

Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



ATTORNEY FOR APPELLANTS:

ATTORNEY FOR APPELLEE:

**MICHAEL R. COCHREN**

**JILL DEWIG WESCH**

Princeton, Indiana

Princeton, Indiana

---

**IN THE  
COURT OF APPEALS OF INDIANA**

---

H.C. and B.C., )

Appellants-Respondents, )

vs. )

No. 26A01-0901-JV-18

INDIANA DEPARTMENT OF CHILD SERVICES, )

Appellee-Petitioner. )

---

APPEAL FROM THE GIBSON CIRCUIT COURT

The Honorable Jeffrey F. Meade, Judge

Cause No. 26C01-0804-JT-10

---

**July 23, 2009**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**NAJAM, Judge**

## **STATEMENT OF THE CASE**

H.C. (“Mother”) and B.C. (“Father”) appeal from the trial court’s judgment terminating their parental rights with respect to their child, A.C. (“the Child”). Mother and Father present the following issues for our review:

1. Whether the evidence is sufficient to sustain the termination of their parental rights.
2. Whether the trial court’s judgment terminating Mother’s and Father’s parental rights violates their constitutional rights.

We affirm.

## **FACTS AND PROCEDURAL HISTORY**

On April 3, 2007, when Mother was seven months pregnant, Karen Ann Smith of Healthy Families began working with Mother and Father to educate them about child development and childcare. Mother gave birth to A.C. on May 29. On May 30, the Gibson County Department of Child Services (“DCS”) received a report that Mother was stating that she was going to “take the newborn swimming and was going to perform her own surgery to remove the umbilical cord from the infant.” Appellants’ App. at 198. There were also concerns about Mother’s ability to provide age-appropriate care for the Child.

As a result of the report, DCS Family Case Managers (“FCMs”) Goodpasture and Cummings visited Mother and Father’s home on Friday, June 1. When FCM Cummings

asked [Mother] to tell her when the child was last fed, [Mother] took a long time in responding. She stated she thought the baby was fed at 12:30 p.m. She stated the baby has to be fed every 3-4 hours. [Mother] was uncertain of when she would need to feed the baby next. When FCM Goodpasture asked when she should feed the baby again, [Mother] stated around 5:00 or 6:00 p.m. This would be 4.5-5.5 hours after the last feeding.

Id. at 198. The FCMs also learned that Mother and Father had only nine pre-mixed bottles of formula provided by the hospital. That amount of formula would not have been enough to feed the Child through the weekend. When asked, Mother and Father could not figure out how long nine bottles would last them, and they planned to buy more formula when Father was paid, on June 8.

FCM Cummings asked Mother's mother ("Grandmother") to go to the store and buy formula and bottles. Grandmother returned with only powdered formula and told the FCM that "she did not know how to make the formula." Id. "After FCM Cummings showed the family how to mix the formula, she asked FCM Cummings to write down the instructions or she would forget." Id. At this time, FCM Cummings prepared a Safety Plan, which provided, in relevant part:

-Parents will make pediatrician's appointments for [the Child]. Parents will take [the Child] to the appointments and follow pediatrician's recommendations.

-Parents will not take [the Child] swimming.

-Parents will follow the hospital's recommendations for caring for [the Child's] umbilical cord. Parents will not try to take off the umbilical cord.

-[The Child] will be fed 1½-2 ounces every 3-4 hours.

Id. at 191. Mother, Father, Grandmother, and Mother's sister ("Aunt") signed the Safety Plan.

On June 4, FCMs Cummings and Goodpasture visited Grandmother's house, where the baby was staying.<sup>1</sup> Mother reported that she had recently fed the Child. But

---

<sup>1</sup> In their appellants' brief, Mother and Father assert that the child had "never been in [their] care and custody[.]" Appellants' Brief at 11. But Mother and Father provide no citation to the record to

Mother was not able to state at what time the feeding took place, how much the baby had eaten, or when the baby should be fed next. FCM Cummings reported that

[w]hen [M]other showed FCM Cummings the bottle used to feed the [Child], there was 1½ ounces left. When FCM Cummings asked [Mother] to show her what line she filled the bottle up to with formula and water, [Mother] first pointed to the 1½[-]ounce line. When FCM told her that meant the baby did not eat anything, she switched her statement and said she filled the bottle up to the 3[-]ounce line. Later, [Mother] went to make a bottle and asked FCM Goodpasture for help. She told FCM Goodpasture she did not know how to make a bottle and had never made one before.

