

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

NO. 2025-CA-00630-COA

**IN THE MATTER OF THE
CONSERVATORSHIP OF MELISSA ANN
BATEMAN: FRANKLIN E. JAMES AND DEAN
M. BATEMAN**

APPELLANTS

v.

**BRANDESS GANN NETTLES, THE GUARDIAN
AND CONSERVATOR**

APPELLEE

DATE OF JUDGMENT:	05/01/2025
TRIAL JUDGE:	HON. JOSEPH N. STUDDARD
COURT FROM WHICH APPEALED:	LOWNDES COUNTY CHANCERY COURT
ATTORNEYS FOR APPELLANTS:	TAMEKIA ROCHELLE GOLIDAY LATISHA NICOLE CLINKSCALES
ATTORNEYS FOR APPELLEE:	LAUREN ROGERS DUNN ROY GREGG ROGERS
NATURE OF THE CASE:	CIVIL - DOMESTIC RELATIONS
DISPOSITION:	AFFIRMED - 10/06/2026
MOTION FOR REHEARING FILED:	

BEFORE CARLTON, P.J., WEDDLE AND LASSITTER ST. PÉ, JJ.

CARLTON, P.J., FOR THE COURT:

¶1. Brandess Gann Nettles filed a petition in the Lowndes County Chancery Court seeking to be appointed conservator and guardian over her mother, Melissa Bateman, due to the extensive cognitive and physical injuries Melissa sustained in a car accident. The chancellor entered an order appointing Brandess as Melissa’s conservator and guardian.¹

¹ As we will discuss, Brandess and her sister, Shasta Varner, were originally appointed as Melissa’s co-conservators and co-guardians, but Shasta was eventually removed due to misconduct.

¶2. Several years later, Brandess sought emergency relief restricting Melissa’s boyfriend, Franklin James, and Melissa’s ex-husband, Dean Bateman (collectively, the Appellants) from visiting with Melissa. Brandess alleged that the Appellants caused both Melissa and Brandess to suffer mental and physical distress. The Appellants subsequently filed a motion to compel Brandess, in her role as Melissa’s conservator, to file an annual report, and a motion to appoint a guardian ad litem for Melissa.

¶3. After a hearing, the chancellor granted Franklin limited visitation with Melissa but prohibited Dean from exercising any visitation with Melissa. The chancellor also ordered Brandess to file an annual report regarding Melissa’s medical treatment and medical status. Based on the testimony and evidence, the chancellor found that it was unnecessary to appoint a guardian ad litem for Melissa.

¶4. On appeal, the Appellants argue that the chancellor erred by limiting their access to Melissa and that the chancellor abused his discretion by failing to appoint a guardian ad litem to represent Melissa’s interests.

¶5. After our review, we find no error. We therefore affirm the chancellor’s judgment.

FACTS

¶6. In June 2021, fifty-four-year-old Melissa sustained extensive physical injuries and a traumatic brain injury as the result of a motor vehicle collision. Approximately two months after the accident, Melissa’s adult daughters Brandess and Shasta (collectively, co-conservators) filed a petition to be appointed Melissa’s co-conservators and co-guardians pursuant to Mississippi Code Annotated sections 93-20-302 and 93-20-402 (Rev. 2021). In

the petition, the co-conservators asserted that Melissa's injuries from the accident affected her ability to receive and evaluate information or make or communicate decisions; as a result, Melissa was unable to manage her property or financial affairs. After a hearing, the chancellor agreed that Melissa was incapable of managing her personal and financial affairs, and in September 2021, the chancellor entered an order appointing Brandess and Shasta as co-conservators and co-guardians of Melissa.

¶7. In August 2023, the chancellor entered an order authorizing the co-conservators to accept a proposed settlement on Melissa's behalf relating to the June 2021 accident. Pursuant to the order, the net settlement amount was paid to "The Melissa Ann Bateman Special Needs Trust" (Melissa's trust).

¶8. After her accident, Melissa was hospitalized in a critical care unit and eventually transferred to different nursing facilities. The record reflects that Melissa became depressed while in the nursing home, so the co-conservators used funds from Melissa's trust to purchase (and furnish) a house for Melissa. The co-conservators also purchased a vehicle to transport Melissa to and from her medical appointments. Due to Melissa's physical and mental limitations, the co-conservators hired twenty-four-hour in-home care for Melissa.

¶9. At the time of Melissa's accident, she had been in a romantic relationship with Franklin for approximately seven years. After Melissa's accident, Franklin regularly visited Melissa and made efforts to aid in her rehabilitation and care. When Melissa moved from the nursing facility into the house, Franklin applied to work for the home healthcare company that provided Melissa's care, Help at Home. Franklin was eventually hired as a caregiver for

Melissa.

