

IN THE COURT OF APPEALS OF IOWA

No. 0-503 / 89-1966

FILED

APR 02 1991

CLERK SUPREME COURT

IN RE THE MARRIAGE OF MARGARET BARKER AND ALVIN BARKER

Upon the Petition of

MARGARET BARKER,

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Appellant,

And Concerning

ALVIN BARKER,

Appellee.

Appeal from the Iowa District Court for Linn County,
Thomas M. Horan, Judge.

The wife appeals a district court order modifying a dissolution decree. She challenges a reduction in her child support award and a provision concerning the husband's visitation with the children. **AFFIRMED AS MODIFIED.**

Mary K. Hoefer of Mears, Zimmermann & Mears, Iowa City,
for appellant.

No appearance for appellee.

Considered by Donielson, P.J., and Schlegel and Habhab,
JJ.

DONIELSON, P.J.

Margaret and Alvin Barker were formerly married. They are the parents of two children, a boy born in September 1980 and a girl born in September 1986.

The marriage was dissolved in 1987. The dissolution decree placed the two children in Margaret's legal custody and physical care, subject to specified visitation by Alvin. The decree directed Alvin to pay child support of ten dollars per week per child until January 1, 1989, and thirty-five dollars per week per child thereafter.

Both parties later filed applications to modify the 1987 dissolution decree. After a hearing, the district court reduced Alvin's child support obligation from thirty-five dollars per week per child to twenty dollars per week per child. The district court also modified Alvin's visitation schedule to account for the fact that Margaret and the children now live in Arizona. The court required Alvin to exercise any weekend visitation in Arizona, but permitted him to exercise a three-week summer visitation either in Arizona or in Iowa, where he continues to live.

Margaret appeals the modification order. She challenges the reduction in child support. She also contends that Alvin's initial summer visitation should be exercised in Arizona, where the children live, or should at least be supervised if it is exercised in Iowa. In support of her visitation request, she claims Alvin has had little

contact with the children for two years, the older child has expressed fear of Alvin, and the younger child scarcely knows Alvin.

Our review of this equitable proceeding is de novo. Iowa R. App. P. 4. We give weight to the factual 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).

Modification of the child support provisions of a dissolution decree is only allowed when there has been a material and substantial change in circumstances since the original decree. In re Marriage of Vetternack, 334 N.W.2d 761, 762 (Iowa 1983). Our supreme court delineated the following principles relevant to our review:

A number of principles emerge from our cases: (1) there must be a substantial and material change in the circumstances occurring after the entry of the decree; (2) not every change in circumstances is sufficient; (3) it must appear that continued enforcement of the original decree would, as a result of the changed conditions, result in positive wrong or injustice; (4) the change in circumstances must be permanent or continuous rather than temporary; (5) the change in financial conditions must be substantial; and (6) the change in circumstances must not have been in the contemplation of the trial court when the original decree was entered.

Id.

Our de novo review of the record does not indicate a substantial change of circumstances which would justify the modification of child support. Margaret has always been and continues to be employed. At the time the dissolution

decree was entered, Alvin was going to school and was unemployed. He finished his course of study and is now employed full-time. The original decree contemplated Alvin's change in employment status and made allowance for that change. We do not find a substantial change in the parties' financial circumstances. Modification of child support was not warranted here, especially not a downward adjustment. We reinstate Alvin's original child support obligation of thirty-five dollars per week per child.

We decline Margaret's invitation to mandate some type of scheduled reintroduction of father to children. We assume Alvin will consider Margaret's concerns about the children's well-being and conduct himself according to their best interests.

AFFIRMED AS MODIFIED.