Id. at 199. Also at that visit, the FCMs learned that Mother had not made an appointment with a pediatrician for the Child as requested.

After the June 4 visit ended, DCS requested emergency detention of the Child, which the trial court granted. Following a detention hearing held on June 5, the court authorized DCS to file a petition alleging the Child to be a child in need of services (“CHINS”) and authorized continued detention of the Child. DCS filed a CHINS petition on June 12, and the court held the initial hearing on June 13. The court held a dispositional hearing on July 12. Following the hearing, the court entered a dispositional order, in which it required the parents to:

- a. participate in intensive services through Ireland Home Based Services, and shall [sic] follow recommendations of the service provider;
- b. cooperate with the service provider in developing a budget;
- c. receive psychological evaluations through Gibson General behavioral health, and follow recommendations resulting for [sic] the evaluation[s];

---

support that statement or fully explain the circumstances of the Child’s care before the child was removed by DCS. DCS also provides no clear statement of where the Child lived and who provided his primary care before the emergency detention order was entered.

- d. maintain safe and suitable housing;
- e. notify the Family Case Manager of any change of address, telephone number or household composition within 24 hours of such change.

Id. at 207.

The court held review hearings on October 2 and December 20, 2007; a permanency hearing on March 7, 2008; and another review hearing on April 25, 2008. Throughout this period, Mother and Father received “intensive reunification services” from DCS and Ireland Home Based Services. Id. at 90. Sarah Laury, a case manager with Ireland, met with Mother and Father five days a week for five hours per day for eight weeks. Laury worked with Mother and Father on “basic infant skills such as feeding, supervision, safety, just basic infant care.” Id. at 91. At the end of the eight-week period, the maximum length allowed for services provided in “intensive cases,” Mother and Father had shown improvement but not “significant improvement” to show that Mother and Father would know what to do when the Child is older without someone else to help them. Id. at 97.

During the same period, Mother and Father were given the Vineland II Adaptive Behavior and SAFE assessments. The Vineland assessment is a standardized test that looks at areas including communication, daily living skills, and socialization, and it scores the test-taker with an age equivalent. Father’s scores on the Vineland assessment show that he is able to perform at the level of someone less than one month old in socialization; between three years, five months and seven years, six months in communication; and between four years, ten months and seven years, six months in daily living skills. Mother’s scores on the Vineland assessment show that she is able to

perform at the level of someone less than a month old to four months old in socialization; between two years, eleven months and six years, five months in communication; and between one year, six months and five years, five months in daily living skills.

In the SAFE assessment, “numerous visits occur[red] over the course of several months in which [the evaluator, Ethel Elkins,] observe[d] them with the [C]hild, gather[ed] history information, financial information, [and] look[ed] at their parenting skills.” Id. at 68. To perform the SAFE assessment, Elkins visited Mother and Father twenty times between October 2007 and March 2008.<sup>2</sup> Elkins noted that Mother and Father “appear to lack a concept of age-appropriate parenting skills” and she expressed “many concerns about the care that [Mother and Father] can ever hope to provide for [the Child,] given their limited abilities and lack of emotional attachment.” Id. at 160. Specifically, Elkins observed that Mother and Father were living at the time with Aunt and Aunt’s boyfriend in the boyfriend’s home, which did not have heat. Mother and Father could not budget or account for their finances, frequently had to borrow money, and bought roller-skate shoes instead of heaters as requested in order to hold visitation with the Child in that home.