¶10. Dean Bateman, Melissa's ex-husband and Brandess and Shasta's father, also regularly visited and cared for Melissa after her accident. At the time of Melissa's accident, Dean and Melissa had been divorced for approximately thirty-five years, and they did not have a close relationship.

¶11. In March 2024, Brandess filed a petition to remove Shasta as Melissa's co-conservator and co-guardian, alleging that Shasta was improperly depositing Melissa's Supplemental Security Income (SSI) benefit checks into Shasta's personal checking account. After a hearing, the chancellor entered an order removing Shasta as co-conservator and co-guardian of Melissa, leaving Brandess as the sole conservator and guardian.

¶12. The record reflects that Melissa's caregivers eventually complained to Brandess that the Appellants made them uncomfortable and interfered with their duties for Melissa. The Appellants also arranged for an attorney from Disability Rights Mississippi to meet with Melissa, without Brandess's knowledge.

¶13. In January 2025, upon Brandess's request, the chancellor entered an emergency order enjoining the Appellants from contacting Melissa or entering onto her property. The order references Brandess's testimony to the chancellor that the Appellants continuously interfered with Melissa's medical care, contacted attorneys on Melissa's behalf without Brandess's knowledge or consent, brought an attorney into Melissa's home without Brandess's knowledge or consent, and caused mental and physical distress to Melissa. Brandess further testified that the Appellants' continuous interference had caused Brandess to suffer mental

and physical distress and made it difficult for Brandess to perform her duties and responsibilities as Melissa’s conservator.

¶14. In February 2025, the Appellants filed a motion to compel Brandess, in her role as Melissa’s conservator, to file an annual report and a motion to appoint a guardian ad litem for Melissa. In the motion, the Appellants asserted that Brandess failed to file the annual report required by Mississippi Code Annotated section 93-20-423 (Rev. 2021). The Appellants also made the following claims: Brandess denied Melissa medical care and treatment, which “severely hampered and restricted” Melissa’s well-being and her recovery from her injuries; Brandess had forced Melissa into “unhealthy and unwarranted seclusion”; and Brandess had isolated Melissa from her friends and family.

A. Hearing on Brandess’s Motion for Emergency Relief and Appellants’ Motion to Compel and Appoint a Guardian ad Litem

¶15. In March 2025, the chancellor held a hearing on Brandess’s emergency order and the Appellants’ motion to compel and appoint a guardian ad litem. The chancellor heard testimony from Brandess, Franklin, Dean, Melissa, and two of Melissa’s caregivers, Ophelia Green and Jada Douglas.

¶16. Brandess testified that after her mother’s accident, she and Shasta took steps to be appointed as Melissa’s co-conservators and co-guardians. Brandess explained that she did not want her sister to be a co-conservator and co-guardian, but Dean insisted that Brandess include Shasta. Brandess testified she eventually discovered that Shasta had been cashing Melissa’s SSI benefit checks and depositing them in Shasta’s personal bank account. After that, Brandess had to take legal action to remove Shasta as a co-conservator and co-guardian.

¶17. Brandess admitted that the Appellants had often been extremely helpful with providing care and assistance to Melissa. Brandess testified, however, that over time, the Appellants began interfering with Melissa's caregivers and medical care, making negative comments about Brandess, and disregarding Brandess's role as Melissa's conservator and guardian.

¶18. Brandess testified that prior to her becoming Melissa's conservator, her relationship with her father, Dean, was exceptional, and she described the two as very close. However, since Melissa's accident, Brandess's relationship with her father had changed drastically. According to Brandess, Dean told various family members, including Brandess's daughter, that Brandess was not doing her job as Melissa's conservator and that she was neglecting Melissa. Brandess testified that Dean's interference with her duties in caring for Melissa had caused "chaos," and she said that his negative comments were hurtful and put a strain on their relationship.

¶19. Brandess informed the chancellor about the circumstances leading up to her seeking the emergency order restricting the Appellants' visitation with Melissa. Brandess testified that Melissa's caregivers, Ophelia and Jada, had complained to her that Franklin often interfered while they performed their duties during shifts at Melissa's house. Ophelia and Jada also told Brandess that Franklin made them feel uncomfortable. Brandess explained that Melissa often became agitated with her caregivers when Franklin was present because Franklin made negative comments about the caregivers. However, when Franklin was not around, Melissa was compliant with her caregivers. Brandess described Melissa's caregivers

as amazing and helpful, stating that they loved Melissa and that Melissa loved them. Brandess expressed her concern that if Franklin continued to make the caregivers uncomfortable and unhappy during their shifts, they might quit and find other jobs.

