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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1885
A24-1886**

Faysal Dirir Yusuf,
Respondent,

vs.

Anab Faysal Yusuf,
Appellant (A24-1885),

In the Matter of:
Ubah A Abas and OBO Minor Children,
Respondent,

vs.

Anab Faysal Yusuf,
Appellant (A24-1886).

**Filed August 4, 2025
Affirmed in part, reversed in part, and remanded
Ross, Judge**

Washington County District Court
File Nos. 82-CV-24-3740, 82-CV-24-3768

Faysal Yusuf, Woodbury, Minnesota (self-represented respondent)

Maxwell Shek, Shek Law LLC, Minneapolis, Minnesota (for appellant)

Ubah Abas, Woodbury, Minnesota (self-represented respondent)

Considered and decided by Wheelock, Presiding Judge; Ross, Judge; and Connolly,
Judge.

NONPRECEDENTIAL OPINION

ROSS, Judge

Parents of Anab Yusuf successfully separately petitioned for harassment restraining orders against her after she allegedly began harassing them and her younger siblings by repeatedly falsely reporting to law enforcement and child protection that they were committing child abuse. Anab argues on appeal that she was denied a proper hearing and that the record does not support the orders. We affirm in part because the district court's procedure was proper and its decision was within its discretion. But we reverse in part and remand for amended orders because the evidence does not support the orders as applied to Anab's siblings and because the orders must be clarified so as not to prohibit Anab from making good-faith child-abuse reports.

FACTS

Faysal Yusuf petitioned the district court in August 2024 for a harassment restraining order (HRO) against Anab Yusuf, his then 23-year-old daughter. The petition alleged that Anab had left the family home threatening that she would make sure Faysal went to jail and that she then made police reports to harass him and other family members. The petition specifically alleged three separate visits by police, including two accompanied by workers with child-protection services (CPS).

Ubah Abas, Anab's mother and Faysal's wife, separately petitioned for an HRO against Anab. Her allegations mirrored Faysal's complaint about the three incidents and also alleged an additional incident based on a false police report. She alleged that Anab threatened to report Ubah to the police and that police had come to their home more than

15 times in less than five months. Ubah also alleged that Anab had visited the school of one of Anab's siblings, misrepresenting that Ubah had sent her and telling the child to dial 9-1-1 and say, "I am not safe." Both petitions had been declared under oath.

The district court addressed both HRO petitions in a single September 2024 hearing using Zoom. Faysal, Ubah, and Anab appeared without counsel, and a language interpreter translated part of the exchanges. The district court admitted several documents as evidence after asking the parties whether they had any objection. Before taking testimony, the district court directed the parties to mute themselves during the others' testimony.

Ubah testified about the four incidents alleged in her petition. She implied that Anab had left their home on March 8, 2024, after a dispute with Ubah and Faysal and that police then called them about reported child neglect. She said that CPS workers interviewed all her children after receiving a report of child abuse. She stated that the workers later called her to say they were closing the case because they saw no problems. She testified that CPS later took her children to the police station to interview them and released them after three hours. And she testified that police came to the home based on a report of a neglected diabetic boy, and that they dropped the issue after CPS workers told the police there was no problem. She said that Anab went to the children's school and that one of Ubah's young daughters told Ubah that Anab told her to use Ubah's phone to dial 9-1-1 to say that she didn't feel safe. She described each of these incidents as having occurred in a series, with each separated from the next by several days or months.

Faysal testified briefly, stating that Anab's reports to police and CPS were false and that he was requesting that she be kept away from the family, adding, "I agree with everything [Ubah] has to say."

Anab testified that she left the family home to escape domestic violence by both her parents. She said she called the sheriff for a wellness check on her younger siblings that night and that three months later she filed a CPS report, which was not pursued because of a lack of information. She testified that a social worker and detective contacted her the following month and that she had called only twice seeking welfare checks. She said that she contacted CPS only for the well-being of her siblings and not to harm Faysal or Ubah. She testified that in April she went to "New Century"—presumably her sibling's school—to give her little sister gloves and that she then encouraged her sister to talk about abuse with a trusted person.

