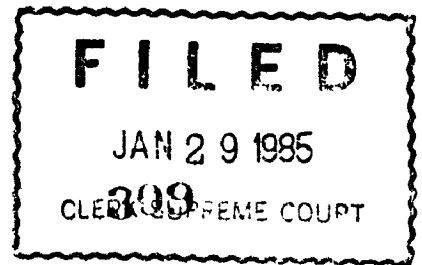


IN THE COURT OF APPEALS OF IOWA
IN RE THE MARRIAGE OF ONTHANK



Upon the Petition of	)	
LESLIE EILEEN ONTHANK,	)	Filed January 29, 1985
Petitioner-Appellant,	)	
And Concerning	)	
JAMES RICHARD ONTHANK,	)	<u>4-490</u>
Respondent-Appellee.	)	84-684

Appeal from the Iowa District Court for Poweshiek County - James D. Jenkins, Judge.

Petitioner appeals from the trial court's modification of the visitation and child support provisions of a dissolution decree. AFFIRMED.

Barry S. Kaplan of Fairall, Fairall, & Kaplan, Marshalltown, Iowa, for petitioner-appellant.

William D. Olson of Tomasek, Vogel & Charnetski, Grinnell, Iowa, for respondent-appellee.

Heard by Donielson, P.J., Hayden, and Sackett, JJ.

HAYDEN, J.

Petitioner appeals from the trial court's modification of the visitation and child support provisions of a dissolution decree.

Petitioner, Leslie Onthank, and respondent, James Onthank, were married in 1968. They adopted a son, Brian, whose date of birth was November 15, 1972. The marriage of the parties was dissolved on January 6, 1977. The court adopted a written stipulation of the parties providing that James would have custody of Brian subject to "reasonable rights of visitation." The stipulation additionally provided that Leslie would have no obligation to support Brian.

The parties were able to agree on an alternating weekend schedule of visitation which worked well for a while. However, due to Brian's increasing age and participation in activities outside the home, it became more difficult to arrange visitation. On September 13, 1983, Leslie filed an application to modify the dissolution decree requesting that the court specify visitation. James filed a counterapplication requesting child support.

The trial court ordered modification on both issues. The court allowed Leslie visitation on alternate weekends from 9:00 a.m. Saturday until Sunday evening and also specified the summer visitation. The court ordered Leslie to pay child support in the amount of \$60 per week. When Brian turns fourteen, the support increases to \$80 per week.

On appeal Leslie asserts: (1) that the trial court had no authority to order child support; (2) that the amount of support ordered is excessive; and (3) that the weekend visitation should begin on Friday evenings rather than Saturday mornings.

Our review of this proceeding in equity is de novo. Iowa R. App. P. 4. We give weight to the trial court's findings of fact, especially where the credibility of witnesses is involved; however, we are not bound by them. Iowa R. App. P. 14(f)(7).

I. Child Support. Leslie argues that since the parties agreed that she should be relieved of the obligation of child support and that agreement was approved by the court at the time of the dissolution, that the trial court has no authority to now modify the decree and order her to pay child support. She insists that she can only be ordered to pay support if an action is brought in Brian's name under Iowa Code chapter 252A (Uniform Support of Dependents Law).

We reject this contention. In Holland v. Holland, 260 Iowa 248, 250, 149 N.W.2d 124, 125 (1967), the supreme court stated: "The fact the parties made an agreement for support of children and the court approved it in the original decree does not affect the power to modify the decree." Therefore, it need not be shown, as Leslie argues, that Brian is about to become a public charge. The trial court could order a modification if there was a substantial change in circumstances since the original decree not within the contemplation of the court at the time the decree was entered. Id. at 250, 149 N.W.2d at 125. Where a change of financial condition of one or both parties is relied upon, it must be substantial. Id. at 250, 149 N.W.2d at 125.

The evidence in this case shows that at the time the decree was entered Leslie was earning approximately \$8,000 per year. In 1983 her gross income was \$35,456. She testified that she left her employment on March 1, 1984, to start her own business and hopes to net \$18,000 per year in the future. We agree with the trial court that Leslie's change in financial position justifies a modification of the decree. We conclude that the support ordered by the court is reasonable.

II. Visitation. Leslie argues that the trial court erred in ordering visitation to commence on Saturday mornings rather than Friday evenings. We appreciate her desire to spend more time with her son and her desire not to provide transportation between Grinnell and Cedar Rapids on both Saturdays and Sundays. However, the evidence shows that Brian is involved in various activities on Friday nights which he wishes to continue. The trial court did not err in its specification of visitation.

AFFIRMED.