

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF DEBRA LYNN ANDERSON
AND JIMMY EARL ANDERSON

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Upon the Petition of)

DEBRA LYNN ANDERSON,)

Petitioner-Appellant,)

Filed June 4, 1986

And Concerning)

JIMMY EARL ANDERSON,)

6-121
85-1083

Respondent-Appellee.)

Appeal from the Iowa District Court for Woodbury County (No. 4722)

- Dewie J. Gaul, Judge.

Petitioner wife appeals from the trial court's ruling on her application for a modification of the child support awarded her under a dissolution decree.
AFFIRMED.

N. Richard Willia of Margolin, Gildemeister, Willia, Muga & Keane, Sioux City, for petitioner-appellant.

Jack A. Faith, Sioux City, for respondent-appellee.

Considered by Oxberger, C.J., and Donielson and Schlegel, JJ.

DONIELSON, J.

Petitioner wife appeals from the trial court's ruling on her application for a modification of the child support awarded her under a dissolution decree. Petitioner wife asserts that the trial court should have increased her support award to \$500 per month instead of \$200 per month.

The marriage of petitioner Debra Lynn Anderson and respondent Jimmy Earl Anderson was dissolved by decree in 1977; Debra was given custody of the parties' two children, and Jimmy was directed to pay child support of \$75 every two weeks. In 1984, Debra applied for a modification of the dissolution decree; she asked that her child support award be increased. Jimmy answered Debra's application and trial was held.

The evidence indicated that at the time of the dissolution, Jimmy had a gross income of \$13,112 and Debra was unemployed. Debra estimated her monthly costs at that time to be \$595 for a three-person family.

The parties' financial situations had greatly changed by 1985. Jimmy had a net yearly income of \$13,995 and his present spouse had a net yearly income of \$9,205, for a combined net income of \$23,200 in 1985. Debra and her new spouse had a net yearly income of \$26,445 in 1985, and she estimated her costs had increased to \$1,400 a month for a four-person family.

The trial court granted Debra's application and increased her child support award to \$100 every two weeks. Debra has appealed from the trial court's ruling; she asserts that the trial court should have increased her award more than it did.

A child support obligation can be modified pursuant to Iowa Code section 598.21(8) (1985), when there is a substantial change in circumstances. See Page v. Page, 219 N.W.2d 556, 557 (Iowa 1974). The court is instructed to consider

each parent's earning capacity, economic circumstances, and cost of living. Iowa Code § 598.24 (1985).

Our review of a modification award is de novo. In re Marriage of Mayer, 347 N.W.2d 681, 682 (Iowa Ct. App. 1984) (citing Iowa R. App. P. 4).

Debra directs us to In re Marriage of Stutsman, 311 N.W.2d 73 (Iowa 1981), and encourages us to read this as authority to justify further increasing the modification award. While some similarities with Stutsman exist in that the income of both fathers increased significantly after the decree, the mother in Stutsman qualified for Aid to Families with Dependent Children while Debra is in a household which earns \$26,445 annually.

Our law provides that while each party is obligated to pay child support, child support is awarded on each parent's ability to pay. In re Marriage of Bornstein, 359 N.W.2d 500, 504 (Iowa Ct. App. 1984); In re Marriage of Heinemann, 309 N.W.2d 151, 153 (Iowa Ct. App. 1981). It is also clear that a party's present spouse's earnings can be considered when analyzing the party's overall financial condition in fixing the amount of child support. State ex rel. Mohr v. Mohr, 377 N.W.2d 247, 248-49 (Iowa Ct. App. 1985) (citing Page v. Page, 219 N.W.2d at 558). We will not modify the trial court's decision to increase child support from \$1,960 annually to \$2,600 annually. After considering these facts, especially given the parties' respective incomes and overall financial condition, we cannot find a further increase is in any manner justified.

AFFIRMED.