Throughout the period of the CHINS case and until the termination hearing, Mother and Father had supervised visitation with the Child. During supervised visitations, Mother “usually” had to be reminded to burp the Child and “got confused as to how many ounces of formula went into the bottle.” Id. at 102. Mother was sometimes

---

<sup>2</sup> Elkins testified that a SAFE assessment normally takes approximately six weeks to complete. The assessment took longer in this case because Mother and Father “were poor historians” in that their answers to identical questions varied from week to week. Appellants’ App. at 70.

distracted and pursued other activities during a visit, missing the opportunity to visit with the Child. Mother and Father also argued loudly on occasion during visitation.

DCS filed its Petition for Involuntary Termination of the Parent-Child Relationship on April 1, 2008. The trial court held a hearing on that petition on August 7, 2008. On October 14, 2008, the court entered its Findings of Fact and Conclusions Thereon, terminating Mother's and Father's parental rights as to the Child. Mother and Father filed a motion to correct error. On December 9, 2008, the court entered its Amended Findings of Fact and Conclusions Thereon ("Amended Judgment"), which corrected the Child's birth date but still terminated parental rights. The Amended Judgment provides, in relevant part:

1. [A.C.], the child, was born on May 29, 2007, and is under eighteen (18) years of age.
2. The child's biological parents are [Mother and Father].

\* \* \*

4. The child was removed from [Mother and Father's] care and custody on June 5, 2007[,] and has remained in out-of-home placement since that time. The child was removed due to [Mother and Father's] failure to follow the safety plan they agreed to with the Indiana Department of Child Services, Gibson County local office ("GCDCS"). On June 5, 2007, an emergency detention hearing was held, at which time the Court found removal was authorized and necessary to protect the child and was in the child's best interests.
5. On June 13, 2007, [Mother] was present in open court. The child was found to be a child in need of services after [Mother and Father] freely and voluntarily admitted the Department's CHINS petition.
6. A dispositional decree was entered on July 31, 2007. Parental participation was agreed to by [Mother] and ordered at that time by the Court. [Mother and Father] did not object to the GCDCS recommendations.

7. Since, removal, the child has not been returned to the care and custody of [Mother or Father].

8. [Mother and Father] underwent services through Healthy Families' Karen Smith on Child Development and Parental Education beginning prior to the child's birth. The parents demonstrated an inability to handle the changes that go along with raising a child and a propensity for poor money management. They failed to take the opportunities given to them to bond with the child.

9. [Mother and Father] displayed both verbal and physical hostility while being supervised with the child in their care, including incidents where the child was actually placed in the line of physical hostility.

10. [Mother and Father] had opportunities to bond with the child and did not take proper advantage of those opportunities, resulting in the parents and the child not being bonded.

11. After the conclusion of the services of Health Families, Ms. Smith was left with the conclusion, based on her observations and the patterns of behavior that [Mother and Father] displayed, that [Mother and Father] cannot meet the physical, emotional, or safety needs of the child.

12. A SAFE assessment was conducted by Ireland Home Based Services' licensed social worker, Ethel Elkins. The assessment found [sic] that [Mother and Father] did not understand how to properly parent any child of any age, that they could not properly budget money required to parent the child, and concluded that the child would not be safe in that environment.

13. A Vineland assessment was also done by Ethel Elkins to determine [Mother's and Father's] functioning abilities. [Mother] was found to function at abilities lower than a [one-year-old] in many areas and had no functioning level above that of a [six-and-a-half-year-old]. [Father] was found to function at levels slightly better than [Mother] but still significantly low and in no areas above that of a [seven-and-a-half-year-old].

14. GCDCS implemented intensive reunification services through Ireland Home Based Services, where an in[-]home therapist, Sarah Laury, was in the home with [Mother and Father] and the child for a period of five (5) hours a day for an eight[-]week period. At the conclusion of this

service, it was clear that the child would not be safe in the home based upon [Mother's and Father's] actions and interactions with the child and others.

