FILED
AUG 29 1985
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF TIMOTHY KALLHOFF AND SUSAN KALLHOFF

Upon the Petition of	)	
TIMOTHY KALLHOFF,	)	
Petitioner-Appellant,	)	Filed August 29, 1985
And Concerning	)	
SUSAN KALLHOFF,	)	5-246 84-1652
Respondent-Appellee.	)	

Appeal from the Iowa District Court for Page County - Glenn M. McGee, Judge.

Petitioner husband appeals from a district court order modifying the decree which dissolved the parties' marriage. AFFIRMED.

Scott H. Hughes, Council Bluffs, for petitioner-appellant.

Verd R. Bailey of Davidson & Bailey, Clarinda, for respondent-appellee.

Considered by Donielson, P.J., and Snell and Hayden, JJ.

Petitioner husband appeals from a district court order modifying the decree which dissolved the parties' marriage. He asserts in the alternative (1) that the district court should have awarded him, not respondent wife, sole custody of the parties' two children when it voided the joint custody provision of the dissolution decree; and (2) that the district court should not have increased his child support obligation. Respondent wife requests attorney fees on appeal. We affirm.

The marriage of petitioner Timothy Kallhoff and respondent Susan Kallhoff was dissolved in August 1983. The dissolution decree provided for the parties to have joint custody of their two children (Tammy, born in January 1981, and Lisa, born in July 1982), with Susan to have physical care of the children and Timothy to pay $50 per month child support. In January 1984, Timothy applied for a modification of the dissolution decree; he asked to be given sole custody of the children. Susan answered Timothy's application for modification; she also filed her own application for modification in which she asked that she be given sole custody of the children and that her child support award be increased.

At trial, evidence was introduced concerning the breakdown in the parties' communications, Timothy's claim that the children were not receiving adequate medical care with Susan, each party's psychological health, and each party's financial situation. The trial court voided the joint custody provision of the dissolution decree and gave Susan sole custody of the children; it also increased Susan's child support award to $200 per month and directed Timothy to pay $500 toward Susan's attorney fees. Timothy has appealed.

I.

Initially, we consider Timothy's claim that the court should have awarded him sole custody. In our de novo review of this action, we give deference to the trial court's findings, although they are not binding upon us. Iowa R. App.

P. 14(f)(7). After reviewing the record before this court, we are convinced the custody determination should not be disturbed.

The record reflects that Susan is capable of providing the children with a suitable environment. Petitioner raises many concerns regarding his children's mental and physical well-being. Specifically, he argues that Susan has failed to provide the children with necessary medical attention and implies that she uses excessive force when punishing them. However, in view of the evidence presented at trial, we believe it was reasonable for the trial court to discount these allegations. In a psychiatric report, Dr. David Windsor stated the following:

> Although [Timothy] expresses concern of the care of his children and I have no reason to disbelieve that this is a serious concern on his part, it appears that he is utilizing this to carry on a vendetta against his former wife with the children being pawns in "the game." It may well be that he is an effective parent, however, this writer experienced him as unaware of his impact, grandiose, controlling, and with feelings of entitlement; that there may well be a hidden agenda on his part in seeking custody of the children.

Furthermore, some testimony would indicate that the medical attention allegedly needed by the children was not in fact necessary. Dr. James Eaves testified that nothing would indicate the children had been abused or neglected. For instance, although Timothy claims the children needed to see an allergist, Eaves stated that due to the ages of the children and the mildness of the allergies he would not have recommended this.

After reviewing the record, we are inclined to believe that Timothy's allegations of neglect are exaggerated if not unfounded. The only problems the children seem to be experiencing stem from the disagreements and battling between Timothy and Susan. There is every indication that Susan is a capable parent who can provide a suitable environment for the children. Accordingly, we affirm the trial court's custody determination.

Hopefully, the award of sole custody will alleviate the tensions which

existed with the joint custody arrangement. We urge both parties to this action to make every attempt to set aside their differences in the interests of their children.

II.

Timothy also claims the trial court should not have increased his child support payments. We disagree. It is apparent from the record that he has the ability to earn enough money to justify an increase in support. Since the original decree, Timothy's income has increased by a modest amount; it is also likely he will receive a substantial increase in Veteran's benefits when he adopts the children of his present wife. Furthermore, we believe it is significant that he is not disabled from working. Although he has not chosen to do so, Timothy has the potential to work part-time to help support his family. Under these circumstances, an increase in child support is justified.

Finding no error, we affirm. We also award Susan appellate attorney fees in the amount of $500.

AFFIRMED.