¶20. Brandess testified that Dean also tried to interfere with Melissa's care, stating when Melissa was in the hospital, Brandess received a phone call alerting her that Dean had asked several hospital workers to go against Brandess's instructions and give him information about Melissa's treatment plan.

¶21. Brandess further accused Franklin of trying to control Melissa's emotions and opinions. Brandess testified that Franklin would make negative comments about Melissa's circumstances to Melissa, telling her that her house was a prison and complaining about the food and even the furniture. Brandess explained that Franklin's comments agitated Melissa and negatively affected her mood. Brandess stated that many times after she and Melissa would discuss an issue in person and come to an agreement, Melissa would later call Brandess and announce that she had changed her mind about whatever they had agreed upon. During these phone conversations, Brandess could hear Franklin in the background making comments to Melissa. Additionally, Brandess testified that she had personally observed Franklin express his anger whenever family would come visit Melissa, stating that he would throw his hands up and refuse to speak to or look at Melissa's family.

¶22. Brandess also testified about a time when Franklin took Melissa out of the nursing home and let her drive a vehicle through the parking lot. Brandess stated that Franklin videoed the event and sent it to Melissa's family, and she described the family as "in an

uproar” over Franklin letting Melissa engage in an unsafe activity.

¶23. At the end of 2024, Brandess discovered that the Appellants invited an attorney to Melissa’s home to meet with Melissa. Brandess testified that the Appellants did not consult her before speaking to the attorney or before bringing the attorney to Melissa’s home. Instead, Brandess discovered the meeting through footage from the doorbell camera.

¶24. Brandess expressed her concerns to the chancellor that if the Appellants were allowed to spend time with Melissa, they would continue to put Melissa in situations that caused mental and physical harm. Brandess also testified that she believed that the Appellants were trying to get Melissa removed from the conservatorship so that they could have control of her finances, specifically, her settlement proceeds from the accident. Brandess explained that based on these concerns, as well as the Appellants’ continuous interference with Brandess in her role as conservator and with Melissa’s caregivers, she sought the emergency order.

¶25. Brandess testified that since the emergency order went into effect, Melissa had not asked about or mentioned the Appellants. Brandess also testified that Melissa’s mood had drastically improved since she was no longer around the Appellants, explaining that Melissa was more compliant with her caregivers and less agitated.

¶26. Brandess confirmed that in performing her duties as conservator and guardian, she has followed all the legal advice of her attorneys and the court’s orders. Regarding the required annual reports, Brandess testified that she was unaware that she was required to file an annual report concerning Melissa’s condition and status. Brandess explained that she had relied on her attorney’s guidance through the conservatorship process, and her attorney died

in December 2024. Brandess agreed to comply with the requirement of filing the annual reports. Brandess also testified that despite the stress from the Appellants' interference with her role as Melissa's conservator, she wanted to continue in the role because she loves her mother and wanted Melissa to have someone who will stand up for her and make sure she has proper care.

¶27. Ophelia Green and Jada Douglas are employed by Help at Home. At the time of the hearing, Ophelia had worked as Melissa's sitter and caregiver for approximately a year, and Jada had worked as Melissa's sitter and caregiver for approximately three months. Both Ophelia and Jada opined that Brandess was doing a good job as Melissa's conservator and that she was taking proper care of Melissa. Ophelia testified that she often communicates with Brandess about Melissa's care, explaining that she calls Brandess whenever Melissa needs anything, and Brandess takes care of it. Jada described Brandess as "a great person" who "goes above and beyond" for Melissa.

¶28. Ophelia and Jada testified about their interactions with the Appellants, specifically, the Appellants' concerning behavior around Melissa. Ophelia testified that she had observed Franklin behave in a manner that led her to believe he was a mental danger to Melissa. Ophelia stated that Franklin would tell Melissa that she needed her own money and would make negative comments about Brandess's performance as Melissa's conservator and guardian, such as that Brandess "wasn't doing right" by Melissa. Jada recounted a time when she heard Franklin whispering to Melissa that Brandess and her husband were "crooked," and Franklin told Melissa that he was going to leave. Jada testified that she felt Franklin's

comments were inappropriate, and she asked him to stop. Jada observed that Franklin's comments negatively affected Melissa, explaining that Melissa soon began saying that she was in a prison and wanted to go home.

¶29. Ophelia also stated that the Appellants would often bring up the details of Melissa's car accident in front of Melissa, describing the accident in detail and commenting about how Melissa's brain was "smooshed in" from the accident. Ophelia stated that when these conversations happened, Melissa appeared unsettled. Ophelia interpreted from Melissa's expression that she did not like talking about the car accident, so Ophelia would either ask the men to stop talking about the accident, or she would take Melissa into another room to remove her from the situation.