15. After intensive reunification services failed, GCDCS provided supervised visitation with [Mother and Father] and the child through Ireland Home Based Services from August 2007 up until the time of the termination trial. Linda Vaughn supervised a significant majority of the visits and estimated that approximately thirty percent (30%) of the visits she was to supervise were missed. During the visits, [Mother and Father] failed to take the opportunity to properly parent and bond with their child. At some visits hostility between the parents would occur, including an occasion where [Mother] struck [Father] in the presence of the child. Visits had to be moved to the public library because [Mother and Father's] home did not have adequate utilities to ensure the health and safety of the child.

16. The child would be placed in a dangerous environment if returned to [Mother and Father's] care because they have not shown significant improvement even after GCDCS implemented services to address their deficiencies.

17. The Department's plan is for the child to be adopted by the foster parent currently having placement of the child.

18. The parents do not have the financial means to support the child.

19. The parents have demonstrated a lack of progress over the course of the case and there is little hope that trend will reverse based upon their history and involvement with services.

20. The Guardian Ad Litem believes it is in the best interests of the child to terminate [Mother's and Father's] parental rights and that GCDCS went above and beyond all efforts to prevent termination.

21. The CASA assigned to this case recommends termination of parental rights.

#### Conclusions Thereon

\* \* \*

13. There is a reasonable probability that the conditions that resulted in the child's removal from and continued placement outside the care and custody of the mother will not be remedied.

14. There is a reasonable probability that the continuation of the parent-child relationship between [A.C.] and [Father and Mother] poses a threat to[A.C.'s] well-being.

15. The child needs stability, permanency, and a safe environment, none of which can be provided by [Mother and Father] as of the time of trial in spite of the services and attempts of the Indiana Department of Child Services, Gibson County Local Office; therefore, it is in the child's bests interest for the parents' parental rights to be terminated.

16. The plan, termination of parental rights and adoption, of the Department of Child Services for the care and treatment of the child is satisfactory.

WHEREFORE, the Court finds that the parent-child relationship between the child, [A.C.], and the child's parents, [Mother and Father], shall hereby be terminated, and that the child shall remain under the supervision of the Indiana Department of Child Services as a child in need of services in cause number 26C01-0706-JC-00023.

Appellants' App. at 11-15. Mother and Father now appeal.

## **DISCUSSION AND DECISION**

### **Standard of Review**

Initially, we note that the purpose of terminating parental rights is not to punish parents, but to protect the children. Weldishofer v. Dearborn County Div. of Family & Children (In re J.W.), 779 N.E.2d 954, 959 (Ind. Ct. App. 2002), trans. denied. “Although parental rights are of a constitutional dimension, the law allows for the termination of those rights when parents are unable or unwilling to meet their responsibilities as parents. This includes situations not only where the child is in immediate danger of losing his life, but also where the child's emotional and physical development are threatened.” Id.

In reviewing a decision to terminate a parent-child relationship, this court will not set aside the judgment unless it is clearly erroneous. Everhart v. Scott County Office of Family & Children, 779 N.E.2d 1225, 1232 (Ind. Ct. App. 2002), trans. denied. Findings of fact are clearly erroneous when the record lacks any evidence or reasonable inferences to support them. Id. When reviewing the sufficiency of the evidence, this court neither reweighs the evidence nor judges the credibility of the witnesses. Id.

To support a petition to terminate parental rights, DCS must show, among other things, that there is a reasonable probability that:

- (i) the conditions that resulted in the child's removal or the reasons for placement outside the home of the parents will not be remedied; or
- (ii) the continuation of the parent-child relationship poses a threat to the well-being of the child.

Ind. Code § 31-35-2-4(b)(2)(B). DCS must also show that termination is in the best interest of the child and that there exists a satisfactory plan for the care and treatment of the child. Ind. Code § 31-35-2-4(b)(2)(C), (D). These factors must be established by clear and convincing evidence. Ind. Code § 31-34-12-2. We pause to note that Indiana Code Section 31-35-2-4(b)(2)(B) is written in the disjunctive. Thus, a trial court need only find by clear and convincing evidence that one of the two requirements of subsection (B) have been met in order to terminate a parent-child relationship. See R.W. v. Marion County Dep't of Child Servs., 892 N.E.2d 239, 245 (Ind. Ct. App. 2008).

