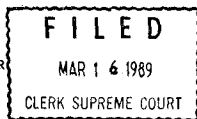


IN THE COURT OF APPEALS OF IOWA
IN RE THE MARRIAGE OF MARILYN A. HELFER
AND STEVEN R. HELFER



Upon the Petition of	)	
MARILYN A. HELFER,	)	
Petitioner-Appellee,	)	
And Concerning	)	8-581
STEVEN R. HELFER,	)	88-425
Respondent-Appellant.	)	

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Appeal from the Iowa District Court for Clayton County
(No. CD3043-0587), L. John Degnan, Judge.

The husband challenges the economic provisions of a
dissolution decree. **AFFIRMED.**

Joseph A. Peiffer of Peiffer & Meeker, P.C., Cedar
Rapids, for respondent-appellant.

Gary L. Mick of Schuster & Mick, Guttenberg, for
petitioner-appellee.

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

OXBERGER, C.J.

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Steven Helfer challenges the economic provisions of a dissolution decree. He also challenges the trial court's denial of his motion in limine. We affirm.

Steven is employed by Clayton County as a zoning administrator and sanitarian. Marilyn is currently a legal secretary working in a suburb near Kansas City. While the parties were married, she had been a secretary with Keystone Area Educational Agency in Elkader, Iowa.

The parties had been married approximately eleven years. Their daughter is nine, their son is six. In the dissolution decree the trial court awarded Marilyn custody of the children, ordered Steven to pay child support in the amount of \$40 per week per child, ordered Steven to pay the children's medical expenses, and ordered that the parties' home be sold and should there be a deficiency, Steven was to be held responsible for all of it.

I. Motion in Limine

At the time of the parties' dissolution proceeding, the juvenile court in Clayton County had before it a case involving an incident of alleged sexual abuse on the Helfer children by Steven. The juvenile court, by order dated June 23, 1987, authorized the district court to litigate the issue of custody notwithstanding the pending juvenile matters. Steven filed a motion in limine seeking to keep the trial court from considering the juvenile court proceedings. The trial court reserved ruling on the

motion. The parties entered into a stipulation as to the juvenile proceedings, and the trial court overruled Steven's motion.

On appeal Steven argues that the confidentiality of the juvenile court records and proceedings should have been protected by the court and excluded. We need not reach Steven's issue on appeal as we find it became moot when the parties stipulated to the juvenile proceedings and medical costs incurred as a result. See Hamilton v. City of Urbandale, 291 N.W.2d 15 (Iowa 1980) (case is moot if it no longer presents a justiciable controversy because issue involved have become academic or nonexistent).

II. Child Support

Steven has been ordered to pay child support in the amount of \$40 per child per week. He asserts that this amount is excessive and constitutes 51.95% of his take-home earnings. He requests a reduction to \$200 per month.

When making determinations concerning child support obligations we consider the factors enumerated in Iowa Code Section 598.21(4). The obligation to support should be apportioned according to the ability of each parent to contribute. In re Marriage of Bornstein, 359 N.W.2d 500, 504 (Iowa App. 1984).

Steven's gross income is \$15,800, and his take-home pay is \$11,280. Marilyn's gross income is \$19,035.24, and her take-home pay is \$13,194.72. Marilyn also bears the cost

of day care at \$265 per month and the costs associated with having physical care of the children. Marilyn also notes that her inheritance is almost depleted.

Upon our review of the factors enumerated in Section 598.21(4), we affirm the trial court's award of child support.

III. Property Division

Steven asserts that both parties should be required to share any deficiency upon sale of the house since the indebtedness incurred to acquire the home is a joint debt. Marilyn counters that Steven received the cash value in life insurance policies, and that she was required to expend \$2,000 to replace family furnishings when she moved to Kansas City to take a new job.

A justifiable property division is one that is equitable under the circumstances. Locke v. Locke, 246 N.W.2d 246, 251 (Iowa 1976); In re Marriage of Stewart, 356 N.W.2d 611, 612 (Iowa App. 1984). We determine the property division made by the trial court to be equitable.

AFFIRMED.