THE UTAH COURT OF APPEALS

STATE OF UTAH, IN THE INTEREST OF A.K.-A.,
A PERSON UNDER EIGHTEEN YEARS OF AGE.

S.K.-A.,
Appellant,
v.
STATE OF UTAH,
Appellee.

Opinion
No. 20260077-CA
Filed November 5, 2026

Third District Juvenile Court, Salt Lake Department
The Honorable Aaron Flater
No. 1259400

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JUDGE GREGORY K. ORME authored this Opinion, in which
JUDGES DAVID N. MORTENSEN and JOHN D. LUTHY concurred.

ORME, Judge:

¶1 While experiencing an apparent mental health crisis, S.K.-A. (Mother) attempted to hand her infant son, A.K.-A. (Child), to a couple passing on the sidewalk. During the incident, bystanders also observed Mother shaking Child, holding him by the shoulders, and dangling him by the arm. Based on these stipulated facts, the juvenile court adjudicated Child both

dependent and abused as to Mother. On appeal, Mother challenges only the abuse adjudication, arguing that she lacked the requisite mental state to sustain that adjudication.

¶2 Prior to reaching the merits of Mother's argument, we must first determine whether this appeal is moot. Having concluded that the collateral consequences exception to mootness applies to this case, and having also determined that the adjudication cannot be affirmed on harmless error grounds, we ultimately affirm Mother's abuse adjudication on the merits.

BACKGROUND[1]

¶3 On November 23, 2025, Mother was observed screaming and acting erratically on the street while holding three-month-old Child. Mother was shouting about someone trying to harm her and Child with a gun, and she attempted to give Child to a passing couple in an effort to protect him from this perceived danger. The couple contacted law enforcement. Bystanders also reported that Mother was shaking Child.

¶4 Upon arriving on the scene, law enforcement officers observed Mother holding what they at first believed to be a doll by the shoulders. After approaching Mother, they determined that the "doll" was actually Child, whom she was now holding by the arm and swinging while "yelling incoherently about being attacked by spiders and snakes." The officers were able to safely retrieve Child from Mother. Because Mother appeared to be experiencing a mental health crisis, officers placed her on an involuntary psychiatric hold at a hospital for further evaluation

1. "We recite the facts in the light most favorable to the juvenile court findings." *In re B.D.*, 2024 UT App 104, n.1, 556 P.3d 86 (quotation simplified).

after she attempted to resist placement in a secure wrap and helmet.

¶5 Child was taken into protective custody and evaluated at Primary Children's Hospital, where medical staff discovered his skull was fractured. It was unknown when or how the fracture occurred. Child was discharged from the hospital the following day.

¶6 Mother is the victim of domestic violence perpetrated by Child's father, who has a lengthy criminal history and was incarcerated on pending domestic violence charges at the time of the incident. Mother, conversely, had no criminal history or pending criminal charges. Neither parent had a prior history with the Division of Child and Family Services or the juvenile court.

¶7 The State filed a Verified Petition in the juvenile court, alleging that Child was "abused, neglected, and/or dependent," and seeking temporary custody of Child. A shelter hearing was held on November 25, at which Mother stipulated to Child's continued removal while she worked on her mental health and stability.

¶8 At the adjudication hearing held on January 5, 2026, Mother neither admitted nor denied the facts alleged in the Verified Petition, pursuant to rule 34(e) of the Utah Rules of Juvenile Procedure. *See* Utah R. Juv. P. 34(e) ("A respondent may answer the petition by admitting or denying specific allegations or by proceeding with an uncontested answer by declining to admit or deny the allegations. Allegations not specifically denied by a respondent will be deemed true."). With the alleged facts being deemed true in accordance with rule 34(e), the parties proceeded to argue whether Child was abused or dependent.

¶9 The State urged the court to find Child was abused, relying primarily on Child's fractured skull. Mother and the Guardian ad Litem (the GAL) each argued in favor of a finding of dependency.

