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**IN THE
COURT OF APPEALS OF INDIANA**

In the Matter of the Involuntary Termination of the)
Parent-Child Relationship of A.G.; K.G.; A.R.; and)
K.N., Minor Children, and Their Mother)
Debra Gillard)

DEBRA GILLARD,)

Appellant-Respondent,)

vs.)

No. 49A02-0704-JV-332

MARION COUNTY DEPARTMENT OF)
CHILD SERVICES,)

Appellee-Petitioner,)

and)

CHILD ADVOCATES, INC.,)

Co-Appellee (Guardian Ad Litem).)

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Marilyn Moores, Judge
The Honorable Larry Bradley, Magistrate
Cause No. 49D09-0610-JT-44428

December 26, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

SHARPNACK, Judge

This case comes to us on appeal from an order terminating the parental rights of Debra Gillard to A.G., A.R., Z.N., and K.G. The order included in the record reflects that it was signed by the magistrate presiding over the case but does not indicate that the juvenile court judge approved entry of the order. The docket indicates that the order was approved on April 5, 2007, but there is no indication as to how this approval was accomplished.

The authority of magistrates to act is determined by statute. As provided in Ind. Code §§ 33-23-5-5(14) and 33-23-5-9(b), a magistrate presiding at a criminal trial may enter a final order, conduct a sentencing hearing, and impose a sentence on a person convicted of a criminal offense. There is no such provision for magistrates to act in termination of parental rights cases. Rather, Ind. Code § 33-23-5-9(a) provides that, except in criminal proceedings, a magistrate “shall report findings” in an evidentiary hearing or a trial and that “the court shall enter the final order.” Because the record does not establish judicial approval of the magistrate’s findings in this case, we remand to the juvenile court for its consideration and further action consistent with this opinion. We retain jurisdiction of this appeal pending action by the juvenile court.

Remanded.

RILEY, J. and FRIEDLANDER, J. concur