¶30. Ophelia also testified about an occasion when, in Melissa's presence, Franklin had disagreed with a doctor's assessment that Melissa had suffered a stroke. Ophelia described Franklin as angry with the doctor, and Franklin claimed that the doctor was wrong and that Melissa had not suffered a stroke.

¶31. Ophelia stated that Franklin often interfered with her ability to care for Melissa during her shift. Ophelia explained that Franklin would attempt to perform Ophelia's duties for her during her shift, such as bathe Melissa and perform household chores. Ophelia stated that during these occasions, Franklin would stay clocked in to his prior shift as Melissa's caregiver. Ophelia testified that this behavior made her uncomfortable, and she reported it to her boss and to Brandess. Ophelia testified about another occasion when she and Brandess purchased a lift chair for Melissa and had arranged the furniture to accommodate the chair.

Ophelia stated that when she came back the next day, the furniture had been rearranged differently, which confused Ophelia. Ophelia indicated that the Appellants had rearranged the furniture.

¶32. Ophelia testified that she had worked as a certified nursing assistant for twenty-eight years, and until the issues with the Appellants, she had never been in a situation where she felt so uncomfortable or had people interfere with her work. Ophelia and Jada both testified that they had noticed an improvement in Melissa's demeanor since the implementation of the emergency order restricting the Appellants' visitation. Ophelia described Melissa as more talkative, and Jada described Melissa as more compliant with her caregivers and sitters. Ophelia and Jada also testified that since the emergency order, Melissa had not mentioned the Appellants. Jada testified that although the Appellants can no longer visit, Melissa still has other friends and family who visit with her. Ophelia also testified that Brandess and her daughter (Melissa's granddaughter) often visited Melissa, and Ophelia observed that Melissa enjoyed these visits.

¶33. The chancellor questioned Melissa under oath. The transcript reflects that Melissa could only provide short responses and seemed confused. When asked her age, Melissa responded that she was thirty-nine years old (nearly twenty years younger than her actual age) and she testified that she did not know what year it was. When questioned about her relationship with Dean, Melissa described him as a "good friend" and stated that their relationship was "okay." Melissa similarly described her relationship with Franklin as "good" and "okay." Melissa recalled that she and Franklin had dated. When the chancellor

asked Melissa if she wanted to see the Appellants again, Melissa responded, “Yes.”

¶34. The chancellor then heard testimony from the Appellants. Dean testified that he and Melissa divorced in 1990. Dean admitted that prior to Melissa’s accident, he did not have a close relationship with Melissa, although he described that they had always been on good terms.

¶35. Dean claimed that after the accident, he witnessed Franklin’s devotion and care for Melissa, and it touched his heart. Dean testified that he expressed to Franklin his appreciation for how Franklin cared for Melissa, and Dean told Franklin that he wanted to “team up” with him. Dean explained that when Franklin was “on a truck run” and could not care for Melissa, Dean would go to the nursing home or Melissa’s house after work and care for her. Dean stated that when Franklin quit his job as a truck driver, Franklin was hired by Help at Home as a caregiver for Melissa. Franklin was also hired to work at the front desk of the La Quinta Inn. Dean testified that he also got a job at the La Quinta Inn so that if Franklin could not work his shift at the hotel due to his caregiver schedule, Dean could fill in for Franklin.

¶36. Dean opined that if he and Franklin had not advocated for Melissa after her accident, Melissa would not have received the care she needed or made such significant improvements. Dean testified that he and Franklin drove Melissa to all of her doctor’s appointments and that they went to Melissa’s home daily to care for her and spend time with her. Dean also testified about various cognitive and physical exercises and therapies that Franklin had provided to Melissa outside of her medical care, and he stated that these therapies and

exercises had improved Melissa’s cognitive and physical abilities. Dean admitted that Franklin had not coordinated these cognitive and physical exercises and therapies with Melissa’s treating physicians to ensure that Franklin was not doing anything to hurt or damage Melissa. However, Dean stated that Franklin “investigates things very thoroughly before engaging,” and Dean opined that Franklin’s exercises and therapies had been extremely beneficial to Melissa. During the hearing, both the Appellants admitted that they were not medical doctors.