The GAL asserted that Mother's conduct was an "isolated incident" stemming from a mental health breakdown that took place a mere three months post-partum following severe domestic violence during pregnancy. The GAL argued that an abuse finding required Mother to act either intentionally or knowingly but that Mother "was severely incapacitated at the time and was not in control of her actions." The GAL also highlighted that Mother had since pursued therapy and domestic violence resources. Mother agreed with the GAL's argument and added that her attempt to hand Child to the couple demonstrated that "even with the mental health crisis she was experiencing, she was attempting to find a way to protect [Child] and to seek help for both of them." She added that "while this was a frightening experience for her and for [Child], fortunately, it hasn't resulted in any long-term injury to him."

¶10 The juvenile court first concluded that it did not "have enough facts to attribute" the skull fracture to Mother. But the court stated that it was still "considering" whether the "actions that were described in the petition amount to threatened harm of a child"—one of the variants of abuse. On that point, Mother argued that "if there's not a sufficient state of mind, then the whole code doesn't make any sense" and could be "stretch[ed] . . . to any situation."

¶11 The court ultimately ruled that "the conduct described in the petition constitutes threatened harm of" Child, finding that Mother's "conduct was dangerous and had a high risk and high potential for actual physical harm" to Child. The court further concluded that the statutory definition of abuse did not require Mother's "actions to be knowing, intentional, or reckless." On that basis, the court found, as to Mother, that Child was abused. The court also entered a concurrent finding that Child was dependent as to Mother.

¶12 Following the court's oral ruling, Mother argued that the abuse finding was erroneous because the Verified Petition did not

indicate the amount of force used when swinging Child and "there needs to be specific findings" on that. The court rejected this argument, stating that "swinging a three-month-old infant by the arm is a threatened harm of the child."

¶13 Mother appealed. About two months prior to oral argument in this appeal, the juvenile court terminated its jurisdiction over the case and returned permanent custody and guardianship of Child to Mother.

ISSUES AND STANDARDS OF REVIEW

¶14 Before proceeding to the merits of Mother's appeal, we must first consider whether the juvenile court's resolution of the underlying child welfare proceeding and termination of its jurisdiction render the appeal moot. *See Ramos v. Cobblestone Centre*, 2020 UT 55, ¶ 22, 472 P.3d 910 (stating that "mootness is a threshold determination" that must be made before reaching the merits of an appeal). "The question of whether issues presented in an appeal have been rendered moot by events occurring after the appeal has been filed is a question that, by definition, arises for the first time here on appeal, and therefore our decision is not governed by any standard of review, and we decide the matter as a question of law in the first instance." *Ramirez v. Landau*, 2026 UT App 17, ¶ 10, 586 P.3d 536 (quotation simplified). And because we conclude that the collateral consequences exception to mootness applies to this case, we may proceed to address the merits of Mother's appeal.

¶15 In her appeal, Mother challenges only the juvenile court's abuse adjudication. She argues that the stipulated facts are insufficient to sustain the requisite mental state to support an

abuse adjudication.[2] "We review questions of statutory interpretation for correctness, affording no deference to the [juvenile] court's legal conclusions." *State v. Thurman*, 2022 UT 16, ¶ 13, 508 P.3d 128 (quotation simplified). And because making a determination of abuse "involves applying a given set of facts to statutory criteria," which "is primarily a law-like endeavor," we also review that determination for correctness. *In re K.J.*, 2024 UT App 47, ¶ 31, 548 P.3d 886 (quotation simplified), *cert. denied*, 554 P.3d 924 (Utah 2024).

ANALYSIS

I. Mootness

¶16 "A case may be mooted on appeal if the relief requested is rendered impossible or of no legal effect." *Transportation All. Bank v. International Confections Co.*, 2017 UT 55, ¶ 15, 423 P.3d 1171 (quotation simplified). In other words, a case is moot when the court lacks the capacity "to order a remedy that will have a meaningful impact on the practical positions of the parties." *Utah Transit Auth. v. Local 382 of Amalgamated Transit Union*, 2012 UT 75, ¶ 24, 289 P.3d 582. In such cases, courts no longer have "the power to address the underlying merits or issue what would amount to an advisory opinion." *Id.* ¶ 12.

