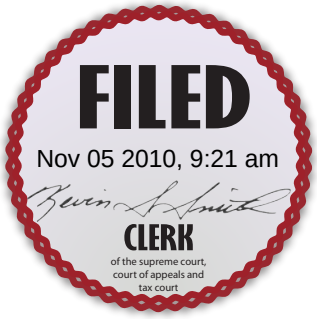

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IN THE COURT OF APPEALS OF INDIANA

IN RE THE GUARDIANSHIP OF: Z.E. and A.W.,	)	
Ala.G. and S.G.,	)	
Appellants-Petitioners,	)	
vs.	)	No. 45A05-1004-GU-255
Alk.G., ET AL.,	)	
Appellees-Respondents.	)	

APPEAL FROM THE LAKE SUPERIOR COURT
The Honorable Mary Beth Bonaventura, Judge
The Honorable Katherine J. Garza, Referee
Cause Nos. 45D06-0912-GU-217 & 45D06-0912-GU-218

November 5, 2010

MEMORANDUM DECISION - NOT FOR PUBLICATION

VAIDIK, Judge

Case Summary

This case involves a custody dispute between the mother and the maternal grandparents of two minor children. The juvenile court transferred the grandparents' guardianship action as a custody proceeding to another court. When the other court declined the transfer, the juvenile court took back the case. The grandparents now appeal contending that the juvenile court lacks subject matter jurisdiction. We conclude that the juvenile court has subject matter jurisdiction over the grandparents' custody action as it relates to one of the children, and we remand the case for a determination of whether the juvenile court has subject matter jurisdiction over the grandparents' custody action as it relates to the other child. We also conclude that the juvenile court did not err by issuing an order finding that the mother is custodian of the children unless another court has ruled otherwise and by appointing a guardian ad litem and directing the grandparents to pay a portion of the guardian ad litem's fees. We therefore affirm in part and remand in part.

Facts and Procedural History

Alk.G. ("Mother") is the mother of minor children Z.E., born September 6, 2002, and A.W., born August 30, 2005. In December 2009, Ala.G. and S.G. ("Grandparents"), the maternal grandparents of Z.E. and A.W., filed a *pro se* Petition for Emergency Custody and Permanent Custody in the Juvenile Division of Lake Superior Court ("juvenile court"). In the petition, Grandparents requested "that the court award them custody of [their] maternal grandchildren, that the court find that they are de facto custodians, and emergency temporary custody should be granted, that the children be

under their sole care and custody." Appellants' App. p. 17. The juvenile court denied emergency relief, finding that no emergency existed and that Grandparents had failed to notify the parents of Z.E. and A.W. The case was docketed as an action to establish guardianship, and a guardianship hearing was set for January 2010.

Grandparents, Mother, Z.E.'s father, and A.W.'s putative father appeared at the hearing, all *pro se*. Regarding the paternity of Z.E., the juvenile court and Z.E.'s father engaged in the following discussion:

THE COURT:	. . . Do you have paternity of your child . . . ?
[Z.E.'S FATHER]:	Yes.
THE COURT:	Paternity established, you do?
[Z.E.'S FATHER]:	Yes.
THE COURT:	Did you and Mom go to court?
[Z.E.'S FATHER]:	No, we have a court date in March.
THE COURT:	You have a court date in March?
[Z.E.'S FATHER]:	Uh-huh.
THE COURT:	Is that in Gary or here?
[Z.E.'S FATHER]:	I think it's on 4th Avenue in Gary.
THE COURT:	Okay. So you haven't yet -- you're not paying support or anything like that?
[Z.E.'S FATHER]:	Uh-uh.

Tr. p. 9. Regarding the paternity of A.W., the following dialogue occurred:

THE COURT:	And you are the father of [A.W.]?
[A.W.'S PUTATIVE FATHER]:	No, ma'am.
THE COURT:	Okay. Who are you, then, in relation to the child?
[A.W.'S PUTATIVE FATHER]:	Nothing.
THE COURT:	Nothing. Who's the father of [A.W.]?
MOTHER:	He's the father on the birth certificate, but we're going through court for, like, child support. And he just had DNA done, that's why he's saying no.
THE COURT:	So he -- the DNA shows he is not the father?

MOTHER: Right. But he is still the father on the birth certificate until we go back to court on February 2nd.

Id. at 5. At the time of the hearing, Mother lived in Indianapolis and A.W.'s putative father lived in Merrillville. Mother went on to name another man as the putative father of A.W., who was not given notice of the hearing.