¶37. As for Melissa’s medical care, Dean alleged that Melissa did not receive any cognitive or physical therapy between March 2024—when Melissa moved from the nursing home into her house—and November 2024, despite one of Melissa’s physicians writing a prescription for physical and occupational therapy. Dean stated that because Brandess would not advocate for Melissa and “wouldn’t work with [Franklin and him] to get [Melissa] the therapies that we felt that the doctor ordered,” he and Franklin had no other option but to contact an attorney with Disability Rights Mississippi. Dean explained that he and Franklin wanted to make sure that Melissa had an “advocate in her corner.” Dean admitted that he and Franklin did not communicate with Brandess before contacting the attorney or bringing the attorney into Melissa’s home. However, Dean explained that they did not consult with Brandess because she was resistant and uncooperative.

¶38. Dean admitted that his and Franklin’s “advocacy” for Melissa created conflicts between him and Brandess. Dean testified that he had to choose sides, and he chose the side of “truth,” explaining he only wanted Brandess and her attorneys to “faithfully portray” the

truth of Melissa's capacity and to advocate for Melissa to receive the therapies she needed. Dean denied that he and Franklin ever behaved in a manner that harmed Melissa, and he testified that he and Franklin were always positive and uplifting around Melissa. Dean described Franklin as a wonderful protector and provider to Melissa.

¶39. Dean also denied that his actions in caring for Melissa were financially motivated, and he testified that he had never asked to be reimbursed for anything. Dean stated that he gave his retirement benefits to help Melissa and Franklin and that he did not expect anything in return, describing it as a "journey of sacrifice." Dean further denied trying to convince the court that Melissa had improved so that she (and her finances) no longer needed to be in a conservatorship. Dean maintained that his sole goal was for Melissa to receive the proper rehabilitative therapy to help her become independent.

¶40. Regarding the Appellants' motions, the chancellor asked Dean if he thought Melissa was capable of expressing her wishes as to visitation and communicating on her own with an attorney. Dean answered yes, and he opined that despite Melissa's memory lapses, she was capable of thinking "very logically." The chancellor told Dean that he disagreed with Dean's assessment, explaining that based on his observation of Melissa, he "[did not] feel comfortable that she could communicate with anybody on her own without assistance and [that Melissa] could be easily directed in the manner you wanted to direct her."

¶41. Franklin testified that at the time of Melissa's accident, he and Melissa had been in a romantic relationship for approximately seven years. The record reflects that Franklin is approximately fifteen years younger than Melissa.

¶42. Franklin estimated that in the four years since Melissa's accident, he had spent thousands of hours caring for her. He testified that at the time of the accident, he worked as a truck driver, so he was only able to visit her four times a week. Franklin indicated that as a result of spending so much time caring for Melissa, he lost his trucking job. While he was unemployed, Franklin visited Melissa daily. Franklin testified that when Melissa was in the nursing homes, he noticed when she was not receiving proper care, and he would advocate on her behalf. Franklin stated that during this time, he and Melissa's family were on good terms.

¶43. Franklin also testified regarding the care that he, and eventually Dean, provided for Melissa. Franklin described the various cognitive and physical therapies and exercises he provided for Melissa. Franklin testified that Melissa exhibited significant cognitive and physical improvement as a result of these therapies and exercises. Franklin stated that he and Dean also drove Melissa to her medical appointments.

¶44. In approximately April 2024, Franklin was hired by Help at Home to work as a caregiver for Melissa. Franklin denied the allegations that he interfered with Melissa's other caregivers during their shifts. Franklin also denied making any derogatory comments in front of Melissa, especially in front of her family. Franklin admitted that around the time of the emergency order restricting his visitation with Melissa, he made a comment in front of Melissa about how Brandess was being unfair and that she was unwilling to listen to Melissa, him, or Dean.

¶45. Franklin admitted that he and Dean did not inform Brandess that they had contacted

an attorney on Melissa's behalf or that the attorney met with Melissa in her home. Franklin maintained that they did not inform Brandess about the attorney because he and Dean "were being threatened and attacked every step we ever did to advocate for Melissa. So that's why we reached out to somebody that might have some sort of more influence and authority with court than Dean and [me]."

¶46. Franklin further denied that he had any financial interest in dissolving Melissa's conservatorship. Franklin stated that the pending litigation was due to his and Dean's disagreement with Brandess regarding Melissa's care. Franklin testified that initially after the accident, Brandess was very involved in Melissa's life and with her care, but he stated that over time, Brandess became less involved. Franklin testified that he believed the chancellor should examine Melissa's needs from a third-party perspective, and he claimed that he had witnessed Brandess's lack of due diligence, her failure to be involved in Melissa's life, and her failure to be proactive with Melissa's care.