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2. Mother also argues that the juvenile court erred in interpreting Utah Code section 80-1-102(1)(a)(i)(B) as not requiring a culpable mental state to establish "threatened harm of a child." But because the State concedes this point, agreeing that the threatened harm must be "nonaccidental" and thus "the applicable requirement is that the parent engaged in the actions that threatened harm to the child intentionally, knowingly, or recklessly," we leave resolution of this question of statutory interpretation for another day and proceed under the framework agreed upon by the parties.

¶17 Here, a reversal of Mother's abuse adjudication would no longer "have a meaningful impact on the practical positions of the parties," *id.* ¶ 24, because, during the pendency of this appeal, the juvenile court returned Child to Mother's custody and terminated the underlying child welfare proceeding. But while this appeal is technically moot, we nonetheless retain judicial power to address the merits of Mother's argument because the collateral consequences exception to mootness applies here. *See In re P.M.*, 2025 UT App 154, ¶ 25 n.2, 580 P.3d 930. That is, because of the abuse adjudication, Mother faces "deprivations of liberty" that "include collateral consequences in possible future confrontations with the legal system." *In re M.S.*, 2023 UT App 74, ¶ 37, 533 P.3d 859 (quotation simplified). Specifically, pursuant to Utah Code section 80-4-301(1)(b), Mother's abuse adjudication would be sufficient to satisfy the first of the two elements[3] required for termination of her parental rights in a future case.[4] *See id.* ¶¶ 38-40;

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3. These two elements are that (1) "a trial court must find that one or more of the statutory grounds for termination are present" and (2) "a trial court must find that termination of the parent's rights is in the best interests of the child." *In re B.T.B.*, 2018 UT App 157, ¶ 13, 436 P.3d 206 (quotation simplified), *aff'd*, 2020 UT 60, 472 P.3d 827.

4. Child's Guardians ad Litem on appeal (the GALs) vigorously urge this court to repudiate this interpretation of Utah Code section 80-4-301(1)(b), which they have termed "the permanent ground theory." They argue that the theory is unconstitutional because it allows for termination of parental rights based solely on the child's best interests without needing to prove current unfitness. To be sure, "termination of parental rights solely on the basis of the child's best interest and without any finding of parental unfitness, abandonment, or substantial neglect, violates the parent's constitutional liberty rights." *In re B.T.B.*, 2018 UT App 157, ¶ 14 (quotation simplified). The specific issue the GALs

(continued…)

In re J.M., 2020 UT App 52, ¶¶ 28–30, 463 P.3d 66. *See generally In re J.M.*, 2020 UT App 52, ¶ 29 n.3 (stating that the second prong of the parental rights termination test, which addresses the child's best interest, gives "a parent who believes she has—in the time since the abuse or neglect occurred—improved her parenting and her bond with her child an opportunity to present evidence . . . of her improved situation"). Accordingly, based on a prior adjudication of abuse or neglect, "a parent's rights could conceivably be terminated without the parent subsequently satisfying a statutory ground for termination, so long as termination is in the child's best interest." *In re M.S.*, 2023 UT App 74, ¶ 39.

¶18 Also of note, pursuant to Utah Code section 80-2-707(7)(a), the abuse (and dependency) adjudication will remain on the Division of Child and Family Services Management Information

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raise is whether a past, resolved finding of abuse or neglect satisfies section 80-4-301(1), which includes that "the parent has neglected or abused the child" as a ground for termination. This court, in *In re J.M.*, 2020 UT App 52, 463 P.3d 66, held that past findings of abuse or neglect satisfy the requirement, *see id.* ¶¶ 28-30, and, subsequently, in *In re M.S.*, 2023 UT App 74, 533 P.3d 859, held that this constituted a sufficient collateral consequence to overcome mootness, *see id.* ¶¶ 38–40. But given that the GALs' argument raises the potential violation of the *parent's* constitutional rights, *see id.* ¶ 38 (noting that the "first element plays a critical role in the protection of parental rights"), and given that both Mother and the State oppose overturning the permanent ground theory and Mother objects on standing grounds to the GALs' raising constitutional issues on her behalf, *see Shelledy v. Lore*, 836 P.2d 786, 789 (Utah 1992) ("As a general rule, courts do not permit a party to assert the constitutional rights of a third party."), we reserve resolution of this constitutional challenge for a future case. For purposes of this appeal, we assume the validity of the permanent ground theory.

