IN THE COURT OF APPEALS OF IOWA

No. 1-118 / 90-981

FILED
APR 23 1991
CLERK SUPREME COURT

IN RE THE MARRIAGE OF SANDRA K. RENNENGER AND JOHN J. RENNENGER, JR.

Upon the Petition of

SANDRA K. RENNENGER,

Appellant,

And Concerning

JOHN J. RENNENGER, JR.,

Appellee.

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Appeal from the Iowa District Court for Polk County, Gene L. Needles, Judge.

Sandra appeals the district court's ruling refusing to modify the 1987 dissolution decree placing her children in their father's physical custody. **AFFIRMED.**

Karla J. Fultz, Des Moines, for appellant.

John P. Dollar of Bowers, Wilson & Dollar, Des Moines, for appellee.

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

OXBERGER, C.J.

Sandra and John Rennenger were formerly married to each other. They are the parents of three daughters born February 1980, January 1984, and November 1985.

A 1987 decree dissolved the Rennenger's marriage. By agreement of the parties, the dissolution decree placed the three girls in John's physical care.

Sandra filed the present petition to modify the 1987 dissolution decree requesting the girls be transferred to her physical care. She alleged John's remarriage has affected the children adversely and his care of the children has deteriorated since his remarriage.

The district court declined to modify the dissolution decree finding Sandra failed to show by a preponderance of credible evidence a change in circumstances warranting a change in physical custody of the girls. The district court concluded that although both John and Sandra are good parents and either could minister effectively to the children's needs, Sandra failed to meet her burden to prove she could minister more effectively than John to the children's needs.

Sandra has appealed from the district court's order.

In this equity action, our review is de novo. Iowa R. App. P. 4. We have a duty to examine the entire record and adjudicate anew rights on the issues properly presented. In re Marriage of Steenhoek, 305 N.W.2d 448, 452 (Iowa

1981). We give weight to the fact findings of the trial court, especially when considering the credibility of witnesses, but are not bound by them. Iowa R. App. P. 14(f)(7).

> 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.

In re Marriage of Frederici, 338 N.W.2d 156, 158 (Iowa 1983) (citing In re Marriage of Mikelson, 299 N.W.2d 670, 671 (Iowa 1980)).

After thoroughly reviewing the record, including the lengthy home study report authored by Dr. John H. Kirchner, we agree with the district court that Sandra has failed to carry her burden to show she can minister more effectively to her daughters' needs.

The relationship between John and Sandra has apparently become quite strained since John's remarriage, but that fact standing alone is not sufficient to change physical custody of their children. John is meeting the needs of the girls and we see no reason for interfering with the current custody arrangement.

AFFIRMED.