Mother and Z.E.'s father stated that they did not want Grandparents to have guardianship. Grandparents stated that they wished to proceed with the guardianship action. *Id.* at 6-7. However, because the man Mother identified as the new putative father of A.W. had not been given notice of the hearing, the juvenile court reset it for March 2010.

The juvenile court appointed a guardian ad litem ("GAL") and ordered Grandparents to pay two-thirds of the GAL's fee and Mother to pay the remaining third of the GAL's fee. When Grandparents asked the court whether it could appoint a "modest-means" attorney, the court responded, "I can't because you make too much money. I can only appoint pro bono GALs and things like that if you're under the poverty level, which you're not, so I can't do that." *Id.* at 20.

Also at the hearing, Mother asked the juvenile court whether Z.E., who had been staying with Grandparents, could return home with her. The juvenile court determined that Grandparents did not have custody of Z.E.

In February 2010, Mother, who had since retained counsel, filed a petition in which she stated:

> Mother has attempted to obtain a police escort to pick up [Z.E.] but has been informed by the police that due to the pendency of these proceedings

> and the protective order . . . against . . . Mother, the police require a further Order from the Court directing them to escort . . . Mother to pick up [Z.E.] from the home of [Grandparents].

Appellants' App. p. 24. In an order titled "Order Nunc Pro Tunc," the juvenile court stated:

> Court finds grandparents do not have guardianship. They are petitioners only and no determination has yet been made as to whether the petition for guardianship will be granted.
>
> Mother is the custodian of the children unless another Court has ruled otherwise by Court Order.

Id. at 27.

Grandparents, *pro se*, filed a response to Mother's petition and requested the court to vacate the order. Among other things, Grandparents asserted that their action was a custody and not a guardianship proceeding. Grandparents also noted that S.G., the maternal grandmother, had a protective order against Mother and that Z.E. was also protected under that order. Grandparents further alleged that Mother had violated the protective order on multiple occasions.

Grandparents, *pro se*, also filed a motion to correct error. The motion contended that Grandparents instituted an action for custody and not guardianship and therefore the juvenile court lacked jurisdiction. The motion requested that the case be transferred to Lake Circuit Court for enforcement of the protective order and adjudication of the custody proceeding. Grandparents also requested the juvenile court to determine, among other things, that Grandparents are the de facto custodians of Z.E. and issue a temporary custody order in their favor, maintain the status quo until a hearing could be held, and void the order directing Grandparents to pay two-thirds of the GAL's fees.

The juvenile court entered the following order:

> Objection to transfer fails to state request for which relief can be granted in this cause. Any requests regarding the protection order are to be filed in that cause.
>
> Motion to Correct Error is denied as not ripe for adjudication. There has been no final order issued.

Id. at 43.

Grandparents, *pro se*, then filed a petition to transfer the case to Lake Circuit Court. In the petition, Grandparents again alleged that the juvenile court lacked jurisdiction and that Grandparents intended to file an action for custody and not guardianship.

The juvenile court granted the petition, closed the guardianship proceeding, and transferred the case to Lake Superior Court, Room 3 – not to Lake Circuit Court as requested by Grandparents – for custody proceedings "as the Juvenile Court lacks original jurisdiction under IC 31-30-1-1 and weighted case load study." *Id.* at 49. Indiana Code section 31-30-1-1 provides the circumstances under which a juvenile court has exclusive original jurisdiction.

However, after Lake Superior Court, Room 3, declined transfer for "lack of jurisdiction," *id.* at 50, the juvenile court issued an order taking back the case:

> Court accepts case and assigns it a DR cause as it is a custody request. This Court previously transferred the matter to Lake Superior Court, Room 3, because it believed Juvenile Court lacked jurisdiction. This Court now assumes jurisdiction in the matter to provide a forum for the litigants because Lake Superior Court, Room 3, has declined transfer.

Id. at 52.

Grandparents now institute this appeal from the juvenile court's interlocutory order taking back the case. *See* Ind. Appellate Rule 14(A)(8) (an order transferring or refusing to transfer a case under Trial Rule 75 is an interlocutory order from which an appeal may be taken as a matter of right).