In interpreting Indiana Code Section 31-35-2-4, this court has held that the trial court should judge a parent's fitness to care for his or her child as of the time of the termination hearing, taking into consideration evidence of changed conditions. J.K.C. v.

Fountain County Dep't of Pub. Welfare, 470 N.E.2d 88, 92 (Ind. Ct. App. 1984). However, recognizing the permanent effect of termination, the trial court must also evaluate the parent's habitual patterns of conduct to determine whether there is a substantial probability of future neglect or deprivation of the child. Id. To be sure, the trial court need not wait until the child is irreversibly influenced by a deficient lifestyle such that the child's physical, mental and social growth is permanently impaired before terminating the parent-child relationship. Id. at 93.

A pattern of unwillingness to deal with parenting problems and to cooperate with those providing social services, in conjunction with unchanged conditions, will support a finding that there exists no reasonable probability that the conditions will change. Matter of D.B., 561 N.E.2d 844, 848 (Ind. Ct. App. 1990). Where there are only temporary improvements and the pattern of conduct shows no overall progress, the court might reasonably find that under the circumstances, the problematic situation will not improve. Matter of D.L.W., 485 N.E.2d 139, 143 (Ind. Ct. App. 1985). When the evidence shows that the child's emotional and physical development is threatened, termination of the parent-child relationship is appropriate. Egly v. Blackford County Dep't of Pub. Welfare, 592 N.E.2d 1232, 1234 (Ind. 1992).

## Issue One: Sufficiency of Evidence

Mother and Father contend that that DCS did not show by clear and convincing evidence to support the termination of their parental rights.<sup>3</sup> In particular, they allege:

At the time of the termination hearing the facts clearly indicate that [Father and Mother] had made great strides towards the parenting of their child. Linda Vaughn, supervisor with Ireland Home Based Services and a supervisor of visits between [Mother and Father] and their Child, [A.C.], from August[] 2007 until the time of termination testified that [a] majority of the time both [Father and Mother] met the physical well[-]being [sic] and physical needs of their child during the visits, met the emotional needs and well being [sic] of the child during the visits and the intellectual needs of the child[.] (R. at 96). [Father and Mother] came prepared with diapers and bottles[.] (R. at 97). Both parents showed physical affection and encouragement and praise to [A.C.] (R. at 96). Further, during [a] majority of the visits [Mother and Father] were appropriate during the visits[.] (R. at 120). Further, caseworkers with Ireland Home Based Services agreed that improvement had been made by [Mother and Father] as it pertains to their parenting skills. Much of the early concern pertaining to [A.C.] dealt with the parents' inability or lack thereof [sic] with regard to feeding and diapers. Ethel Elkins of Ireland Home Based Services indicated that [Mother] had shown improvement with regard to feeding (R. at 70) and that she had shown improvement as to the infant's care as it pertains to feeding schedule, bathing a child, and recognizing the cues of feeding and diaper change[.] (R. at 76-78). [Mother] held [A.C.] appropriately, talked softly to the baby and attentively[.] (R. at 80). Further, [Father] was more interactive with the child as the visits occurred, retained information and utilized that information as it pertains to bathing, hunger cues and diaper changes[.] (R. at 80). Improvement was seen by [sic] both parents from point A to point B and with regard to retention of information as it was taught to them[.] (R. at 81). Thus, at the time of trial, vast improvements had been seen in the parenting skills of [Father and Mother] as it pertains to [A.C.] Coupled with the fact that [A.C.] had never been left alone with his mother and father and that the normal opportunities that [Mother and Father] were taken out of the home with the child, it is clear that vast progress and improvement had been made. (R. at 39, 40).

---

<sup>3</sup> Mother and Father also contend that the decision of the trial court is contrary to the weight of the evidence. However, Mother and Father have provided no citations to the record to support that contention. As a result, the contention is waived. See Ind. Appellate Rule 46(A)(8)(a). Waiver notwithstanding, their contention is a request that we reweigh the evidence, which we cannot do. Everhart, 779 N.E.2d at 1232.

Appellants' Brief at 7-8.