System child abuse database, which will affect Mother's ability to foster other children should she later so desire and may be deemed germane in any future investigations conducted by the division. *Id.* ¶ 38. *See In re A.W.*, 2002 UT App 159, ¶ 4, 48 P.3d 257 ("[R]ecords of the dependency adjudication in the Division of Child and Family Service's internal database may have ramifications on future investigations or adjudications involving the parents.").

¶19 In sum, because the collateral consequences exception to mootness is satisfied, we turn to address the merits of Mother's appeal.

II. Harmless Error

¶20 The State contends that Mother's abuse adjudication should be affirmed on the alternative ground that she is appealing only the abuse adjudication while leaving the accompanying dependency adjudication unchallenged. Specifically, the State asserts that "Mother cannot demonstrate prejudice from the abuse finding because any court-ordered disposition will be the same because it is based upon the same underlying facts and conduct." Although we agree with this general proposition (and indeed, Child was ultimately returned to Mother's custody), we nonetheless do not affirm on this ground because an abuse adjudication carries distinct collateral consequences that a dependency adjudication does not.

¶21 A "[d]ependent child" is "a child who is without proper care through no fault of the child's parent, guardian, or custodian." Utah Code Ann. § 80-1-102(21) (LexisNexis Supp. 2025). "The definition of 'dependency'—as distinguished from 'abuse' or 'neglect'—seems intended to capture situations in which a child develops a need for State-based aid due to reasons unconnected to the fault of any parent or guardian." *In re B.D.*, 2024 UT App 104, ¶ 41, 556 P.3d 86 (quotation simplified). Abuse

and neglect adjudications, conversely, "involve some fault or failing on the part of the affected parent." *Id.* ¶ 39.

¶22 Any one of the three adjudicative categories (dependency, neglect, or abuse) is sufficient to bring a "child within the jurisdiction of the court and allows the court to enter dispositional orders." *In re K.K.*, 2023 UT App 13, ¶ 26, 525 P.3d 519, *cert. denied*, 531 P.3d 731 (Utah 2023). *See* Utah Code Ann. § 80-3-402 (LexisNexis Supp. 2025). Likewise, all three categories "trigger the same dispositional provisions." *In re K.K.*, 2023 UT App 14, ¶ 19, 525 P.3d 526 (quotation simplified), *cert. denied*, 531 P.3d 731 (Utah 2023). *See* Utah Code Ann. § 80-3-405 (LexisNexis Supp. 2025); *In re K.K.*, 2023 UT App 13, ¶ 26. Generally speaking, "dispositions are tied to the factual findings about what is going on in the case and are implemented based on concern for the child's health and safety and remedying the underlying issues resulting in the adjudication." *In re K.K.*, 2023 UT App 13, ¶ 26. Consequently, when two adjudications stem from the same underlying facts, the juvenile court's disposition will generally remain identical regardless of the label applied.[5] *Id.* ¶¶ 27–28.

¶23 Relying on these principles, this court has previously affirmed adjudications as harmless error where a juvenile court

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5. There are exceptions to this general rule that might arise where a child is adjudicated both dependent and abused or neglected as to the parent. For example, Utah Code section 80-3-406(5) lists several circumstances, many of which involve specific variants of abuse or neglect, that create a rebuttable presumption against offering reunification services. And section 80-3-406(11) eliminates any duty of the juvenile court to order reunification services in cases involving "sexual abuse, sexual exploitation, abandonment, severe abuse, or severe neglect." Because these statutory triggers require egregious, fault-based conduct, they attach specifically to abuse or neglect cases and do not arise in dependency proceedings. But none of these circumstances are present here.