Discussion and Decision

We construe Grandparents' issues on appeal as follows. Grandparents contend that, because they filed an action for custody, the Indiana Code and the Lake County local rules preclude the juvenile court from having subject matter jurisdiction. Grandparents also contend that, because the juvenile court lacks subject matter jurisdiction, its actions in issuing the order finding that Mother is custodian of the children unless another court has ruled otherwise and appointing a GAL and directing Grandparents to pay a portion of the GAL's fees are void. Additionally, in the event this Court finds that the juvenile court does not lack subject matter jurisdiction, Grandparents contend that the juvenile court still erred by issuing the order finding that Mother is custodian of the children unless another court has ruled otherwise and appointing a GAL and directing Grandparents to pay a portion of the GAL's fees.

I. Subject Matter Jurisdiction

Grandparents first contend that, because they filed an action for custody, the Indiana Code and the Lake County local rules preclude the juvenile court from having subject matter jurisdiction.

To render a valid judgment, a court must have both subject matter jurisdiction and personal jurisdiction. *Buckalew v. Buckalew*, 754 N.E.2d 896, 898 (Ind. 2001). The

question of subject matter jurisdiction entails a determination of whether a court has jurisdiction over the general class of actions to which a particular case belongs. *K.S. v. State*, 849 N.E.2d 538, 542 (Ind. 2006) (citing *Troxel v. Troxel*, 737 N.E.2d 745, 749 (Ind. 2000), *reh'g denied*). When a court lacks subject matter jurisdiction, its actions are void ab initio and have no effect whatsoever. *Troxel*, 737 N.E.2d at 749.

As an initial matter, it appears that Grandparents believe that they will have a better chance of prevailing in the underlying action if it is docketed as a custody and not a guardianship action. They state on appeal that "a de facto custodian is factored into the decision making of custody decisions" while "in guardianship law, there is no such consideration of a de facto custodian." Appellants' Br. p. 13. We direct them to *In re Custody of G.J.*, 796 N.E.2d 756, 763 (Ind. Ct. App. 2003), *trans. denied*:

> In *In re L.L. & J.L.*, [745 N.E.2d 222 (Ind. Ct. App. 2001), *trans. denied*,] we made the observation that "a guardianship proceeding [under the probate code] is, in essence, a child custody proceeding" that required a significant amount of analysis beyond what was minimally required by the guardianship statutes. 745 N.E.2d at 227. We explored at some length the interconnectedness between the child custody statutes and the guardianship statues where a child is concerned and noted, with respect to the presumption in favor of natural parents retaining or obtaining custody of his or her child, "the reasoning remains constant and the same in any situation" regardless of whether the underlying action technically is a child custody or guardianship proceeding. *Id.* at 230. We even judicially sanctioned referring to the "best interest" factors listed in the child custody statutes when determining if a third party should obtain custody of a child, even if the proceeding is technically a guardianship proceeding rather than a direct child custody proceeding. *Id.* at 231.

Whether Grandparents are the de facto custodians of Z.E. may thus be considered whether the action is in the form of a custody or a guardianship proceeding.

A. Indiana Code

To support their argument that the Lake Circuit Court and not the juvenile court has jurisdiction of this case, Grandparents cite Indiana Code section 33-28-1-2(a), which provides, "The circuit court has original jurisdiction in all civil cases and in all criminal cases, except where exclusive jurisdiction is conferred by law upon other courts of the same territorial jurisdiction." Grandparents argue that pursuant to this Section, the Lake Circuit Court has jurisdiction to hear the custody case.

However, a juvenile court has exclusive original jurisdiction over "[p]roceedings concerning the paternity of a child under IC 31-14 [Family Law: Establishment of Paternity]." Ind. Code § 31-30-1-1(3). Custody determinations are necessarily resolved in paternity proceedings. *See* Ind. Code § 31-14-10-1 ("Upon finding that a man is the child's biological father, the court shall, in the initial determination, conduct a hearing to determine the issues of support, custody, and parenting time.").