The district court granted both HRO petitions in separate form orders, each resting on three findings: Anab made uninvited visits to Faysal and Ubah by sending law enforcement and social services to their home; Anab called them abusive names by reporting them as child abusers; and Anab repeatedly made reports of abuse to law enforcement and CPS despite determinations by those agencies that no abuse had occurred and despite the fact that Anab was no longer in the home and had obtained no new information. The orders prohibited Anab from harassing or contacting Faysal, Ubah, and six named minor children for two years.

These consolidated appeals from both HROs follow.

DECISION

Anab argues that the district court failed to hold a proper HRO hearing and that it lacked evidence to grant the HROs. For the following reasons, we conclude that the district court held a proper hearing and had an adequate evidentiary basis to grant the HROs protecting Faysal and Ubah. We reverse and remand, however, because the record does not support the HROs as applied to Anab’s siblings and because the district court must amend the orders so as not to prohibit Anab from making good-faith reports about child abuse.

I

Anab argues that the district court failed to hold a proper hearing required by the HRO statute. We review the adequacy of the hearing *de novo*. See *Anderson v. Lake*, 536 N.W.2d 909, 911 (Minn. App. 1995). We are satisfied that the hearing was adequate.

The HRO statute says nothing about the hearing process, providing only that a district court may issue an HRO if, among other things, it “finds at the hearing that there are reasonable grounds to believe that the respondent has engaged in harassment.” Minn. Stat. § 609.748, subd. 5(b)(3) (2024). Case law has interpreted an earlier version of the statute with identical relevant language to conclude that the right to an HRO hearing “includes the right to examine witnesses” and requires “that witnesses . . . testify under oath” if the HRO will extend longer than two weeks. *Anderson*, 536 N.W.2d at 911. Anab presented testimony at the HRO hearing and had the opportunity to cross-examine the other witnesses. She produced documents that the district court received as evidence. And the district court made the requisite “reasonable grounds” findings under the statute. The HRO hearing met the minimum statutory requirements.

Anab more specifically asserts that the district court prematurely accepted the exhibits before testimony or stipulation, relieving Faysal and Ubah of their burden to provide sufficient foundation for the exhibits. It is true that the burden of laying evidentiary foundation generally rests on the party offering the evidence. *See Elsberry v. Great N. Ry. Co.*, 121 N.W.2d 716, 717 (Minn. 1963). And here, the district court invited Anab to hold Faysal and Ubah to their foundational burden, asking her, “[D]o you have any objection to me receiving the document that [Faysal and Ubah] filed?” Anab objected, saying, “One of them is from the school that I have attached my reply stating I do not agree with it.” She added, “I just want to explain my version of what actually happened.” The district court’s invitation for objections demonstrates that it did not improperly relieve Faysal and Ubah of their burden to lay evidentiary foundation.

Anab argues too that the district court’s directing her to mute her microphone while her parents testified precluded her from objecting during their testimony. The argument fails. The district court’s general direction to the parties to mute their microphones while others testified did not prohibit the muted party from unmuting to make an objection or from objecting by other means, such as by alerting the court for a request to speak using the hand-raising or chat features of the technology. The district court treated the parties evenhandedly. The record indicates that the court directed the parties to mute themselves not to restrict objections but to facilitate an orderly intrafamily hearing:

So I’m going to have to create some rules about the two of you talking at the same time, because that’s not going to work. So essentially I’m going to treat it like one of you is muted and one of you is unmuted. So who wants to testify first?

The muting direction did not deprive Anab of a proper hearing.

We are also not persuaded by Anab's implication that the district court treated her unfairly by allowing Ubah but not Anab to present hearsay. The record reveals that the district court cautioned Ubah and Anab alike against presenting hearsay. There may be some basis for Anab to have perceived that the district court was more stern in responding to her presentation of hearsay than in responding to Ubah's, but any minor difference does not support her contention that she was treated differently in a manner that deprived her of a fair hearing.

