stated that its prior order provided for Ms. Green to make the arrangements for Mrs. Flamer’s transportation to the funeral. The actual order, however, stated: “The Guardian of the Person, Bernadette Green, *and/or other family members* will make arrangements for transportation of Respondent Flamer to and from Virginia and for her lodging in Virginia.”

The circuit court’s finding that it had previously decided that Ms. Green, and not other family members, would transport Mrs. Flamer to her mother’s funeral was clearly erroneous. We note, however, that the order further stated that “[a]ll parties will communicate and cooperate to carry out the arrangements,” which the court found, and the facts supported, did not happen.

That the court made an error in one factual finding does not automatically require reversal. “In a civil case, the party asserting error must show prejudice.” *Md. Dep’t of Health v. Myers*, 260 Md. App. 565, 613, *cert. denied sub nom. Sanders v. Md. Dep’t of Health*, 487 Md. 267 (2024). If the error is not shown to be prejudicial, it does not warrant reversal. *Miller v. Mathias*, 428 Md. 419, 446 (2012). To justify reversal, an error must have been “both manifestly wrong and substantially injurious.” *Crane v. Dunn*, 382 Md. 83, 92 (2004) (quoting *Rotwein v. Bogart*, 227 Md. 434, 437 (1962)).

“In determining whether [the error] prejudicially affected the outcome of a civil case, the appellate court ‘balances the probability of prejudice from the face of the extraneous matter in relation to the circumstances of the particular case.’” *State Deposit Ins. Fund Corp. v. Billman*, 321 Md. 3, 17 (1990) (quoting *Harford Sands, Inc. v. Groft*, 320 Md. 136, 138-39 (1990)). “The focus of our inquiry is on the probability, not the possibility, of prejudice.” *Flores v. Bell*, 398 Md. 27, 33 (2007).

Here, Mr. Wiggins has failed to show that the court’s misrecollection of the exact words of the prior order was substantially injurious. Although the court highlighted the order, its comment was in the context of a discussion regarding the recurring family conflicts that had failed to resolve over the years. Based on all the evidence, the court determined that its prior decision to keep Mrs. Flamer in a residence apart from the guardian of her person was not working, and it was not in her best interest. The one factual finding regarding the court’s prior order was made in the context of an abundance of evidence supporting the court’s conclusion that it was in Mrs. Flamer’s best interest to live in the condominium with Ms. Green, the guardian of her person. Mr. Wiggins has failed to show prejudice, and we are not persuaded that reversal is required.

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE CITY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**