entered both abuse and neglect adjudications but the appellant challenged only one of the two fault-based adjudications. *See, e.g.*, *id.* ¶¶ 25–28; *In re G.B.*, 2022 UT App 98, ¶¶ 33–34, 516 P.3d 781. Similarly, this court has affirmed a second fault-based adjudication on harmless-error grounds after affirming the first fault-based adjudication on the merits. *See, e.g.*, *In re K.J.*, 2024 UT App 47, ¶¶ 42–43, 548 P.3d 886, *cert. denied*, 554 P.3d 924 (Utah 2024); *In re K.K.*, 2023 UT App 14, ¶¶ 18–19. But in affirming a second fault-based adjudication on harmless-error grounds, this court has also specifically noted that the appellant had not demonstrated that the challenged adjudication carried collateral consequences that the unchallenged (or affirmed-on-the-merits) adjudication did not. *See In re K.J.*, 2024 UT App 47, ¶ 43 ("In situations like this one, the propriety of the court's abuse adjudication ends up being an inconsequential point, unless the affected parent can demonstrate that there will be collateral consequences associated with an abuse determination that do not follow from a neglect determination.") (quotation simplified); *In re G.B.*, 2022 UT App 98, ¶ 34 (noting that the appellant had not demonstrated that an abuse adjudication carries "some collateral consequences . . . that do not follow from a neglect determination").

¶24 However, abuse and neglect adjudications carry significant collateral consequences that a dependency adjudication does not. As discussed in Part I above, "[u]nder the parental rights termination test, based on the prior adjudication of [abuse or] neglect, a parent's rights could conceivably be terminated without the parent subsequently satisfying a statutory ground for termination, so long as termination is in the child's best interest." *In re M.S.*, 2023 UT App 74, ¶ 39, 533 P.3d 859. *See In re J.M.*, 2020 UT App 52, ¶¶ 28–30, 463 P.3d 66. This is not the case with a dependency adjudication. *See* Utah Code Ann. § 80-4-301(1) (LexisNexis Supp. 2025) (listing the statutory grounds authorizing the termination of parental rights, including that "the parent has neglected or abused the child," but not including a prior

dependency adjudication). Mother's decision not to challenge her dependency adjudication is thus distinguishable from the failure to challenge an abuse adjudication because abuse adjudications carry distinct collateral legal consequences that do not follow from a no-fault dependency finding. Therefore, we cannot say that any alleged error was inconsequential.

¶25 We recognize that collateral consequences are typically discussed in the context of mootness, while prejudice and harmless error analyses are typically limited to the determination of whether an alleged error affected the outcome of the underlying case. But under the unique posture of child welfare cases, doing so would insulate fault-based abuse adjudications from judicial review whenever the same underlying facts also validly sustain a dependency adjudication. Given the lasting consequences stemming from an at-fault adjudication, due process requires that a parent be permitted to challenge the at-fault finding on appeal, notwithstanding an alleged error's effect on the outcome of the underlying child welfare proceeding.

¶26 For these reasons, we do not affirm Mother's abuse adjudication on harmless error grounds and proceed to address the merits of her argument.

III. Mental State

¶27 Under the Utah Juvenile Code, as relevant here, both the "nonaccidental harm of a child" and the "threatened harm of a child" constitute "[a]buse." Utah Code Ann. § 80-1-102(1)(a)(i)(A)–(B) (LexisNexis Supp. 2025). "'Threatened harm' means actions, inactions, or credible verbal threats, indicating that the child is at an unreasonable risk of harm or neglect," *id.* § 80-1-102(93), and "[h]arm" is further defined as, among other things, "physical or developmental injury or damage," *id.* § 80-1-102(38)(a). The State agrees with Mother that "threatened harm of a child" incorporates the same "nonaccidental" requirement as inflicting actual harm to the

child. *See supra* note 2. Although the Juvenile Code does not define "nonaccidental," that term "encompasses anything that is not an accident. Thus, the parent may cause the abuse intentionally, knowingly, or recklessly." *In re J.A.*, 2018 UT App 29, ¶ 54, 424 P.3d 913, *cert. denied*, 420 P.3d 704 (Utah 2018).

¶28 The State argues that Mother's intent to engage in the acts of attempting to give three-month-old Child to complete strangers, shaking Child, holding him by the shoulders, and swinging him by the arm, regardless of whether she understood such actions threatened harm to Child, was sufficient to support an abuse adjudication. To illustrate this argument, the State contrasts a parent who, in full command of their mental faculties, intentionally walks into traffic with a young child, thereby exposing the child to an unreasonable risk of harm, with a second parent who does the same while under the sincere delusion that they will be divinely protected. The State argues that the subjective awareness standard of intent would lead to the "perverse result" in which the child would be adjudicated abused only as to the first parent even though both parents intentionally engaged in the same physical act and created the same unreasonable risk of harm to the child.

