FILED
JUN 26 1984
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

1-16

THE STATE OF MINNESOTA, ex rel. **CAROL KUGEL**, individually, and as mother and natural guardian of **RONALD, SHANNON, and WAYNE KUGEL**, minor children,

Petitioner-Appellee,

vs.

RONALD FRANCIS KUGEL,

Respondent Appellant.

Filed June 26, 1984

THE STATE OF MINNESOTA, ex rel. **PATRICIA KUGEL**, as mother and natural guardian of **PAMELA KUGEL** and **ALLEN KUGEL**, minor children,

Petitioner-Appellee,

vs.

RONALD FRANCIS KUGEL,

Respondent-Appellant.

4-185
83-629

Appeal from the Iowa District Court for Black Hawk County - Carroll E. Engelkes, Judge.

Respondent father appeals from orders entered pursuant to the Uniform Support of Dependents Law enforcing Minnesota decisions. REVERSED AND REMANDED FOR EVIDENTIARY HEARINGS.

Dale E. Goeke of Boveia Law Offices, Waverly, for respondent-appellant.

Thomas J. Miller, Attorney General, and Stephen C. Robinson, Assistant Attorney General, for petitioners-appellees.

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

PER CURIAM

Ronald Kugel has been divorced twice in the Minnesota courts. His two former wives and five children are still Minnesota residents and are recipients of public assistance in that state. Ronald now lives in Iowa.

The State of Minnesota filed two separate petitions against Ronald under the Uniform Support of Dependents Law, Iowa Code chapter 252A (1983). The State of Minnesota alleges that Ronald is in arrears on his child support obligations under both dissolution decrees. The trial court directed Ronald to pay child support in both cases. Ronald filed separate appeals from the two support orders; the two appeals have been consolidated.

Ronald contends the trial court's rulings violated a stipulation that the case be decided on a stipulated record. He asserts that the stipulation reflects the parties' expectation that the court would issue an order stating that he had no present ability to pay support. Ronald also asserts that the trial court exceeded the limited record to which the parties agreed in the stipulation when it found Ronald to be in good health and capable of holding employment. Ronald asserts that this holding is in error because he has back trouble and that his answers to the petitions specially denied that he was able-bodied. Ronald claims that in light of the limited record the trial court was not authorized to find that he was in good health and capable of employment.

Ronald also contends that because the trial court's support orders were issued in violation of the stipulated record, error was committed by denying Ronald's post-trial motions for new trial or for amended rulings. In addition, he contends that the trial court should have held an evidentiary hearing on the post-trial motions. Finally, Ronald contends that in one of its two petitions the State of Minnesota failed to specify the amount of public assistance given to one of the former wives (Patricia) and was therefore not entitled to reimbursement of those expenditures.

The post-trial motions made by Ronald for new trial and amended rulings sought to introduce evidence in support of his contention that he was unable to work and therefore could not contribute support. At the same time, respondent Ronald throughout the proceedings sought to circumscribe the trial court from determining the truth of the matter of whether there was any sound basis for ordering Ronald to support his children. Although the court interpreted the hearing as one not calling for the introduction of evidence, we do not agree with the theory that the parties by stipulation can predetermine the extent to which the trial court may obtain evidence in order to properly decide issues. We have examined the record and conclude that in order for the several fact questions to be decided, it is necessary that the trial court be apprised of all the relevant circumstances beyond those facts to which the parties stipulated. Accordingly, new trial shall be held, unlimited by the stipulation, wherein each party may present evidence on all issues raised by the parties.

REVERSED AND REMANDED FOR NEW TRIAL.