FILED
AUG 25 1981
CLERK SUPREME COURT

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IN THE COURT OF APPEALS OF IOWA

IN RE MARRIAGE OF PAT A. BOOTH AND RONALD M. BOOTH

Upon the Petition of

PAT A. BOOTH,)
Petitioner-Appellee,)

And Concerning)

RONALD M. BOOTH,)
Respondent-Appellant.)

Filed August 25, 1981

I-147
2-64888

Appeal from Polk District Court. Dale S. Missildine, Judge.

Respondent-husband appeals the modification of the parties' dissolution decree increasing his child support obligation from $30 per week to $45 per week. AFFIRMED.

Robert D. Hall, Ankeny, Ia., for respondent-appellant.

John P. Dollar, Des Moines, Ia., for petitioner-appellee.

Submitted to Oxberger, C. J., and Donielson, Snell, Carter and Johnson, JJ.

PER CURIAM

Respondent-husband appeals from the modification of the parties' dissolution decree increasing his child support obligation from $30 per week to $45 per week. Respondent contends there was no change of circumstances sufficient to warrant the increase in support payments. We affirm the trial court.

Respondent, Ronald M. Booth, and petitioner, Pat A. Booth, were granted a decree of dissolution on February 21, 1973. Pat was awarded custody of Brent Allan Booth, then approximately three years old. At the time of the filing of the petition for modification of the parties' divorce, Brent was nine or ten years of age. The dissolution decree ordered Ronald to pay $25 per week as child support. By stipulation of the parties and order entered on August 27, 1974, Ronald's support obligation was increased to $30 per week.

On July 23, 1980, Pat petitioned for modification of the dissolution decree to allow an increase in child support. Pat asserts the following changes of circumstance since the decree: the high rate of inflation since the date the decree was entered, the necessity of enrolling Brent in a private school to alleviate some behavior problems, Ronald's increase in salary from approximately $12,500 annually in 1974 to $16,750 annually and the annual salary of $10,500 earned by Ronald's new wife.

Review of the petition to modify a marriage dissolution decree is de novo. In re Marriage of Melton, 256 N.W.2d 200, 205 (Iowa 1977). Of course we give weight to the trial court's factual findings, but we will not abdicate our duty to review de novo and determine issues presented upon the facts contained in the record. Id. To justify modification of a dissolution decree, some material change must be shown in the circumstances of the parties, either financially or otherwise, making it equitable that an alteration of a decree be effectuated. Spaulding v. Spaulding, 204 N.W.2d 634, 635 (Iowa 1973). The change must have occurred since the date of the original decree or any subsequent intervening proceedings in which the parties' circumstances were considered, Dworak v. Dworak, 195 N.W.2d 740, 742 (Iowa 1972). When the modification affects custody, support or visitation rights, the change in circumstances must relate to the welfare of the child. In re Marriage of Brown, 247 N.W.2d 2, 4 (Iowa 1976).

Applying those principles, the trial court increased Ronald's obligation to pay child support from $30 to $45 per week, primarily to alleviate the financial burden Pat

incurred by enrolling Brent in a private school. The trial court determined that Pat was acting out of concern for the best interests of Brent, given his behavior problems in public schools. The court then concluded that Brent's enrollment in a private school constituted a material change of circumstance not contemplated by the original decree or the subsequent order. In Pucci v. Pucci, 143 N.W.2d 353, 358 (Iowa 1966), the court found that increased expenses of the custodial parent arising from the enrollment of the parties' two minor children in nonpublic schools constituted a material change. The court stated that with such material changes, when necessary for proper child care and support, and when the resulting increase in child support obligation would not result in a positive wrong, injustice or undue burden on the noncustodial parent, an increase to meet the additional expense is proper. Id.

Testimony of Ronald indicates that his salary has increased from $12,500 to $16,500 per year. In Pucci v. Pucci, 143 N.W.2d at 358, the noncustodial parent's salary increased from $4,578.75 per year to $7,000 per year. In Pucci, the increased salary coupled with the fact that the custodial parent's expenses were substantially increased by enrollment of the children in nonpublic schools and the occurrence of various extraordinary medical needs was sufficient for the court to find that an increase in the child support obligation was necessary for the welfare of the children and would not unduly burden the noncustodial parent. Similarly, in this case, the trial court determined that Ronald's increased salary, his new wife's salary (which is appropriate for the trial court to consider, see Page v. Page, 219 N.W.2d 556, 558 (Iowa 1974)) and the nature of Pat's additional and unanticipated expenses coalesce into the conclusion that an increase in child support from $30 to $45 per week was proper and reasonable. We agree with the trial court's determination and feel that the best interests of Brent mandate that conclusion.

We also note that Pat's salary increased from $6,000 to $12,600 per year. The trial court took account of that fact in making its decision. Apparently in increasing the child support obligation of Ronald to $45 per week the trial court shifted the full cost of the private school solely to Ronald, while the court allocated the full burden of inflation solely to Pat. Although absolute parity between the parties is not required, Dworak v. Dworak, 195 N.W.2d 740, 743 (Iowa 1972), the trial court appears to have equitably allocated the cost of the changes of circumstances between the parties. We adhere to

the principle that the trial court has reasonable discretion in modifying a decree and we will not disturb its decision unless the record fairly shows the trial court failed to do equity. Pucci v. Pucci, 143 N.W.2d 353, 357 (Iowa 1966); White v. White, 251 Iowa 440, 443, 101 N.W.2d 18, 21 (Iowa 1960). We find the record indicates that the trial court took proper cognizance of the relative financial standings of the parties' and needs of the child, and struck a fair balance in allocating the burdens of the change in circumstances between the parties.

AFFIRMED.