¶29 Mother, whose attorneys conceded during oral argument before this court that she intended to commit the underlying acts, asserts that this was nonetheless insufficient to support an abuse adjudication because she lacked the "conscious objective or desire" to threaten harm to Child. She contends that this point of distinction "is what prevents a parent from *accidentally* threatening harm by intending to engage in a benign act that ends up indicating an unreasonable risk of harm to the child." To illustrate this point, Mother offers the example of jaywalking. She asserts that the intentional act of jaywalking with a child is insufficient on its own to justify an abuse adjudication; rather, the surrounding circumstances are controlling. That is, she contends that a parent places a child at an unreasonable risk of harm when the parent jaywalks with the child onto a busy street with

oncoming traffic but not when the parent jaywalks with the child onto a road with no cars in sight—even if a speeding car were to suddenly turn the corner, nearly striking the child. And, according to Mother, the same is true when the parent does not see the oncoming car due to glaucoma and decides to jaywalk with the child onto what the parent believes is an empty street. She asserts that in the latter two instances, although the child is almost struck by the speeding car, the parent nonetheless lacks the "conscious objective" to place the child at an unreasonable risk of harm.

¶30 We agree with the State that Mother's intent to handle Child in a manner that placed him at an unreasonable risk of harm was sufficient to sustain an abuse adjudication, regardless of whether Mother appreciated the consequences of those actions.[6]

¶31 The Juvenile Code does not define what it means to act intentionally. But under Utah's Criminal Code, an individual acts intentionally when acting "with intent or willfully with respect to the nature of his conduct or to a result of his conduct, when it is his conscious objective or desire to engage in the conduct or cause the result." Utah Code Ann. § 76-2-103(1) (LexisNexis 2017). This statutory definition incorporates both a conduct-based (general intent) and a result-based (specific intent) component. In the criminal context, courts typically select the component that best fits the statutory definition of the crime. *See State v. Paule*, 2024 UT 2, ¶ 29, 554 P.3d 844 ("The *mens rea* of a crime may require either general or specific intent. To be convicted of a specific intent crime, the defendant must have acted with the intent to cause a specific result rather than simply the intent to perform the act."); *State v. Hutchings*, 2012 UT 50, ¶ 14 n.3, 285 P.3d 1183 (stating that the distinction between specific and general intent is "embodied

6. Because we ultimately conclude that Mother acted intentionally, we limit our analysis to that mental state and do not address whether Mother also acted recklessly or knowingly.

in our case law, . . . described as intent to cause a result and intent as to conduct, respectively").

¶32 In addressing the parties' arguments, we must remain mindful of the overarching principles governing child welfare proceedings, which fundamentally differ from those of criminal proceedings. *See In re J.A.*, 2018 UT App 29, ¶ 53. While criminal proceedings advance the "penal purposes of rehabilitation, deterrence, retribution, and protection of the public," *State v. Bishop*, 717 P.2d 261, 265 (Utah 1986), child welfare proceedings are civil proceedings that are designed "to protect the child and to assist the family in resolving difficulties that endanger the child," *In re J.A.*, 2018 UT App 29, ¶ 53 (quotation simplified). *See In re A.R.*, 1999 UT 43, ¶ 18, 982 P.2d 73 ("The primary focus of and sole statutory justification for child protection proceedings is to protect the interests of children who are neglected or abused."). Further, child welfare proceedings do not serve any punitive function. *See In re J.A.*, 2018 UT App 29, ¶ 53 (stating that a child welfare proceeding "is not a criminal trial of the accused abuser") (quotation simplified). Indeed, our Supreme Court has expressly rejected the suggestion that child welfare proceedings are even "quasi-criminal in nature," stating that "although parents may suffer a severe detriment in losing temporary or permanent custody of their children, ... a child is never removed from a home as a punishment to the parent." *In re A.R.*, 1999 UT 43, ¶ 18 (quotation simplified). Rather, "the welfare of children is the consideration of paramount importance, and children are removed only when it is in their best interest." *Id.* (quotation simplified). *See* Utah Code Ann. § 80-2a-201(7)(c) (LexisNexis Supp. 2025). We therefore keep Child's welfare at the forefront of our analysis as we evaluate whether Mother possessed the requisite mental state.

