

FILED

MAY 23 1989

CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF KONNIE L. DE BOER AND DALON K. DEBOER

Upon the Petition of)

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KONNIE L. DE BOER,)

Petitioner-Appellant,)

And Concerning)

DALON K. DE BOER,)

9-195
88-1780

Respondent-Appellee.)

Appeal from the Iowa District Court for Jasper County
(No. DD8-223), Van Wifvat, Judge.

Petitioner appeals the ruling of the trial court that
granted respondent's application to modify the custody
provisions of the dissolution decree. **AFFIRMED.**

Gerald B. Feuerhelm, Des Moines, for petitioner-
appellant.

Richard A. Knock of Mershon, Snow & Knock, Cedar Falls,
for respondent-appellee.

Heard by Oxberger, C.J., and Schlegel and Habhab, JJ.

PER CURIAM

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Petitioner appeals the ruling of the trial court that granted respondent's application to modify the custody provisions of the dissolution decree. We affirm the trial court.

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. Iowa R. App. P. 14(f)(7). We are not bound by these determinations, however. Id.

It is well recognized that in modification of custody cases the party seeking a change has the burden of showing that circumstances existing at the time of the decree have changed materially and substantially so as to warrant the change. In re Marriage of Frederici, 338 N.W.2d 156, 158 (Iowa 1983). The Frederici case gives us further insight to this delicate problem by stating:

To change a custodial provision of a dissolution decree, the applying party must establish by a preponderance of evidence that conditions since the decree was entered have so materially and substantially changed that the children's best interests make it expedient to make the requested change. The changed circumstances must not have been contemplated by the court when the decree was entered, and they must be more or less permanent, not temporary. They must relate to the welfare of the children. A parent seeking to take custody from the other must prove an ability to minister more effectively to the children's well being. The heavy burden upon a party seeking to modify custody stems from the principle that once custody of children has been fixed it should be disturbed only for the most cogent reasons.

Id.

We agree with the trial court that there has been such a material and substantial change in the circumstances that the child's best interests make it expedient to modify the decree. Accordingly, we affirm.

AFFIRMED.