

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-2122**

In re the Guardianship of Suad Sharif.

**Filed July 27, 2026
Affirmed
Reyes, Judge**

Hennepin County District Court
File No. 27-GC-PR-25-23

Rachel Clifton, Hennepin County Adult Representation Services, Minneapolis, Minnesota
(for appellant Suad Sharif)

Nasro Sahal, Hopkins, Minnesota (self-represented respondent)

Considered and decided by Reyes, Presiding Judge; Bratvold, Judge; and Reilly,
Judge.*

NONPRECEDENTIAL OPINION

REYES, Judge

On appeal from the appointment of respondent-mother as appellant-daughter's guardian, daughter argues that the district court (1) abused its discretion by admitting mother's untimely disclosed evidence; (2) clearly erred by finding that less-restrictive alternatives to guardianship cannot meet daughter's identified needs; and (3) abused its discretion by denying her motion to dismiss the guardianship petition. We affirm.

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

FACTS

In January 2025, respondent-mother Nasro Sahal petitioned for guardianship of her daughter, appellant Suad Sharif. Mother’s petition¹ claimed that daughter “has mental health issues” and does not accept medical attention, take medication, make decisions for herself, leave the house, or care for her basic needs.

The district court then appointed a court visitor to “review the care and status of [daughter].” *See* Minn. Stat. § 524.5-304(a), (d)-(f) (2024) (describing appointment and duties of court visitor). The court visitor met with daughter for approximately 56 minutes and thereafter filed a report with the district court. The report did not recommend guardianship, stating that daughter demonstrated an ability “to manage her cares and overall wellness” as well as “independence in her daily life.” It noted that daughter told the court visitor that “she is not diagnosed with any mental illness.”

Daughter filed an objection to the guardianship petition, arguing that less-restrictive alternatives would satisfy the objectives that mother listed in the petition. Daughter stated, for example, that she is already “court-ordered to take neuroleptic medications through a *Jarvis* order.”²

¹ Mother filed both a regular and an emergency petition for appointment of a guardian and conservator, but the district court deemed those petitions, in substance, to request only the appointment of a guardian for daughter. Because the petitions requested the same relief and included the same information, we refer to them in the singular.

² “A *Jarvis* order is a court order authorizing the administration of certain neuroleptic medications to an individual subject to civil commitment who otherwise may be refusing neuroleptic medication.” *State v. Thompson*, 988 N.W.2d 149, 152 n.1 (Minn. App. 2023), *rev. denied* (Minn. June 20, 2023).

In an April 2025 scheduling order, the district court ordered a trial date of July 23, 2025, and stated that the parties “shall file with the [district court] and *exchange with the other party* no later than July 16, 2025,” lists of the witnesses and exhibits that the parties planned to introduce at the hearing on the petition. (Emphasis added.)

On July 22, 2025, daughter moved to dismiss the guardianship petition under Minnesota Rule of Civil Procedure 41.02(a) for failure to comply with the scheduling order. Earlier that day, daughter’s counsel had discovered that mother uploaded documents to the Minnesota Digital Exhibit System (MNDES) without disclosing them to daughter and that mother had received assistance in the guardianship matter from daughter’s former civil-commitment case manager. Daughter asserted that mother violated the deadline for submitting exhibit and witness lists and engaged in unethical conduct.

The following day, the hearing began with arguments on daughter’s motion to dismiss. Mother admitted to receiving assistance but requested that the hearing proceed as scheduled or, in the alternative, that the district court give mother “another chance to submit” the exhibit and witness lists to daughter. Daughter requested dismissal without prejudice and objected to a continuance, expressing “concerns that providing her additional time will not change anything.”

The district court denied daughter’s motion to dismiss. It had timely received witness and exhibit lists from mother and allowed her to introduce a letter that she wrote in support of guardianship, one page of a criminal complaint against daughter, testimony from four witnesses named in mother’s witness list, and mother’s own testimony. The

district court also took judicial notice of daughter's civil-commitment case file and the court-visitor report.