We first observe that Mother and Father have misstated the testimony of the witnesses. Contrary to their assertions, the record does not show that Mother and Father were able to provide for A.C.'s needs and were appropriate with A.C. "a majority of the time." The testimony cited above regards Linda Vaughn's assessment of Mother's and Father's performance at one or two particular visitations. A later reference to Ethel Elkins' testimony is also misleading. When asked whether she had seen any improvement in Mother's and Father's behavior, Elkins first answered no. When asked whether she meant "[n]one at all[,]," she replied "I would say very little." Appellants' App. at 85; Transcript at 70. And Sarah Laury with Ireland Home based Services testified that she had seen some improvement in Mother and Father's ability to care for A.C., but she further testified that, based on her interactions with the family, she did not believe Mother and Father would have been able to care for A.C. as he got older.

Moreover, in the termination of parental rights, the standard is the best interest of the child, not the degree of improvement by the parents. Here, the evidence shows that the Child was removed because Mother and Father had not complied with the safety plan agreed to between DCS, Mother, and Father. Following removal, Mother and Father received "intensive" reunification services, including training on "basic infant skills such as feeding, supervision, safety, just basic infant care" from Laury for five hours a day, five days a week for eight weeks. Appellants' App. at 91. Laury testified that, at the end of the eight-week period, Mother and Father had shown improvement but not enough improvement for Mother and Father to know what to do when the Child is older without

someone else to help them. Appellants' App. at 97. And Karen Smith of Health Families provided services to Mother and Father, both before and after A.C. was born. Smith taught Mother and Father about childcare and budgeting. Based on her experience with the family, she testified that Mother and Father had not demonstrated the ability to meet the physical, emotional, and safety needs of A.C.

Actual observations aside, the results of the SAFE and Vineland assessments also show that Mother and Father cannot meet A.C.'s needs. Father's scores on the Vineland assessment show that he is able to perform at level of someone between less than one month and seven-and-one-half years old. Mother's scores on the same assessment show that she is able to performs at level of someone between less than a month old to six-and-one-half years old. In sum, the assessment shows that neither parent is able to perform at a level higher than a second grade student in areas including communication, daily living skills, and socialization.

And in the SAFE assessment administered by Elkins showed that Mother and Father "appear to lack a concept of age-appropriate parenting skills[.]" Id. at 160. Elkins also expressed "many concerns about the care that [Mother and Father] can ever hope to provide for [the Child,] given their limited abilities and lack of emotional attachment." Id. And she noted the instability of Mother and Father's living arrangements, living before the baby's birth with Grandmother and afterward with Aunt and Aunt's boyfriend; the inadequacy of those living arrangements, for the home had no heat; that Mother and Father's need to borrow money frequently; and that Mother and Father were unable to budget their money.

DCS also supervised visits between A.C. and his parents through the date of the termination hearing. Linda Vaughn, who supervised a majority of those visits, testified that Mother “usually” had to be reminded to burp the Child and “got confused as to how many ounces of formula went into the bottle[.]” *Id.* at 102. Vaughn also testified that Mother was sometimes distracted and pursued other activities during a visit, missing the opportunity to visit with the Child.

In sum, the Child was removed from Mother and Father’s care because they failed to comply with the Safety Plan executed with DCS. At the time of the termination hearing, Mother and Father had made some improvements, perhaps even great improvements, in their respective abilities to care for A.C. But, despite the intensive services provided and any improvements Mother and Father had made, the evidence shows without dispute that, at the time of the hearing, Mother and Father were unable to provide for the physical, emotional, or safety needs of A.C. And, given the results of the SAFE and Vineland assessments of Mother and Father, there is no indication that Mother and Father could make significant improvement so as to reach a level of competency to adequately care for the Child. As such, the trial court did not err when it concluded that continuation of the parent-child relationship posed a threat to A.C.’s well-being and terminated Mother’s and Father’s parental rights.<sup>4</sup>

---

<sup>4</sup> Because the evidence is sufficient to support the trial court’s conclusion that the continuation of the parent-child relationship threatens the well-being of the Child, we need not consider whether the conditions that resulted in the Child’s removal or the reasons for placement outside the home of the parents will not be remedied. *See R.W.*, 892 N.E.2d at 245.