¶47. During Brandess's rebuttal testimony, she addressed the allegations of a delay in Melissa receiving therapy. Brandess explained that before Melissa could start therapy, she had to transition Melissa from the nursing home into her own home and purchase a vehicle for caregivers to use to drive Melissa to her appointments because Medicaid prohibited caregivers from driving Melissa in their personal vehicles. Melissa also suffered dental issues that needed to be urgently addressed. Brandess testified that removing Shasta as a co-conservator and co-guardian also created a big delay in Melissa's care because Brandess had to go to court to have Shasta removed, take over as the payee for Melissa's SSI benefits, and

establish a checking account. Additionally, one of the attorneys who helped advise Brandess on her conservatorship duties and handled aspects of Melissa's care died, so Brandess had to get new therapy referrals and wait for Medicaid approval. Brandess denied that she only took action for Melissa's care due to the Appellants' advocacy. Brandess explained that she had already begun the process of getting Melissa set up with various therapies before the Appellants contacted the Disability Rights Mississippi attorney.

¶48. Brandess testified that in the months leading up to the hearing, Melissa had been attending various therapies two to four days a week. Brandess explained that previously, Melissa had only received occupational, physical, cognitive, and speech therapies. Melissa eventually plateaued in her improvement, and Medicaid stopped covering the therapies. Brandess testified that a therapist suggested that Melissa needed more specialized therapies, so Brandess took steps to get Melissa evaluated and to obtain a referral. Brandess testified that Melissa was currently receiving specialized therapies based on Melissa's specific physical and cognitive needs, and Brandess stated that Melissa has shown lots of improvement.

B. Chancellor's Order Regarding Visitation, Motion to Compel, and Guardian ad Litem

¶49. After the hearing, the chancellor entered an order awarding Franklin limited visitation with Melissa every Wednesday from 5:00 p.m. to 7:00 p.m. and every Sunday from 12:00 p.m. to 3:00 p.m. The chancellor based the visitation award on his finding that Franklin and Melissa had an ongoing relationship prior to the traumatic brain injury Melissa suffered in the June 2021 car accident. During the visitation periods, the chancellor restricted

Franklin from discussing the following with Melissa: any prior or ongoing litigation, treatment by the sitters, medical treatment, Brandess (in her role as Melissa’s conservator/guardian), or marriage. The chancellor further restricted Franklin from having sexual relations with Melissa, talking to her caregivers, allowing her to drive any vehicle, taking her to visit Dean, or taking Melissa to meet with any medical personnel or attorneys.

¶50. As for Dean, the chancellor prohibited him from having any visitation with Melissa. The chancellor explained that Dean and Melissa had been divorced for thirty-five years and did not have a close ongoing relationship prior to the accident, and—absent kinship or a close ongoing relationship prior to the accident—Dean was not entitled to visitation rights with Melissa.

¶51. Regarding the Appellants’ motions, the chancellor found no credible evidence that Brandess engaged in misconduct or failed to provide Melissa with proper medical care. However, the chancellor directed Brandess “to file reports in regard to Melissa Bateman’s medical treatment and medical status, within thirty (30) days of the entry of this Order and shall file the reports annually from this point forward as required by law.” The chancellor also ruled that based upon the evidence presented, he found no need for the appointment of a guardian ad litem or an attorney to specially represent Melissa in regard to the conservatorship.

¶52. Brandess subsequently filed her conservator’s plan, inventory report, and well-being report. *See* Miss. Code Ann. § 93-20-423.

¶53. The Appellants now appeal the chancellor’s judgment.

STANDARD OF REVIEW

¶54. “This Court has a limited standard of review in examining and considering the decisions of a chancellor.” *Whitlock v. Whitlock*, 421 So. 3d 638, 645 (¶23) (Miss. Ct. App. 2025). “We will not disturb the factual findings of a chancellor when supported by substantial evidence unless we can say with reasonable certainty that the chancellor abused his discretion, was manifestly wrong, or clearly erroneous, or applied an erroneous legal standard.” *Id.* (quotation mark omitted). We review questions of law de novo. *Id.*

DISCUSSION

I. Whether the chancellor erred in restricting Franklin’s and Dean’s visitation with Melissa.

¶55. The Appellants first assert that the chancellor erred in restricting their visitation with Melissa. The Appellants submit that allowing Melissa to have visitation with them is in Melissa’s best interests, and they argue that the chancellor failed to give appropriate weight to Melissa’s expressed preference to maintain a relationship with the Appellants. The Appellants further assert that Brandess failed to present any credible evidence to show that the Appellants posed a threat to Melissa.

