

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

KAREN M. BROWN,)	No. ED98353
)	
Respondent,)	Appeal from the Circuit Court
)	of St. Charles County
vs.)	
)	Honorable Ted Clint House
ANTHONY T. BROWN,)	
)	
Appellant.)	FILED: December 26, 2012

Anthony Brown (“Father”) appeals from the judgment of the trial court ordering that he and Karen Brown pay Christine Miller Hendrix (“Hendrix”) for her services as guardian ad litem. Hendrix sought payment of fees for time she spent preparing an appellate brief she filed in response to an appeal filed by Father from the trial court’s judgment. Father argues the trial court lacked authority to order the payment of guardian ad litem fees for Hendrix’s involvement in the appellate proceedings. Father further alleges that the trial court erred because Hendrix failed to produce evidence that she earned reasonable guardian ad litem fees for performing necessary services for the benefit of the minor children.

REVERSED and REMANDED.

Division Four holds: No legal authority exists allowing a guardian ad litem to participate in an appeal of a trial court’s disposition of a child custody matter under Section 452.423 or allowing the trial court to order payment of fees for same. Therefore, the trial court erred in ordering Father and Mother to pay Hendrix for her costs on appeal. Because the court erred in this respect, we do not reach Father’s second point regarding the reasonableness of Hendrix’s fees.

Opinion by: Kurt S. Odenwald, J.,
Lawrence E. Mooney, P.J., Concur in separate opinion, and Patricia L. Cohen, J., Concur.

Attorney for Appellants: Alan G. Kimbrell

Attorney for Respondent: Karen M. Brown, Respondent Acting Pro Se

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.