## Issue Two: Parents' Constitutional Rights

Mother and Father also contend that the Amended Judgment violates their constitutional rights under the 14th Amendment to the United States Constitution. Although we have recognized that the right to raise one's children without undue interference from the State is protected by the Fourteenth Amendment to the United States Constitution, a parent's constitutionally protected right to raise his or her child is not without limitation. E.P. v. Marion County Office of Family & Children, 653 N.E.2d 1026, 1031-32 (Ind. Ct. App. 1995). Specifically, "[t]he state has a compelling interest in protecting the welfare of the child by intervening in the parent-child relationship when parental neglect, abuse, or abandonment are at issue." Id. at 1032.

Here, Mother and Father first argue that

[a]ll indications on the record indicate that both [Mother and Father] and each of them have limited mental capacities[;] however[,] there is no indication on the record that their limited mental capacities had contributed in any way to any abuse and/or neglect and/or inability, upon obtaining the proper teaching to parent [A.C.].

Appellants' Brief at 11. To the contrary, the evidence discussed above shows that Mother and Father are not capable of providing for the physical or mental health. Again, the professionals who worked with Mother and Father testified that, despite the intensive services and training provided, Mother and Father were not capable of providing the appropriate care for A.C. And the results of the Vineland and SAFE assessments show that Mother's and Father's mental capacities are those of a child who is six-and-a-half and seven-and-a-half years old respectively. Mother and Father's argument in this regard must fail.

Mother and Father also argue that their parental rights cannot be terminated “on the potential for harm or because of some hypothetical circumstance.” Id. at 12 (citing Johnson v. Lake County Office of Family & Children (In re R.J.), 829 N.E.2d 1032, 1039 (Ind. Ct. App. 2005)). Mother and Father confuse the potential for harm with the capacity to provide the physical and emotional well-being of a child. Here, the trial court terminated Mother’s and Father’s parental rights because “[t]here was a reasonable probability that the continuation of the parent-child relationship between [A.C.] and [Father and Mother] poses a threat to [A.C.’s] well-being.” Appellants’ App. at 15. That conclusion is supported by the court’s findings that the professionals who provided intensive training to Mother and Father did not believe that A.C. would be safe in their care; that Mother and Father missed a great number of visitations with A.C.; that Mother and Father had not bonded with the Child, nor had they taken advantage of opportunities for bonding; that Mother and Father had not shown “significant improvement” even after DCS implemented intensive services to address their deficiencies, id. at 13; that the professionals who worked with Mother and Father did not believe that A.C. would be safe with Mother and Father; and that the Guardian Ad Litem and CASA both recommended termination of parental rights.

Mother and Father next contend that they were “never given a clear opportunity to establish or to show that they had honed the skills that they were taught and with the improvements [sic] that they had made in their parenting skills.” Appellants’ Brief at 12. In support, they state that the evidence shows that during the supervised visits they met the intellectual, emotional, and physical needs of A.C. and had made “significant

progress in learning those basic needs and skills necessary for rearing of a child.” Id. Mother and Father provide no citation to support the latter assertion. And, as discussed above, their earlier argument on this point misstated the testimony of DCS’ witnesses.

Again, the evidence clearly shows that Mother and Father are not capable of providing for A.C.’s physical and emotional needs or his safety. As a result, there is a reasonable probability that the continuation of the parent-child relationship poses a threat to A.C.’s well-being, and termination of parental rights is in his best interest. “[P]arental interests are not absolute and must be subordinated to the child’s interest in determining the appropriate disposition of a petition to terminate parental rights.” In re Matter of Termination of Parent-Child Relationship of D.G., 702 N.E.2d 777, 781 (Ind. Ct. App. 1998). The Amended Judgment terminating Mother’s and Father’s parental rights does not violate their constitutional rights.

Affirmed.

FRIEDLANDER, J., and VAIDIK, J., concur.