¶56. We recognize that “[t]he purpose of guardianships and conservatorships is to provide an amount of protection to an individual who is, for a variety of reasons, unable fully to protect himself.” *In re Conservatorship of Walls*, 322 So. 3d 474, 478 (¶16) (Miss. Ct. App. 2021). Mississippi Code Annotated section 93-20-312 (Rev. 2021), which sets forth the duties of a guardian for an adult, states that “[e]xcept as otherwise limited by the court, a guardian for an adult shall make decisions regarding the support, care, education, health, and

welfare of the ward to the extent necessitated by the adult’s limitations.” Miss. Code Ann. § 93-20-312(1). Specifically, “the guardian must make the decision the guardian reasonably believes the adult would make if the adult were able[.]” *Id.* § 93-20-312(4). In the event that “a guardian for an adult cannot make a decision under subsection (4) because the guardian does not know and cannot reasonably determine the decision the adult probably would make if able . . . the guardian must act in accordance with the best interest of the adult.” *Id.* § 93-20-312(5); *Jones ex rel. Taylor*, 411 So. 3d 1169, 1173 (¶¶24-26) (Miss. Ct. App. 2025).

¶57. Relevant to the issue before us, section 93-20-314(3) prohibits a guardian for an adult from “restrict[ing] the ability of the adult to communicate, visit, or interact with others, including receiving visitors and making or receiving telephone calls, personal mail, or electronic communications” unless:

- (a) Authorized by the court by specific order;
- (b) A protective order is in effect that limits contact between the adult and a person; or
- (c) The guardian has good cause to believe restriction is necessary because interaction with a specified person poses a risk of significant physical, psychological, or financial harm to the adult and the restriction is
 - (i) For a period of not more than seven (7) business days if the person has a family or pre-existing social relationship with the adult; or
 - (ii) For a period of not more than sixty (60) days if the person does not have a family or pre-existing social relationship with the adult.

Miss. Code Ann. § 93-20-314(3) (Rev. 2021).

¶58. The Appellants submit that because no existing Mississippi caselaw interprets section 93-20-314(3), this case presents an issue of first impression. The Appellants therefore urge this Court to find that because Melissa communicated her desire to continue her relationship with the Appellants, the chancellor can only restrict the Appellants' visitation with Melissa under section 93-20-314 if their presence in Melissa's life poses a risk of significant physical, psychological, or financial harm.

¶59. Brandess argues, however, that section 93-20-314(3)(a) clearly grants a guardian the ability to restrict the adult's ability to communicate, visit, or interact with others "by specific order" authorized by the court. We agree, and we find that this is the exact scenario that happened in this case. Brandess petitioned the chancellor for an emergency order restricting the Appellants from visiting Melissa, alleging that the Appellants had continuously interfered with Melissa's medical care, contacted attorneys on Melissa's behalf without Brandess's knowledge or consent, caused mental and physical distress to both Melissa and Brandess, and made it difficult for Brandess to perform her duties and responsibilities as Melissa's guardian and conservator. The chancellor entered an emergency order granting Brandess "the power to deny [the Appellants] access to Melissa."

¶60. Brandess also disputes the Appellants' claim that section 93-20-314(3) requires a finding by the chancellor that the persons who were restricted from accessing Melissa posed a risk of significant physical, psychological, or financial harm. We agree that the statute requires no such finding by the chancellor. Instead, the statute allows the guardian to temporarily restrict the adult's interaction with the persons *without a court order* if the

guardian “has good cause to believe restriction is necessary because interaction with a specified person poses a risk of significant physical, psychological, or financial harm to the adult.” Miss. Code Ann. § 93-20-314(3).

¶61. As for the chancellor’s restriction of the Appellants’ visitation with Melissa, we find that this decision was supported by substantial evidence in the record. As discussed, the transcript reflects that prior to Melissa’s accident and traumatic brain injury, she and Franklin had been in a romantic relationship. However, Melissa and Dean had been divorced for thirty-five years and did not have a close ongoing relationship prior to the accident. Although the Appellants spent significant time caring for Melissa and driving her to appointments, testimony shows that the Appellants also interfered with the duties of Melissa’s other caregivers and with Brandess’s duties as Melissa’s conservator and guardian. Brandess, Ophelia, and Jada testified that the Appellants made negative comments in front of Melissa that negatively impacted her mood and caused her to resist the instructions and aid of her caregivers. Franklin also placed Melissa in a dangerous situation by allowing her to drive a vehicle. Additionally, the chancellor questioned Melissa regarding her desires to see the Appellants, and the chancellor stated in his bench ruling that Melissa’s responses were “basically monosyllabic” and that he found nothing to indicate that visitation with the Appellants “was a burning issue for her.”