Although a juvenile court has exclusive jurisdiction in paternity cases, we have determined that a court with concurrent jurisdiction in custody matters has exclusive jurisdiction over a particular cause of action if that action was filed first. *See, e.g.*, *In re Paternity of Fox*, 514 N.E.2d 638, 641 (Ind. Ct. App. 1987), *trans. denied*. In *Paternity of Fox*, a father filed a paternity petition in Bartholomew Juvenile Court seeking custody of a child. *Id.* at 639. The child's aunt and uncle subsequently filed a petition in Lawrence Circuit Court seeking guardianship of the child. *Id.* at 639-40. The Lawrence Circuit Court held a guardianship hearing and appointed the aunt and uncle as the child's guardians. *Id.* at 640. The aunt and uncle then intervened in the Bartholomew Juvenile Court paternity proceeding and filed a motion requesting the juvenile court to confine its

consideration of the issues to the question of paternity and to defer to the Lawrence Circuit Court on the question of custody. *Id.* The Bartholomew Juvenile Court denied the motion and later awarded custody of the child to the father. *Id.*

On appeal, the aunt and uncle argued that they had been appointed as the child's guardians in Lawrence Circuit Court and that the Bartholomew Juvenile Court's order granting custody to the father implicitly and improperly overruled the Lawrence Circuit Court and removed them as the child's guardians. *Id.* at 641.

We stated:

> It is well settled that two courts of concurrent jurisdiction cannot deal with the same subject matter at the same time. Once jurisdiction over the parties and the subject matter has been secured, it is retained to the exclusion of other courts of equal competence until the case is resolved, and the rule applies where the subject matter before the separate courts is the same, but the actions are in different forms. Exclusive jurisdiction over a particular cause of action vests when the complaint or other equivalent pleading or document is filed.

Id. (citations omitted). Because the father's paternity petition and the aunt and uncle's guardianship petition both concerned the custody of the child and because the father's paternity petition was filed first, we concluded that the Bartholomew Juvenile Court properly exercised exclusive jurisdiction over the subject matter. *Id.*; *see also In re Marriage of Huss*, 888 N.E.2d 1238, 1242 (Ind. 2008) (where custody of children was properly before Adams Circuit Court in dissolution proceeding, Adams Circuit Court did not err by failing to give effect to custody determination of one of the children in paternity action filed in Wells Circuit Court after the dissolution proceeding commenced).

Thus, the determinative issue here is whether the subject matter of Grandparents' petition, the custody of Z.E. and A.W., was already pending before another court. If another court already had jurisdiction over the custody of Z.E. or A.W., then the juvenile court here is precluded from having jurisdiction over the same matters.

Grandparents are petitioning for custody of Z.E. and A.W. *See* Ind. Code § 31-17-2-3(2) (permitting "a person other than a parent" to file a petition seeking child custody determination). Because separate paternity actions for each child were pending at the time of the hearing, we address each separately.

Grandparents contend that the juvenile court lacks subject matter jurisdiction over their petition requesting custody of Z.E. However, as indicated by Z.E.'s father, a paternity action regarding Z.E. was pending at the time of the hearing in Gary, which is in Lake County. As a juvenile court has exclusive jurisdiction in paternity actions, we presume the paternity action regarding Z.E. was pending in Lake County juvenile court under a different cause number. Although the paternity action and custody action were separately instituted, both involve the subject matter of the custody of Z.E. The juvenile court thus has subject matter jurisdiction over both the paternity action and Grandparents' custody petition as it relates to Z.E. We direct these causes to be consolidated so that they can be decided before the same judge. *See* Ind. Trial Rule 42(A) ("When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.").

As indicated by A.W.'s putative father and Mother, a paternity action regarding A.W. was also pending at the time of the hearing, although neither stated where the case was being heard. The venue of a paternity action lies in the county in which the child, the mother, or the alleged father resides. Ind. Code § 31-14-3-2. At the time of the guardianship hearing, Mother and A.W. lived in Indianapolis and A.W.'s putative father lived in Merrillville, though it appeared that a new putative father would be named. It is thus uncertain that the paternity action is before the Lake County juvenile court. We thus remand this case for a determination of where and when A.W.'s paternity action was filed. If it was filed in Lake County juvenile court, that court has jurisdiction over both the paternity action and Grandparents' custody petition as it relates to A.W., and the actions should be consolidated. If the paternity action was filed in a different county, then, assuming the paternity action was first filed, the Lake County juvenile court lacks jurisdiction over Grandparents' custody petition.

B. Lake County Local Rule

Grandparents also cite a Lake County local rule governing the allocation of cases to support their contention that the juvenile court lacks subject matter jurisdiction in this case:

> No change is to be made in the assignment of DR cases. These are currently filed in the Circuit Court in Crown Point and Civil Division, Room 3 in Gary.

Lake County Administrative Rule LR45-AR1 Rule 01(III)(3).[1]

[1] Grandparents also cite the following language:

> With respect to PO cases filed in Crown Point and Gary, the Circuit Court and Civil 3 will hear all such cases where there is a pending or concluded DR case in those courts.

