IN THE COURT OF APPEALS OF IOWA

FILED
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CLERK SUPREME COURT

IN RE THE MARRIAGE OF KATHLEEN ANN HENRICH AND RICHARD LEE HENRICH

UPON THE PETITION OF KATHLEEN ANN HENRICH,	)	Filed April 8, 1983
Petitioner-Appellee,	)	
AND CONCERNING RICHARD LEE HENRICH,	)	2-426 2-68132
Respondent-Appellant.	)	

Appeal from Sac District Court, Louie F. Beisser, Judge.

Respondent-husband appeals from economic provisions of the parties' dissolution decree, asserting that no alimony should have been awarded and that he should have been awarded child support. Petitioner-wife has requested attorney fees on appeal. AFFIRMED.

Colin J. McCullough, Sac City, for respondent-appellant.

Bruce Becker of the Vest Law Firm, Sac City, for petitioner-appellee.

Heard en banc.

OXBERGER, C.J.

Respondent-husband appeals from economic provisions of the parties' dissolution decree, asserting that no alimony should have been awarded and that he should have been awarded child support. Petitioner-wife has requested attorney fees on appeal. We affirm.

I. Scope of Review

Our review of dissolution proceedings is de novo. Iowa R. App. P. 4. We review the facts as well as the law and, from the credible evidence, determine righs anew on those issues properly presented. In re Marriage of Horstmann, 263 N.W.2d 885, 888 (Iowa 1978). While we give weight to the trial court's findings of fact, especially with regard to credibility of witnesses, we are not bound by them. Iowa R. App. P. 14(f)(7).

II. Alimony

Richard is employed, and has a net weekly income of $311. Kathleen, who is trained as a nurse's aide, devoted her time during the marriage to being a housewife and mother. At the time of trial, she was unemployed but was attending school for two nights a week. She was awarded alimony of $300 per month through May 15, 1985, terminable sooner upon her quitting school, remarriage, death, or cohabitation with a person of the opposite sex. Richard was awarded custody of the parties' two children.

Richard argues that he should be relieved of his alimony obligation because his monthly expenses for himself and his children are almost identical with the total net income that he brings home from his work. Since Kathy is able to provide for herself, he says, the award of $300 per month was unjustified and should either be reduced or eliminated altogether.

Although we recognize the difficulty under which Richard must labor as he attempts to support himself and his two children on his wages, we find on de novo review that his alimony obligation is relatively modest. After giving up her

career and spending a number of years as housewife and mother, it is not unreasonable that Kathy should be given an opportunity to retrain herself and prepare herself for a new career. This obligation clearly imposes a hardship on Richard and the children, but to reduce it or to eliminate it would impose an intolerable burden upon Kathleen. We find that the trial court's judgment in this regard was equitable and should be affirmed. In re Marriage of Callenius, 309 N.W.2d 510, 514 (Iowa 1981); In re Marriage of Conley, 284 N.W.2d 220, 223 (Iowa 1979); In re the Marriage of Beeh, 214 N.W.2d 170, 174 (Iowa 1974).

III. Child Support

Richard objects to the court's decision regarding child support, since it relieves Kathy of her obligation to support her children, and he argues that both parents should share that obligation.

We agree that the duty to support children is shared by both parents. However, that duty is not always imposed equally, but depends upon each parent's ability to provide. In re Marriage of Burham, 283 N.W.2d 269, 277 (Iowa 1979).

In this situation, there is no doubt that Kathy is not in a position to provide child support on the meager alimony which is presently her sole means of support. The court properly left open the possibility that once she is working, she might be required to contribute to her children's support. Under the present circumstances, however, that is clearly impossible. We therefore affirm this portion of the court's judgment.

IV. Attorneys Fees

Petitioner-appellee, Kathy Henrich, is awarded attorneys fees and costs of $600.

AFFIRMED.