Anab also argues unpersuasively that the district court failed to afford her, as a self-represented litigant, a reasonable accommodation after directing her to mute herself. Our review of the record informs us that Anab requested no accommodation and satisfies us that the district court properly and neutrally advised all parties how to conduct themselves during the hearing.

Anab argues too that the district court improperly limited her cross-examination of Ubah and failed to identify the interpreter. But she supports her cross-examination argument only by citing an exchange during which she asked a substantively improper question and the district court redirected her:

ANAB: Can you guys prove that the social worker said that my petition -- sorry, my report was based on lies and, therefore, screened it out?

THE COURT: I don't want you to ask "can you prove" questions.

ANAB: Okay.

THE COURT: I want you to ask factual questions. I have whatever proof I have, so I determine whether something's been proven or not. That's my job.

ANAB: Okay. Okay, then, no.

This exchange does not reflect any improper restriction of Anab's cross-examination. And Anab fails to explain why not identifying the interpreter bears on the fairness of the proceeding but, in any event, we can see that the district court in fact identified the interpreter by his last name at the end of the hearing.

II

Anab challenges the HROs as evidentially unsupported. We review the issuance of an HRO for an abuse of discretion. *Peterson v. Johnson*, 755 N.W.2d 758, 761 (Minn. App. 2008). A district court abuses its discretion when it makes evidentially unsupported fact findings, misapplies the law, or delivers a decision that is against logic and the facts on record. *Bender v. Bernhard*, 971 N.W.2d 257, 262 (Minn. 2022). Although the evidence is thin, for the following reasons we believe the record supports the HRO as to Anab's parents but not as to her siblings.

HROs Protecting Faysal and Ubah

Anab first challenges the fact findings underlying the district court's decision to grant the HROs. We review fact findings for clear error. *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021). Anab contests the district court's finding that she "repeatedly" reported Faysal and Ubah to police and CPS after the agencies determined that no child abuse had occurred. The evidence supporting the first part of the finding—that Anab repeatedly reported her parents to law enforcement and CPS—is adequate, albeit

barely so. Ubah testified to four occasions of being contacted by law enforcement or CPS after Anab left the house. Anab corroborated the accusation in part by testifying that she initiated two of those contacts by calling the sheriff for a welfare check and by making a CPS report. Ubah's sworn petition had also asserted that, beginning shortly after Anab left their home threatening to call police, "police came to our building more than 15 times." Although Anab denied this allegation and testified that she had called police only twice, we defer to the district court's credibility determinations. *Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988). The district court necessarily rejected Anab's testimony, implicitly finding that she had made repeated reports to police or CPS and that the reports were unfounded.

The second part of the finding—that Anab made the reports after law enforcement and CPS had determined that no abuse had occurred—is adequately supported. Anab argues primarily that this finding was based on inadmissible hearsay evidence. She is correct that the only testimony at the hearing about the CPS determination was based on hearsay. Ubah testified that "the social people call me and they said, 'We have interviewed the children and we have not noticed any problems with them, on them, and therefore, we are going to close the case right here.'" Ubah also testified that when police came to her home on one occasion, she directed them to talk to CPS to verify that the allegations were false, and then "the CPS girl told the officer we are . . . in the case of that family and there's no . . . problem we have found, so you can leave that family for now." These are out-of-court statements offered for the truth of the matter asserted, Minn. R. Evid. 801(c), so they constitute hearsay. Hearsay may be admitted for its probative use when it is not objected

to. *State v. Hamilton*, 268 N.W.2d 56, 63 (Minn. 1978). Anab did not object to Ubah's hearsay statements, so the statements may be relied on substantively. We acknowledge that relying on this hearsay to support the district court's decision is questionable given that the district court discouraged hearsay testimony. But nonhearsay evidence also supports the district court's finding. Ubah's sworn petition asserts that "we had a Child protection social worker vis[it]ing us to determine any child abuse with no findings and the social worker apologized to us that everything was based on lie and the case was closed."