Mother testified that, when daughter takes the medication prescribed for her mental-health diagnosis, daughter "think[s] rationally" and is "stable." But daughter stopped taking her medication, which mother stated is "why her situation worsens over time." Mother also testified that daughter does not complete tasks and refuses to sign any documents, including those required to renew government benefits. When mother asks daughter how she will support herself if she refuses help from others, daughter talks about "magic" as a solution. Mother testified that daughter is "not in touch with the reality of life" and does not understand that "people can get sick or die or financially face problems." Daughter also refuses to renew her bank card or make purchases on her own. At the same time, daughter will insist on significant purchases, only to throw the purchased items away almost immediately.

Mother also testified about daughter's interactions with medical and legal systems. For example, daughter had been recently diagnosed with an illness at a doctor's appointment, but she denied having the illness when she returned home and refused to return to the doctor for treatment. When mother calls law enforcement in response to certain behaviors of daughter, because mother cannot consent to treatment on daughter's behalf, an "elaborate process" is required to "transport" daughter to receive relevant treatment. Daughter is also facing criminal charges and, despite having legal counsel, daughter does not understand the conditions of her release and believes that she is not subject to those conditions.

The other witnesses corroborated mother's testimony. They testified about the decline in daughter's well-being, her refusal to take medication or receive medical care, her belief that magic can help her meet her needs, and her refusal to accept help from others.

After the hearing, the district court filed an order appointing mother as daughter's guardian limited in power. It found that daughter "is incapacitated with regard to [her] person because [she] lacks sufficient understanding or capacity to make personal decisions and is unable to meet personal needs for medical care, nutrition, clothing, shelter or safety, even with appropriate technological and supported decision making assistance." It found "the testimony of all witnesses to be credible" and found the visitor report "credible, but less persuasive than the testimony of the witnesses and the information contained in the [civil-]commitment file."

The district court also found that "[c]lear and convincing evidence establishe[d] that [daughter's] identified needs cannot be met by less restrictive means." It explained that, "[a]s a result of her diagnosis, [daughter] does not currently have the capacity to understand her need for assistance in meeting and maintaining her housing, medical treatment, and government benefits." The district court found that daughter's "symptoms currently prevent her from being able to reliably execute a Health Care Directive or engage in a supportive decision-making process as a less restrictive alternative." It granted mother the following powers as guardian: (1) to have custody of daughter and establish her place of abode; (2) to give or withhold consent for daughter to receive necessary medical or other professional care; (3) to approve or withhold approval of certain contracts; and (4) to apply

for government services or benefits on daughter's behalf. *See* Minn. Stat. § 524.5-313(c)(1), (4), (5), (7) (2024).

This appeal follows.³

DECISION

Daughter argues that the district court (1) abused its discretion by admitting mother's untimely disclosed evidence; (2) clearly erred by finding that less-restrictive alternatives to guardianship cannot meet daughter's identified needs; and (3) abused its discretion by denying her motion to dismiss the guardianship petition. We address each argument in turn.

I. Daughter's evidentiary claim does not merit relief because daughter fails to show prejudice.

Daughter argues that "the district court abused its discretion when it failed to implement its own scheduling order."⁴ This argument is unavailing.

We review a district court's evidentiary determination for an abuse of discretion. *See In re Conservatorship of Smith*, 655 N.W.2d 814, 820 (Minn. App. 2003). "An evidentiary error must be both an abuse of discretion and prejudicial to warrant reversal." *Melius v. Melius*, 765 N.W.2d 411, 418 (Minn. App. 2009). "[T]he admission of evidence

³ Because mother did not file an appellate brief, this court ordered that this appeal shall be determined on the merits as provided in Minnesota Rule of Civil Appellate Procedure 142.03.

⁴ Mother also references Minnesota General Rule of Practice 361.01, which is located in a portion of the general rules of practice governing the expedited child-support process. *See* Minn. Gen. R. Prac. 351.01 (explaining that "[t]hese rules govern the procedure for all proceedings conducted in the expedited process"). Rule 361.01 does not apply to the guardianship proceedings here.

that is cumulative or is corroborated by other competent evidence will be deemed harmless and will not warrant a new trial.” *George v. Est. of Baker*, 724 N.W.2d 1, 9 (Minn. 2006); *cf. Poppenhagen v. Sornsin Constr. Co.*, 220 N.W.2d 281, 285 (Minn. 1974) (“Clearly, [when] excluded evidence is merely repetitious of other evidence admitted at trial, no prejudicial error results.”).

