FILED
MAR 23 1988
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF BRENDA WATKINS HARRISON
AND ALVIN RAY HARRISON

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Upon the Petition of

BRENDA WATKINS HAWKINS, f/k/a
BRENDA WATKINS HARRISON,

Petitioner-Appellant,

And Concerning

ALVIN RAY HARRISON,

Respondent-Appellee.

Filed March 23, 1988

7-584
86-1758

Appeal from the Iowa District Court for Polk County (No. CE 023-13572), Rodney J Ryan, Judge.

Petitioner former wife appeals the trial court's ruling on her petition to modify the Kentucky decree dissolving the parties' marriage. **AFFIRMED.**

Leslie Babich of Babich, Bennett, & Nickerson, Des Moines, for appellant.

R Todd Gaffney of Duncan, Jones, Riley & Finley, Des Moines, for appellee.

Considered by Oxberger, C.J., and Donielson and Hayden, JJ.

PER CURIAM

Brenda Hawkins is appealing the trial court's ruling on her petition to modify the Kentucky decree dissolving the parties' marriage. She asserts (1) that the trial court should have increased her child support award, and (2) that her attorney fee award is inadequate. She also requests attorney fees for this appeal. We affirm as modified.

The marriage of Brenda Hawkins and Alvin Harrison was dissolved in Kentucky in 1982. Alvin was ordered to pay $2,600 in support and maintenance. Upon Brenda's remarriage, Alvin's child support obligation for two children was reduced to $1,800 per month. Brenda has separated from her husband and is currently seeking a divorce.

We review de novo. Iowa R. App. P. 4. To prevail, Brenda must show a substantial change in circumstances, financially or otherwise, since the entry of the decree. In re Marriage of Habben, 260 N.W.2d 401, 403 (Iowa 1977). Circumstances to justify a modification are those which exist at the time of the petition for modification, not at the time of the original decree. See In re Marriage of Shima, 360 N.W.2d 827, 829 (Iowa 1985).

We hold Brenda has not shown a substantial change in circumstances justifying a modification. Alvin's income has not changed substantially since 1981. He has been able to retire many of his debts, but this alone does not prove a change in circumstances which was not within the contemplation of the court at the time the decree was entered.

Brenda also has not shown the children's needs are not being met. Alvin's support payments total $21,600 annually and there is no evidence in the record to show the children need more money to live comfortably. We therefore hold a modification of the decree is not justified.

Brenda has also requested an increase in the amount of fees awarded by

the trial court The amount of these fees is within the discretion of the trial court and depends upon the parties' financial abilities In re Marriage of Estlund, 344 N W 2d 276, 281 (Iowa App 1983) We see no reason to increase the trial court's award

We do, however, conclude that Brenda should be awarded some fees for this appeal Alvin is in a vastly superior economic position as compared to Brenda. We therefore order Alvin to pay $750 towards Brenda's appellate attorney fees. The costs of this appeal are taxed to Brenda

AFFIRMED