

Children's Law Center of Indiana



CHINS

08/20/2009

In **In Re J.W.**, 911 N.E.2d 667 (Ind. Ct. App. 2009), the Court reversed and remanded for further proceedings, where the trial court had erroneously ordered that DCS pay the GAL fees of the GAL appointed for the child at the emergency detention hearing.

The Court adopted the rationale and findings of In Re N.S., 908 N.E.2d 1176, 1182-83 (Ind. Ct. App. 2009) in which the court held that, inasmuch as IC 31-40-3-2 clearly states that the fiscal body of the county shall appropriate money for use by the courts in providing GAL or CASA services and that IC 33-24-6-4 supports the proposition that the burden of financially supporting GAL and CASA programs lies with the county, the trial court had erred in ordering DCS to pay the fees associated with the services provided by the GALs. Id. at 668.