The scheduling order stated that the parties “shall file with the [district court] and exchange with the other party no later than July 16, 2025,” exhibit and witness lists. (Emphasis added.) It is undisputed that mother did not provide her witness and exhibit lists to daughter by July 16, 2025, as required by the scheduling order. Despite this, the district court admitted mother’s letter in support of the guardianship, the one-page criminal complaint against daughter, and testimony from four witnesses named in mother’s witness list.

Daughter cannot show prejudice resulting from the admission of the late-disclosed evidence. The district court order did not reference the criminal complaint or mother’s letter. And the testimony from the four witnesses merely corroborated mother’s testimony, the admission of which daughter does not challenge. *See Law v. Essick Mfg. Co.*, 396 N.W.2d 883, 888 (Minn. App. 1986) (concluding that appellant “failed to show” that challenged evidence, “even if erroneously admitted, was prejudicial [when] . . . the jury heard other evidence sufficient to support the verdict”), *rev. denied* (Minn. Jan. 27, 1987); *cf. Kelzer v. Wachholz*, 381 N.W.2d 852, 855 (Minn. App. 1986) (“Even if error could be found in the exclusion of the [evidence], the decision was harmless.”). We therefore decline to grant relief on this issue.

II. The district court did not clearly err by finding that less-restrictive alternatives to guardianship cannot meet daughter's identified needs.

Daughter argues that the district court clearly erred by finding that daughter's identified needs cannot be met by less-restrictive alternatives to guardianship. We are not persuaded.

“The appointment of a guardian is a matter within the discretion of the district court and will not be disturbed absent a clear abuse of that discretion.” *In re Guardianship of Autio*, 747 N.W.2d 600, 603 (Minn. App. 2008). Appellate courts are “limited to determining whether the district court’s findings are clearly erroneous, giving due regard to the district court’s determinations regarding witness credibility.” *In re Guardianship of Wells*, 733 N.W.2d 506, 510 (Minn. App. 2007), *rev. denied* (Minn. Sept. 18, 2007). When applying clear-error review, appellate courts “view the evidence in a light favorable to the findings,” and “will not conclude that a factfinder clearly erred unless . . . we are left with a definite and firm conviction that a mistake has been committed.” *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021) (quotation omitted). “When the record reasonably supports the findings,” it does not matter “that the record might also provide a reasonable basis for inferences and findings to the contrary.” *Id.* at 223 (quotation omitted).

To appoint a guardian for an individual, a district court must find by clear and convincing evidence that (1) the individual “is an incapacitated person” and (2) their “identified needs cannot be met by less restrictive means, including but not limited to use of appropriate technological assistance, supported decision making, community or residential services, or appointment of a health care agent.” Minn. Stat. § 524.5-310(a)

(2024); *see also Inquiry into Dehen*, 26 N.W.3d 1, 23 (Minn. 2025) (“Clear and convincing evidence requires that the truth of the facts asserted is highly probable.” (quotation omitted)). On the second prong, “[t]he [district] court must make specific findings particular to the [individual] why less restrictive alternatives do not work.” Minn. Stat. § 524.5-310(a)(2). Less-restrictive alternatives uphold the autonomy of the individual subject to guardianship as much as possible in light of that individual’s needs. *See In re Guardianship of Kowalski*, 382 N.W.2d 861, 866 (Minn. App. 1986) (“The essential issue is whether the [person subject to guardianship’s] fullest autonomy is preserved in light of her medical needs.”), *rev. denied* (Minn. Apr. 18, 1986); *see also* Minn. Stat. § 524.5-310(c) (2024) (“The [district] court shall grant to a guardian only those powers necessitated by the limitations and demonstrated needs of the person subject to guardianship and, whenever feasible, make . . . orders that will encourage the development of the maximum self-reliance and independence . . .”).

