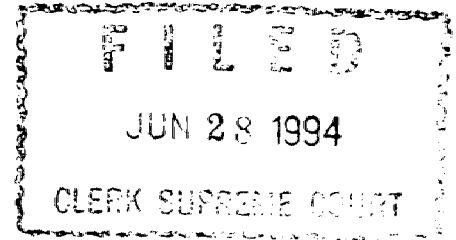


IN THE COURT OF APPEALS OF IOWA

No. 3-446 / 93-195



IN RE THE MARRIAGE OF RITA STOFFREGEN AND
MICHAEL STOFFREGEN

Upon the Petition of
RITA STOFFREGEN n/k/a RITA SMITH,

Appellant,

And Concerning
MICHAEL STOFFREGEN,

Appellee.

Appeal from the Iowa District Court for Henry County,
William L. Dowell, Judge.

Rita appeals a decision of the district court modifying her former husband's child support obligation after physical custody of their oldest child was transferred to the former husband. **AFFIRMED AS MODIFIED.**

Cynthia H. Danielson, Mount Pleasant, for appellant.

Thomas J. Vilsack of Bell & Vilsack, Mount Pleasant,
for appellee.

Considered by Donielson, C.J., and Sackett and Huitink,
JJ.

HUITINK, J.

Rita appeals the modification of the child support provisions of the dissolution decree which reduced her former husband's support obligation and assessed child support to her. We affirm.

The district court dissolved Rita and Michael's marriage in December 1988 after fifteen years. Pursuant to the parties' stipulations, they shared joint legal custody of their three children, Nathan, Kate, and Sarah, with Rita receiving physical custody. Michael paid child support in the amount of \$108 per week per child.

Rita, her new husband, their son, and the three older children moved to Texas in July 1992. Michael filed for modification of the custodial provisions in January 1993 seeking primary custody of Nathan.

Both parties were forty-one years old at the time of the modification hearing. Rita has a bachelor of arts in elementary education and taught kindergarten full-time in Iowa during the 1991-92 school year. She is not working outside of the home currently. While teaching her net monthly income was approximately \$1100.

Michael is currently president and part-owner of a company which operates a local radio station. His annual salary was approximately \$50,000, although each of the owners reduced their salaries to \$38,000 annually in September 1992 due to the costs of maintaining and upgrading the facilities. Michael is also remarried.

The district court modified the parties' dissolution decree and placed physical custody of Nathan with Michael. The court found Rita's net monthly income to be \$1,100 based upon her earning capacity as of May 1992. The district court found Michael's net monthly income to be \$2309.79. Michael was ordered to pay Rita \$629.93 per month child support for Kate and Sarah. Rita was ordered to pay child support in the amount of \$247.50 per month for Nathan.

Our review is de novo. Iowa R. App. P. 4. We give weight to the fact findings of the trial court, especially when considering the credibility of witnesses, but we are not bound by them. Iowa R. App. P. 14(f)(7).

Rita contends the district court erred in determining child support. We disagree.

The child support guidelines are used in fixing support. See In re Marriage of McQueen, 493 N.W.2d 91, 92 (Iowa App. 1992) (citations omitted). To apply the guidelines, the court must determine the parents' current net monthly income from the most reliable evidence presented. In re Marriage of Powell, 474 N.W.2d 531, 533 (Iowa 1991). A court may determine monthly income based upon income prior to temporary unemployment. Id. at 534. In addition, the district court may consider a parent's long-range capacity to earn money as well as a parent's voluntary reduction of income when determining that parent's net monthly income. See In re Marriage of Wahlert, 400 N.W.2d 557, 560 (Iowa 1987).

The district court determined Michael's net income to be \$2,309 per month and Rita's to be \$1,100 per month. Rita argues these amounts are unjust because (1) Michael's income is actually higher and (2) she should be considered as having no income. The trial court's income determinations for each party reflect its assessment of the evidence presented as well as the credibility of the witnesses on this issue. The incomes for each party are supported by reliable evidence, and we will not disturb them on appeal.

Both parents have an obligation to support their children. See In re Marriage of Byall, 353 N.W.2d 103, 108 (Iowa App. 1984). Nothing in the record suggests Rita is unable to contribute to Nathan's support. The use of the child support guidelines in this case is appropriate and equitable. We affirm the district court on this issue.

Rita also requests a separate and distinct provision be made regarding her and Michael's responsibilities for their children's support should they choose to pursue a college education. In requiring a parent to pay support for college expenses, a court should consider: (1) ability of the child for college; (2) the age of the child; (3) the financial conditions of the parents; and (4) whether the child is self-sustaining. In re Marriage of Linberg, 462 N.W.2d 698, 702 (Iowa App. 1990).

After considering these factors, we modify the decree to provide that Michael shall be responsible for two-thirds

and Rita shall be responsible for one-third of the costs of each child's college expenses. These expenses shall be limited to tuition, room, board, and books at a state-supported institution in the state of the child's residence. See id.

We determine any other issues the parties may have raised are either covered by this opinion or are without merit. Each party shall be responsible for his or her own costs of this appeal.

AFFIRMED AS MODIFIED.