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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF LORRAINE ANN KING AND DENNIS D. KING

Upon the Petition of)
LORRAINE ANN KING,)
Petitioner-Appellee,)
And Concerning)
DENNIS D. KING,)
Respondent-Appellant.)

Filed May 26, 1981

1-91
2-65627

Appeal from Story District Court - Milton D. Seiser, Judge.

Respondent-husband appeals from trial court's order modifying the child support provisions of the parties' 1967 divorce decree. AFFIRMED.

Stewart H. M. Lund, Webster City, Iowa, for respondent-appellant.

Richard O. Parker and Brian E. Gardner of Handsaker & Parker, Nevada, Iowa, for petitioner-appellee.

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

PER CURIAM

Respondent-husband appeals from trial court's order modifying the child support provisions of the parties' 1967 divorce decree. He alleges that the trial court did not have sufficient evidence by which to determine the merits of petitioner-wife's application to modify since there was no financial statement filed on his behalf, petitioner did not prove a material and substantial change in circumstances warranting modification and the court erred in ordering an assignment of his wages to satisfy the increased support obligation and in referring to the possible future educational needs of the parties' child. Our review is **de novo**. Iowa R. App. P. 4. We affirm.

The marriage of Lorraine and Dennis King was dissolved by decree on September 18, 1967. Custody of their only child, Steven (born March 21, 1963), was awarded to Lorraine; Dennis was ordered to pay $40 per month in child support until Steven reached eighteen or became self-supporting. Lorraine filed this application to increase the support obligation on November 14, 1979, alleging that Dennis's increased income, the effects of inflation and the increased expenses incurred on Steven's behalf warrant modification.

The court's ruling of July 25, 1980 raised the child support award to $125 per month effective January 1, 1980. Dennis was ordered to execute a wage assignment of $200 per month through May, 1981, to satisfy his increased obligations. The court also indicated that if Steven decided to pursue his education after high school, then he or his mother could apply for a further order directing Dennis to contribute toward those expenses. Dennis perfected this appeal on August 13, 1980.

I. Dennis first argues that the court did not have sufficient evidence by which to modify the decree because, through no fault of his own, no financial statement or affidavit was filed with the court which described his financial condition. He claims that such a filing is required by sections 598.13 and 598.14, The Code. We disagree. Section 598.13 refers to the necessity of filing financial statements in the original dissolution proceeding when requesting temporary or permanent support; nothing in that section sets out any similar requirement in a modification proceeding. Section 598.14 refers only to temporary orders and thus has no applicability to this case. We conclude that no financial statement was required and that the testimony of the parties provided sufficient evidence by which the trial court could make a decision.

II. Dennis next argues that Lorraine did not present sufficient evidence to prove the material and substantial change of circumstances required to justify modification.

> To justify modification of a child support provision some material change must be shown in the circumstances of the parties, *financially or otherwise, making it equitable* that other or different terms be imposed. A decree will not be modified unless its enforcement will be attended by positive wrong or injustice as a result of the changed conditions. Modification should be based upon a change of circumstances more or less permanent or continuous, not temporary, and where a change of financial condition of one or both of the parties is relied upon, it must be substantial. (citations omitted).

Spaulding v. Spaulding, 204 N.W.2d 634, 635 (Iowa 1973). Applying these principles to the facts of this case, we agree with the trial court's decision. Lorraine has monthly expenses of $788.74 and a net monthly income of approximately $640. Dennis's gross weekly income has increased from $88 in 1967 (at the time of the parties' dissolution decree) to $320 at present. In addition, inflation has severely reduced the real value of the $40-per-month support award (voluntarily raised to $50 per month by Dennis in 1978) since 1967. Under these circumstances, we think the trial court was justified in increasing support to $125 per month and we affirm that result.

III. Dennis claims that the trial court erred in ordering an assignment of his wages to satisfy his obligations under the decree as modified. While it is unclear from his brief why that action was erroneous, it is clear that the court had the authority to do so. See section 627.12, The Code. We find no reason to disturb that provision.

IV. Finally, Dennis asserts error in that the trial court, in its ruling, commented on the possibility that Steven may wish to pursue post-secondary education and, if that happened, then he or Lorraine could apply for further modification of the decree and request that Dennis contribute to Steven's educational expenses. We fail to see how that comment prejudiced Dennis. He has not yet been ordered to pay any such expenses. We therefore have no issue before us concerning payment of educational expenses.

AFFIRMED.