FEB 22 1979
CLERK SUPREME COURT

236

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF MARILYN JEANETTE STEPP & PHILIP EARL STEPP

Upon the Petition of)
MARILYN JEANETTE STEPP,) Filed February 22, 1979
Appellee,)
And Concerning)
PHILIP EARL STEPP,) 784 / 2-61877
Appellant.)

Appeal from Jasper District Court - Dale Missildine, Judge.

Husband appeals from trial court order granting wife's application for modification of child support. - Affirmed.

Barry S. Kaplan, of Fairall, Fairall & Baker, of Marshalltown, for Appellant.

Paul E. Huscher, of Des Moines, for Appellee.

Submitted to Oxberger, C. J., and Donielson, Snell, Carter and Johnson, JJ.

PER CURIAM

Respondent Philip Stepp appeals from judgment of the trial court granting petitioner Marilyn Stepp Harms' application for modification of the 1971 dissolution decree by increasing the award of child support for the parties' two children from $30 per week to $70 per week. Philip asserts that Marilyn has failed to show a substantial change in circumstances to justify the modification.

Our review is de novo. Rule 4, Rules of Appellate Procedure. We give weight to the trial court's findings of fact, but are not bound by them. Rule 14(f)(7), R. App. P. At the time of the original decree in 1971, Philip earned $198 gross weekly from employment at Maytag, and was a farmer, while Marilyn's gross income was approximately $100 weekly. At the time of the modification, Philip was earning $307 gross weekly from Maytag. He had remarried and has an infant daughter from this new marriage. Marilyn has also remarried, and at the time of the modification was earning $21,500 gross annual salary as a partner in a beauty shop. Both parties testified that their expenses have increased dramatically since 1971, and in a greater proportion to income.

In Bice v. Bice, 251 N.W.2d 211 (Iowa 1977), the court stated:

> Although the evidence is not strong, we agree with the trial court it is sufficient to require greater support payments. The evidence showed a substantial increase in defendant's earnings since the original decree.... We also take into account the additional financial burden which continuing inflation has added to rearing children. (authority) While inflation strikes at defendant as well, its impact on him is not as great.

In view of Bice, we find sufficient change of circumstances in the instant case to warrant a modification of the decree. Trial court's judgment is affirmed.

AFFIRMED.

All judges concur, except DONIELSON, J., who dissents.

DONIELSON, J. (dissenting)

I dissent. The sole issue before this court was whether the respondent had a material change of circumstances by his increase in earnings to justify a change in the child support awarded petitioner in the original dissolution decree of September 28, 1971 from $30 per week for two children to $70 per week.

We are faced with the question of whether this court should reappraise child support awards on a change of economic circumstances relating only to inflation and normal increases in economic standards easily anticipated by the original trial court. The majority answers this question in the affirmative under these specific facts, and I disagree.

The income tax returns submitted show petitioner with an adjusted gross income of $4476 in 1971 and $41,748 in 1977. The petitioner had remarried and had no additional children from this marriage. The respondent showed an adjusted gross in 1971 of $10,435 which had advanced to $22,282 in 1977. He had remarried and had a child as a result of this marriage.

Obviously, $30 per week in child support for two children is low ($130 per month). Seventy per week ($303 per month) is a substantial increase. However, respondent's earnings had slightly more than doubled, while petitioner's had increased approximately tenfold. I see no other influencing factors for the trial court's decision. I do not believe it to be good legal precedent to make an adjustment in dissolution decrees where there is no material substantial change in circumstances involving a positive wrong or injustice, and I find none here.