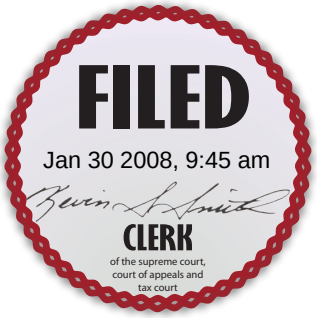

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IN THE
COURT OF APPEALS OF INDIANA

IN THE MATTER OF THE INVOLUNTARY TERMINATION OF PARENT-CHILD RELATIONSHIP OF G.E., MINOR CHILD, AND HER MOTHER, ANGELA EMSWILLER,	)	
ANGELA EMSWILLER,	)	
Appellant-Respondent,	)	
vs.	)	No. 49A02-0706-JV-479

MARION COUNTY DEPARTMENT OF CHILD SERVICES,	)
Appellee-Petitioner,	)
and,	)
CHILD ADVOCATES, INC.,	)
Co-Appellee.	)

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Marilyn A. Moores, Judge
The Honorable Larry Bradley, Magistrate
Cause No. 49D09-0612-JT-453

January 30, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

BARNES, Judge

Angela Emswiller appeals the termination of her parental rights to G.E. The order terminating Emswiller's parental rights to G.E. was signed by the magistrate presiding over the case but does not indicate that the juvenile court judge approved the entry of the order. The docket indicates that the order was approved on May 15, 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 Indiana Code Sections 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 parental termination of rights cases. Rather, Indiana Code Section 33-23-5-9(a) provides that, except in criminal proceedings, a magistrate "shall report findings" in an evidentiary hearing or 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.

Remanded.

SHARPNACK, J., and VAIDIK, J., concur.