FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA ex rel. ELIZABETH SUSAN SNELL,	)	
Petitioner-Appellee,	)	Filed October 25, 1983
vs.	)	
DEWEY COATNEY,	)	3-222 2-69370
Respondent-Appellant.		

Appeal from Guthrie District Court - Jack D. Levin, Judge.

Respondent appeals from the trial court's determination that he is the father of petitioner's child and should therefore contribute child support. REVERSED.

Denis Y. Reed of McMillen & Reed, Des Moines, for respondent-appellant.

R. Timothy Starken, Carroll, for petitioner-appellee.

Heard by Donielson, P.J., and Schlegel and Sackett, JJ.

PER CURIAM

Respondent appeals from the trial court's determination that he is the father of petitioner's child and should therefore contribute child support. He asserts that the evidence does not support a finding of his paternity. We reverse.

The State, acting on behalf of Elizabeth Snell who receives public assistance, filed a petition under Iowa Code chapter 252A alleging that respondent Dewey Coatney is the father of Snell's child and should be required to contribute toward the child's support. The trial court found Coatney to be the father and directed him to pay child support of $100 per month and to reimburse the State for $2000 in support already provided by the State. This appeal followed.

I.

In an action to determine paternity under chapter 252A, the petitioner has the burden of proving by a preponderance of the evidence that respondent is the father of her child. Moody v. Christiansen, 306 N.W.2d 775, 777 (Iowa 1981). Our review of the trial court's findings in such cases is de novo. Id.

We agree with respondent that petitioner has not sustained her burden of proving his paternity of her child. The only direct evidence in petitioner's favor was her own testimony that respondent was the only person with whom she had sexual intercourse during the time of the child's conception. Her credibility, however, was severely damaged by other undisputed testimony that she told other people that someone else was the father. Her credibility is further reduced by other inconsistent statements on her part; for example, she admitted during cross-examination that she indicated to hospital personnel that the child's father was unknown and then contradicted that testimony on redirect. In addition, she admittedly lied to a social services worker about the child's father in an attempt to receive ADC payments. She also told the social worker that she had sexual intercourse with several men during the period of conception. Respondent, on the

other hand, admitted to having sexual relations with petitioner but stated unequivocally that both of them were using contraceptives at the time. Finally, although blood tests indicated a 70% chance that respondent is the father of petitioner's child, expert testimony indicated that such figure was inconclusive. In fact, the person who conducted the blood test stated that the 70% figure "is not considered to be significant and I would therefore suggest that you consider HLA testing to increase the probability of finding that the alleged father is falsely accused." In other words, this expert is basically saying that the test results are useless and that a different test should be done to provide more evidentiary support in a marginal case such as this. Finally, we cannot overlook the testimony indicating that petitioner was pressured into naming someone as the father of her child. With these facts, we cannot say that petitioner has shown by a preponderance of the evidence that respondent fathered her child.

II.

Because of our holding in division I, we need not consider respondent's claim that a higher standard of proof should be employed in paternity actions. The trial court's rulings that respondent is the father and is thus liable for support for the child are reversed.

REVERSED.