¶33 As relevant here, the conduct constituting threatened harm of a child consists of nonaccidental "actions . . . indicating that the child is at an unreasonable risk of harm," Utah Code Ann. § 80-1-102(93), that is, of "physical or developmental injury or

damage," *id.* § 80-1-102(38)(a). Notably, "the civil offense of child abuse is based on a child's status of abused." *In re J.A.*, 2018 UT App 29, ¶ 51 (quotation simplified). In other words, the focus of child welfare proceedings is whether the child was abused (i.e., whether the child was threatened with harm) rather than whether the parent abused the child (i.e., whether the parent intended to threaten harm to the child). Accordingly, "the purpose of civil child welfare adjudication *does not require a parent to form specific intent prior to committing abuse*." *Id.* (emphasis added; quotation otherwise simplified). This means that the parent need not intend the result of the child being placed at an unreasonable risk of harm; the parent need only have the general intent to engage in the act that carries that result.

¶34 This conclusion is further reinforced by the statutory requirement that the risk of harm be "unreasonable," Utah Code Ann. § 80-1-102(93), which strongly implies an objective standard rather than a subjective one, *see, e.g.*, *State v. Sorbonne*, 2022 UT 5, ¶ 28, 506 P.3d 545 (stating, in the context of the self-defense statute, that the requirement that the defendant's belief be *reasonable* "introduces a component of objectivity"); *Corona-Leyva v. Hartman*, 2022 UT App 45, ¶ 22, 509 P.3d 236 (stating that the stalking statute's reference to a "reasonable person" imposes "an objective standard for [that] element") (quotation simplified). Further, the statutory definition of "[t]hreatened harm" focuses on the action (or inaction or verbal threat) of the parent and the associated consequences; it is entirely silent as to the parent's subjective beliefs when engaging in the action. Utah Code Ann. § 80-1-102(93). We decline to read into the statutory text a requirement that a parent must subjectively appreciate the unreasonableness of the risk generated by the volitional conduct.

¶35 Turning to the hypotheticals raised by the State, both the parent who walks into oncoming traffic with a child intending to place the child at risk of harm and the parent who does so under the delusion that the child will be divinely protected satisfy the statutory standard for civil child abuse because the intentional act

of walking with a child into oncoming traffic, regardless of the motivation, places the child "at an unreasonable risk of harm." *Id.* As for Mother's jaywalking hypotheticals, the ultimate resolution would likewise turn on whether, given the circumstances, the child was placed "at an unreasonable risk of harm." *Id.* The inquiry turns on whether the choice to jaywalk across an apparently empty street is an objectively unreasonable risk of harm to the child, regardless of whether a car later unexpectedly rounds the corner. And the same inquiry applies when a parent jaywalks with a child without first verifying that the street is clear, even if the failure to observe oncoming traffic stems from a medical impairment such as glaucoma.

¶36 Here, Mother conceded that she intended the underlying conduct of holding Child by the shoulders, shaking him, swinging him by the arm, and attempting to give him to passing strangers. Because it is undisputed that this conduct objectively subjected Child to an unreasonable risk of harm—regardless of whether Mother appreciated the consequences—we affirm her abuse adjudication.

CONCLUSION

¶37 Although the juvenile court's underlying jurisdiction over Child has terminated, Mother's appeal is not moot because an abuse adjudication carries lasting collateral legal consequences. Furthermore, because a fault-based abuse adjudication imposes consequences distinct from a no-fault dependency adjudication, we do not affirm Mother's abuse adjudication on harmless error grounds. Addressing the merits of Mother's appeal, because Mother intentionally engaged in physical handling of Child that objectively created an unreasonable risk of harm to him, we affirm the juvenile court's abuse adjudication.