Anab unconvincingly argues that the district court improperly relied on inadmissible hearsay to find that law enforcement determined that no abuse occurred. Ubah's relevant testimony was not entirely hearsay. She testified that the night Anab left home, police called the family about reported problems in the home and that "we told the police none of that's true. All of those allegations are not true. So the officer was talking to us on the phone and they said, 'Okay, bye.'" And Ubah's later testimony regarding the interview of the children supports the district court finding. She testified, "They took all my children to the police station and they interviewed them. Since no one assaulted or beat my children, and there was no problem, they returned my children after three hours." Ubah's nonhearsay testimony supports the district court finding that law enforcement determined that the children were not being abused.

We next consider whether the district court's decision to grant the HROs was against logic and the facts on record. *See Bender*, 971 N.W.2d at 262. We acknowledge that the evidence supporting the district court's findings is not overwhelming. But it was adequate to support the HROs protecting Faysal and Ubah. To grant an HRO, a court must find "that

there are reasonable grounds to believe that the respondent has engaged in harassment.” Minn. Stat. § 609.748, subd. 5(b)(3). The HRO statute defines harassment to include “repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another.” *Id.*, subd. 1(a)(1) (2024). The incidents involving law enforcement and CPS were “repeated” because, as outlined above, at least three of them followed the early law-enforcement determination that no abuse warranted investigation. *Id.* And the incidents were “intrusive or unwanted acts . . . hav[ing] a substantial adverse effect . . . on the . . . privacy of another.” *Id.* Ubah testified that she was “terrified” by her repeated interactions with CPS. Her sworn written allegations stated that Anab’s “fake calls and lies are putting us in danger. . . . [I]f we have real danger, I’m afraid that everyone will think it is another false call from Anab.” She stated that Anab’s alleged harassment was interfering with Faysal’s work as a truck driver because “whenever he leaves for work the sheriff is bringing a letter for him.” And Faysal’s sworn petition likewise stated that Anab’s alleged harassment made it so that he “[couldn’t] go to [his] job” and concluded by stating, “I don’t [feel safe] to leave my family alone at their home anymore, worrying all the time, that my own child will do something to harm me or harm my family.” The record supports granting the HROs for Faysal and Ubah.

We have some concerns, however, about the district court’s findings that Anab “sent law enforcement and social services to the home” and that she called Faysal and Ubah “child abusers.” These findings, taken alone, could not support a finding of harassment. It is the public policy of the state to protect children and reduce the risk of maltreatment by

promoting intervention and prevention efforts. *See* Minn. Stat. § 260E.01 (2024). The district court’s HROs might errantly be read to impose improper restrictions on legitimate reporting of concerns to police and child-protection workers who are charged with effectuating that public policy. We therefore remand the case and instruct the district court to expressly clarify that the HROs protecting Faysal and Ubah do not prohibit Anab from making reports of suspected child abuse to police, CPS, or any other relevant agency so long as Anab makes the reports in good faith and with reasonable legal grounds based on new information.

HROs Protecting the Children

Anab argues that the district court erroneously granted HROs for the children because the evidence failed to show that any of them “suffered a substantial adverse effect on their safety, security, or privacy.” The record supports Anab’s argument. The district court made no finding about the children other than checking the box beside the generic form-order finding that repeats the language of the HRO statute. And no record evidence establishes that Anab’s alleged harassment adversely affected the children. Although Ubah testified that the children witnessed “the crisis and destruction in the family” after Anab threatened to call police, her testimony was generally describing the period before Anab left home and actually called police. And Faysal’s assertion that Anab’s calls to police “affect[] our well being and the ones of the family” is too vague a reference to establish that the children suffered substantial adverse effects. Because no evidence supports the finding that the children were harassed, the district court abused its discretion by granting HROs for the children.

On remand, the district court shall amend the HROs as indicated to allow for good-faith reporting of child-protection concerns and to protect only Faysal and Ubah.

Affirmed in part, reversed in part, and remanded.