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.

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IN THE
COURT OF APPEALS OF INDIANA

IN THE MATTER OF C.F. and A.F.,	)	
	)	
INDIANA DEPARTMENT OF CHILD SERVICES,	)	
	)	
Appellant-Petitioner,	)	
	)	
vs.	)	No. 32A05-0906-JV-328
	)	
C.F. and S.C.,	)	
	)	
Appellees-Respondents.	)	

APPEAL FROM THE HENDRICKS CIRCUIT COURT
The Honorable Jeffrey V. Boles, Judge
Cause No. 32C01-0903-JT-2
32C01-0903-JT-3

September 4, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

ROBB, Judge

C.F. and A.F.,[1] both minors, were adjudged children in need of services in Hendricks Circuit Court. The trial court entered an order appointing a Guardian Ad Litem ("GAL") for the minor children and ordering the Department of Child Services ("DCS") to pay all GAL fees. DCS appeals the fee provision of the order, contending that Indiana statutes require the county, not DCS, to be responsible for the payment of GAL fees. Concluding that Indiana Code sections 31-40-3-2 and 33-24-6-4 indicate that GAL fees are to be paid by the county, we reverse.

Another panel of this court recently addressed this issue. In In re N.S., 908 N.E.2d 1176 (Ind. Ct. App. 2009), we examined the relevant statutes in order to determine whether the burden of paying the fees associated with GALs and court appointed special advocates ("CASAs") shifted from local government to the State pursuant to House Enrolled Act 1001 ("HEA 1001"), effective January 1, 2009. HEA 1001 shifted the burden of payment from counties to DCS for many services associated with CHINS, termination of parental rights, and delinquency proceedings. Indiana Code section 31-40-3-2, which provides that the county fiscal body shall appropriate money from the GAL or CASA fund for use by the county juvenile courts in providing GAL or CASA services and paying the costs of representation for GALs or CASAs, however, was not amended as part of HEA 1001. We therefore determined that section 31-40-3-2 unambiguously places on the county the responsibility to pay GAL and CASA fees. Id. at 1180-81. We also determined that Indiana

[1] A.F.'s actual initials are A.C. When the Appellant's Case Summary was filed with this court, however, the case caption used the initials A.F., as have all subsequent motions, orders, and briefs filed in this case. We use "A.F." here for the sake of consistency.

Code section 33-24-6-4 – providing if the General Assembly appropriates funds to an office of GAL and CASA services established by the division of state court administration, the division of state court administration shall provide matching funds to counties to supplement their GAL and CASA programs – is "in harmony with our interpretation of Indiana Code section 31-40-3-2 [ ] that the General Assembly intended for the onus of financial support for GAL and CASA programs to lie with the county, and not the State." Id. at 1182.

We agree with the N.S. court's resolution of this issue and therefore conclude that the trial court erred in ordering DCS to pay the fees associated with the GAL appointed to represent the minor children's interests.

Reversed.

DARDEN, J., and MATHIAS J., concur.