Grandparents' argument assumes that a procedural error, such as the assignment of cases in contravention of this local rule, would result in a loss of subject matter jurisdiction. Our Supreme Court has commented on the frequent mischaracterization of the effect of a procedural error:

> Attorneys and judges alike frequently characterize a claim of procedural error as one of jurisdictional dimension. The fact that a trial court may have erred along the course of adjudicating a dispute does not mean it lacked jurisdiction. As Justice Arterburn wrote four decades ago:
>
> > Far too often there is an inclination in a law suit to attempt to convert a legal issue into one of "jurisdiction" and from that point contend all actions of the court are void, and that the question of jurisdiction may be raised at any time or that the proceedings are subject to collateral attack and are a matter for original writs in this court.

K.S., 849 N.E.2d at 541 (quoting *J.I. Case Co. v. Sandefur*, 245 Ind. 213, 217-18, 197 N.E.2d 519, 521 (1964)). Here, whether the case was incorrectly assigned by local rules does not affect subject matter jurisdiction. Grandparents' argument is thus unavailing.

II. Nunc Pro Tunc Order

Because the juvenile court has subject matter jurisdiction over Grandparents' custody petition as it relates to Z.E., we need not address Grandparents' argument that the juvenile court's order finding that Mother is custodian of the children unless another court has ruled otherwise is void for lack of jurisdiction. However, Grandparents nonetheless argue that the juvenile court still erred by issuing the order.

Our Supreme Court has defined a nunc pro tunc entry as follows:

Lake County Administrative Rule LR45-AR1 Rule 01(III)(2). We fail to see how this local rule helps Grandparents since they are contesting the authority of the juvenile court to hear their custody case, not their protective order case.

> A nunc pro tunc entry is defined in law as an entry made now of something which was actually previously done, to have effect as of the former date. Such an entry may be used to either record an act or event not recorded in the court's order book or to change or supplement an entry already recorded in the order book. Its purpose is to supply an omission in the record of action really had, but omitted through inadvertence or mistake.
>
> The trial court's record, however, must show that the unrecorded act or event actually occurred. Thus, this Court has required that a written memorial must form the basis for establishing the error or omission to be corrected by the nunc pro tunc order. In order to provide a sufficient basis for the nunc pro tunc entry, the supporting written memorial (1) must be found in the records of the case; (2) must be required by law to be kept; (3) must show action taken or orders or rulings made by the court; and (4) must exist in the records of the court contemporaneous with or preceding the date of the action described.

Cotton v. State, 658 N.E.2d 898, 900 (Ind. 1995) (citations, quotations, and emphasis omitted).

Here, the juvenile court determined at the initial hearing that Grandparents did not have custody of Z.E. When Mother later requested the court to issue a court order so the police would escort her in picking up Z.E. from Grandparents' home, the court issued an "Order Nunc Pro Tunc," which stated:

> Court finds grandparents do not have guardianship. They are petitioners only and no determination has yet been made as to whether the petition for guardianship will be granted.
>
> Mother is the custodian of the children unless another Court has ruled otherwise by Court Order.

Appellants' App. p. 27.

Mother points to no written memorial, and we find none, that meets the criteria necessary to support a nunc pro tunc order. We conclude that the order is not a nunc pro tunc order.

Nevertheless, the juvenile court was still with authority to enter the order. Mother had petitioned the court for assistance in picking up Z.E. from Grandparents' home. The order stated that Grandparents are not Z.E.'s guardians and that Mother has custody of the children unless another court has ruled otherwise by court order. The juvenile court's order made no determinations but only verified the state of events at that time.

We conclude that although the juvenile court's order does not constitute a nunc pro tunc order, it did not err by issuing the order.

III. GAL

Because the juvenile court has subject matter jurisdiction over Grandparents' custody petition as it relates to Z.E., its appointment of a GAL and order for Grandparents to pay a portion of the GAL's fees for matters relating to Z.E. are not void for lack of jurisdiction. However, the court's orders are void for matters relating to A.W. if the court is found on remand to lack subject matter jurisdiction over the custody of A.W.

Jurisdictional matters aside, Grandparents nevertheless contend that the juvenile court erred by appointing a GAL and directing Grandparents to pay a portion of the GAL's fees.