¶62. After hearing testimony and considering evidence, the chancellor found that it was in Melissa’s best interests to restrict the Appellants’ visitation with her. The chancellor entered an order prohibiting Dean from visitation with Melissa, explaining that absent kinship or a

close ongoing relationship with Melissa, he was not entitled to visitation rights.² The chancellor granted Franklin limited visitation with Melissa, acknowledging that the two had an ongoing relationship prior to her car accident. However, the chancellor prohibited Franklin from discussing various topics with Melissa or engaging in certain activities. The chancellor clarified that the restrictions were not intended to punish the Appellants or deny Melissa access to social interaction; rather, “[t]he problem lies with the fact that [the Appellants] have become adversarial with [Brandess] and the decisions she is making pursuant to authority granted by this [c]ourt.” The chancellor found that the Appellants’ actions of undermining Brandess’s authority and creating unrest with Melissa and her caregivers were not in Melissa’s best interests. The chancellor stated that depending on how Melissa responded to the present visitation schedule, the restrictions could eventually “loosen” in the future.

¶63. We recognize that the chancellor is the “superior guardian” of an adult ward, *In re Conservatorship of Mathews*, 633 So. 2d 1038, 1040 (Miss. 1994), and “[u]nless we find that a chancery court’s determination regarding visitation and its restrictions is manifestly wrong or constitutes an abuse of discretion, we are bound to accept its findings.” *McPhail v. McPhail*, 218 So. 3d 290, 294 n.5 (Miss. Ct. App. 2017) (quoting *Bolivar v. Waltman*, 194 So. 3d 889, 893 (¶6) (Miss. Ct. App. 2016)).³ Additionally, “because a chancellor is the only

² In his bench ruling, the chancellor commented that it was “odd” that Dean sacrificed his relationship with Brandess and her children for Franklin.

³ In *McPhail*, this Court acknowledged that this language related to child custody, but the Court found it was also applicable to visitation with adults in a guardianship. *Id.*

one to hear the testimony of witnesses and observe their demeanor, he or she is in the best position to evaluate a witness's credibility." *Russell v. Allen (In re Allen)*, 962 So. 2d 737, 741 (¶14) (Miss. Ct. App. 2007).

¶64. After our review, we find that the chancellor's order restricting the Appellants' visitation with Melissa was supported by substantial evidence.

II. Whether the chancellor erred in failing to appoint a guardian ad litem to represent Melissa's interests.

¶65. The Appellants also argue that the chancellor erred in failing to appoint a guardian ad litem to represent Melissa's interests. The Appellants assert that due to the "hotly contested issue . . . as to whether Melissa was receiving appropriate physical, occupational, and cognitive therapies," the chancellor should have appointed a guardian ad litem to investigate Melissa's current medical condition and determine whether Melissa was receiving appropriate medical treatment.

¶66. Pursuant to Mississippi Code Annotated sections 93-20-304 and 93-20-405, which pertain to guardianship of an adult and conservatorship, respectively, a chancellor "may appoint a guardian ad litem to any respondent." Miss. Code Ann. §§ 93-20-304 & 93-20-405 (Rev. 2021). Section 93-20-304 further states that the chancellor shall not appoint a guardian ad litem "except when the court considers it necessary for the protection of the interest of the respondent[.]" *Id.* § 93-20-304. Additionally, Mississippi Code Annotated section 93-20-316 (Rev. 2021) permits a chancellor to appoint a guardian ad litem to review a guardian's well-being report, "interview the guardian or ward, or investigate any other matter involving the guardianship." Miss. Code Ann. § 93-20-316(3) (Rev. 2021). We find that this

statutory language clearly states that the chancellor's appointment of a guardian ad litem is discretionary.

¶67. In the present case, the chancellor determined that appointment of a guardian ad litem for Melissa was not necessary. The chancellor explained that the Appellants, as the movants, failed to present medical evidence showing that Brandess failed to provide proper medical care for Melissa. The chancellor also found no evidence to show that Brandess engaged in misconduct in her role as Melissa's conservator. The chancellor concluded that based on the testimony and evidence presented at the hearing, "a full investigation has taken place in this hearing and the [c]ourt has heard testimony from all persons who a guardian ad litem would speak to in making a report."

¶68. After our review, we find that the chancellor did not abuse his discretion in determining that it was not necessary to appoint a guardian ad litem for Melissa.

CONCLUSION

¶69. As discussed, the chancellor's order restricting the Appellants' visitation with Melissa was supported by substantial evidence. Additionally, the chancellor did not abuse his discretion in determining that it was unnecessary to appoint a guardian ad litem for Melissa. Accordingly, we affirm the chancellor's judgment.

¶70. **AFFIRMED.**

BARNES, C.J., WILSON, P.J., WESTBROOKS, McDONALD, LAWRENCE, McCARTY, EMFINGER, WEDDLE AND LASSITTER ST. PÉ, JJ., CONCUR.