Daughter asserts that the district court “did not consider the use of technological assistance or community or residential services, even though the record supports that [daughter’s] needs are being met by community support and that [daughter] can effectively utilize technology.” The district court found that daughter “does not *currently* have the capacity to understand her need for assistance in meeting and maintaining her housing, medical treatment, and government benefits.” (Emphasis added.) Daughter does not challenge this finding. Evidence that some of the assistance provided to daughter used to be sufficient to maintain her housing and sign her up for government benefits in the past does not provide this court with grounds for reversal. *See Kenney*, 963 N.W.2d at 221-22

(stating that clear-error review does not permit reweighing evidence or reconciling conflicting evidence). Daughter's related arguments concerning the ability of other methods used to help daughter meet her needs in the past are unavailing for the same reason.

Daughter also characterizes the district court order as finding that individuals diagnosed with daughter's mental-health condition are "categorically . . . unable to execute less restrictive alternatives to guardianship." We do not read the district court order as making such a finding. Instead, the district court's findings show that it is not the diagnosis that impedes daughter's ability to rely on less-restrictive alternatives. Instead, it is the state of her mental health *at this time* and its impact on her ability to meet her needs *at this time*. The district court applied no categorical rule. We conclude that the district court did not clearly err by finding the less-restrictive-alternatives prong satisfied.

III. The district court did not abuse its discretion by denying daughter's motion to dismiss the guardianship petition.

Daughter contends that the district court abused its discretion by denying her prehearing motion to dismiss the guardianship petition under Minnesota Rule of Civil Procedure 41.02(a). We disagree.

Appellate courts review a district court's decision on a rule 41.02 motion to dismiss for an abuse of discretion. *See Modrow v. JP Foodservice, Inc.*, 656 N.W.2d 389, 395 (Minn. 2003). "A district court abuses its discretion by making findings of fact that are unsupported by the evidence, misapplying the law, or delivering a decision that is against logic and the facts on record." *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022)

(quotation omitted). However, an appellant must also show prejudice resulting from the abuse of discretion. *See Loth v. Loth*, 35 N.W.2d 542, 546 (Minn. 1949) (stating that “error without prejudice is not ground for reversal” (quotation omitted)); Minn. R. Civ. P. 61 (requiring courts disregard harmless error).

Rule 41.02(a) provides that “[t]he [district] court *may*” respond to a party’s violation of a district court order with involuntary dismissal of the action. Minn. R. Civ. P. 41.02(a) (emphasis added). Dismissal pursuant to this rule “operates as an adjudication upon the merits” unless the district court specifies otherwise. Minn. R. Civ. P. 41.02(c). When considering involuntary dismissal, “the [district] court . . . must weigh the reasons given for” dismissal “against any prejudice to the other litigants.” *Lampert Lumber Co. v. Joyce*, 405 N.W.2d 423, 426 (Minn. 1987).

Rule 41.02(a) uses permissive language, providing the district court with the discretion to dismiss the action involuntarily. *See* Minn. R. Civ. P. 41.02(a) (using term “may” to describe district court’s involuntary-dismissal power); Minn. Stat. § 645.44, subd. 15 (2024) (“‘May’ is permissive.”). Nonetheless, daughter claims prejudice in the form of “unfair surprise” to her and an unfair advantage to mother because mother *could have* obtained confidential information from the civil-commitment case manager. But her objection to a continuance that would have alleviated unfair surprise undercuts her assertion of prejudice. And she requested a dismissal that would not operate as an adjudication upon the merits. If granted, this would not have precluded mother from relying on the same information to petition for guardianship again. We therefore conclude

that the district court did not abuse its discretion by denying daughter's motion to dismiss the guardianship petition.⁵

Affirmed.

⁵ Daughter also asserts that her former civil-commitment case manager attended the hearing and spoke with witnesses there. Neither assertion can be verified by the record, and daughter did not present either assertion to the district court. We therefore decline to consider them on appeal. *See Plowman v. Copeland, Buhl & Co.*, 261 N.W.2d 581, 583 (Minn. 1977) (stating that “an appellate court may not base its decision on matters outside the record on appeal” or consider “matters not produced and received in evidence below”); *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (stating that appellate courts generally consider only issues presented to and considered by district court).