At the time the juvenile court appointed the GAL, the case was docketed as a guardianship case. The juvenile court has since re-docketed it as a custody case.

Regardless of whether the action is considered a guardianship or a custody case, the court had the authority to appoint a GAL. As to guardianship, Indiana Code section 29-3-2-3(a) provides that "the court shall appoint a guardian ad litem to represent the

interests of the alleged incapacitated person or minor if the court determines that the alleged incapacitated person or minor is not represented or is not adequately represented by counsel." As to custody, Indiana Code section 31-17-6-1 provides that "[a] court, in a proceeding under IC 31-17-2 [Actions for Child Custody and Modification of Child Custody Orders] . . . may appoint a guardian ad litem . . . for a child at any time."

Here, the parties appeared *pro se* at the initial hearing, and the action was contested. The juvenile court did not err by appointing a guardian ad litem.

Grandparents also argue that the juvenile court erred by directing Grandparents to pay a portion of the GAL's fees. We have stated that where the appointment of a guardian ad litem is within a court's power, the court may also order payment of the guardian ad litem's fees. *Danner v. Danner*, 573 N.E.2d 934, 938 (Ind. Ct. App. 1991), *clarified on reh'g*, 573 N.E.2d 934, *trans. denied*. In addition, Indiana Code section 31-17-7-1 provides:

> (a) The court periodically may order a party to pay a reasonable amount for the cost to the other party of maintaining or defending any proceeding under IC 31-17-2 [Actions for Child Custody and Modification of Child Custody Orders] . . . and for attorney's fees and mediation services, including amounts for legal services provided and costs incurred before the commencement of the proceedings or after entry of judgment.
> (b) The court may order the amount to be paid directly to the attorney, who may enforce the order in the attorney's name.

Section 31-17-7-1 thus allows a court to order parties to pay GAL fees in custody actions. We see no reason why a court could not order parties to pay GAL fees in cases involving the guardianship of minors as well.

Nonetheless, Grandparents argue that the juvenile court should have appointed a volunteer GAL because ordering them to pay two-thirds of the GAL's fees would be a

financial hardship and they were representing themselves to avoid paying legal fees. Appellant's Br. p. 15-16. When the juvenile court appointed the GAL, it stated that it could not appoint a GAL free of charge because Grandparents are not below the poverty level. There is no error.

Grandparents also cite Indiana Code section 31-17-6-9(a), which provides that a court may order "either or both parents of a child for whom a guardian ad litem . . . is appointed . . . to pay a user fee," to support their proposition that a court may order the parents of Z.E. and A.W. but not Grandparents to pay the GAL fees. Even if payment of GAL fees constituted user fees, we note that this Section does not preclude the court from ordering fees.

Finally, Grandparents argue that the fees charged by the GAL are "erroneous since she did not distinguish her fees between GAL and Attorney services." Appellants' Br. p. 17. To support this proposition, Grandparents cite *In re Paternity of N.L.P.*, 898 N.E.2d 403 (Ind. Ct. App. 2008), *vacated*, 915 N.E.2d 985 (Ind. 2009). Our Supreme Court vacated this opinion on April 2, 2009, and issued its opinion on April 30, 2010. Both of these dates fall before the date Grandparents filed their brief on May 21, 2010. Our Supreme Court's opinion explicitly states:

> We note in passing . . . that we disagree with our colleagues on the Court of Appeals that a person acting as a guardian ad litem and as an attorney should bill separately for her service and failing to do so means that the resulting fees are presumptively unreasonable. Both attorney and non-attorney guardians ad litem have the same statutory responsibility: representing and protecting the best interests of a child and providing the child with services that are requested by the court which include researching, examining, advocating, facilitating, and monitoring the child's situation. The lines are blurred when a guardian ad litem is also an attorney. A two-tiered billing system that attempts to parse which

> particular services are unique to an attorney and which are not is in our view at least unnecessary and at most unworkable.

In re Paternity of N.L.P., 926 N.E.2d 20, 24-25 (Ind. 2010) (citations omitted).

We thus conclude that the juvenile court did not err by appointing the GAL or directing Grandparents to pay two-thirds of the GAL's fees for matters relating to Z.E. The juvenile court erred by appointing the GAL and directing Grandparents to pay two-thirds of the GAL's fees for matters relating to A.W. only if the juvenile court is found to lack jurisdiction over the custody of A.W. on remand.

Affirmed in part, remanded in part.

MAY, J., and ROBB, J., concur.