

FILED

JUN 26 1984

CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

**STATE OF IOWA ex rel.,
LORNA POTRATZ and DENISE POTRATZ,**

Petitioner-Appellee,

vs.

ALAN D. KUKER,

Respondent-Appellant.

Filed June 26, 1984

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4-229
83-1397

Appeal from the Iowa District Court for Bremer County, John F. Stone,
Judge.

Respondent appeals from an adverse paternity determination, and the
concomitant order that he pay child support. **AFFIRMED.**

John S. Tremaine of Murphy & Termaine, Sumner, for the respondent-
appellant.

James A. Lally of the Child Support Recovery Unit, for the petitioner-
appellee.

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

OXBERGER, C.J.

Respondent appeals an adverse paternity determination and the concomitant order that he pay \$200 per month in child support. On appeal, respondent contends that the evidence was insufficient to establish his paternity. Alternatively, he contends that the child support obligation is excessive considering his limited income and his debts. We affirm the decision of the trial court and find that the award of \$200 per month is a reasonable sum for child support.

Lorna Potratz, an unmarried woman, gave birth to Denise Potratz in January 1982. Lorna has consistently asserted that respondent is Denise's father.

The State, acting on Lorna's behalf because she is an ADC recipient, filed a petition asking that respondent be declared the father of Denise and be required to pay child support. At the hearing on this petition, Lorna testified that the only sexual activity during the possible period of Denise's conception had been a single episode of intercourse with respondent. An expert testified that blood tests showed a likelihood of 99.654 percent that respondent was the father of Denise Potratz. Respondent testified that he had never engaged in sex with Lorna Potratz and that he had been out of town on the date she claimed their sexual contact had occurred.

The trial court found respondent to be the child's father and directed him to pay child support of \$200 per month. The court also directed him to pay the expenses of the child's birth (\$633) and the costs of the blood tests (\$270). Respondent appeals from the trial court's ruling.

L. Paternity

Respondent argues that the evidence does not support the trial court's finding that respondent is the father of Denise Potratz. The burden of persuasion was on petitioner to establish paternity by a preponderance of the evidence. State v. Middletown, 147 N.W.2d 40, 41 (Iowa 1966). Petitioner has met its burden here.

Although Lorna's testimony that she had intercourse with respondent was not corroborated and was, in fact, denied by respondent, we note that corroboration of such testimony is not required to establish paternity. Foreman v. Wilcox, 305 N.W.2d 703, 704 (Iowa 1981); State v. Middletown at 41. Moreover, we note that the credibility of witnesses and the weight to be accorded their testimony is best determined by the trier of fact. See Rehmann v. Balduchi, 169 N.W.2d 894 (Iowa 1969). The trial court concluded that respondent's testimony was not worthy of belief, and we see no reason to question its conclusion here.

Lorna's testimony is supported by the results of a blood test that shows a statistical probability of 99.654 percent that respondent is Denise's father. Iowa Code section 675.41 provides that, "[b]lood test results which show a statistical probability of paternity are admissible and shall be weighed along with other evidence of the alleged father's paternity." Considering the evidence presented at trial, including the blood test, we find that the petitioner has established its claim of paternity by a preponderance of the evidence.

II. Support

Respondent argues that even if he is determined to be Denise's father, the support obligation imposed on him by the trial court is excessive. The natural father's liability for the support of his illegitimate children is premised upon Chapter 252A of the Iowa Code. Section 252A.3(2) provides that where one parent is incapable of supporting the child, the other parent will be required to provide support if "possessed of sufficient means or able to earn such means." Respondent contends that he does not have sufficient means to meet the obligation imposed on him by the trial court.

The record indicates that respondent does have the capability to provide child support. He is a self-employed truck driver who has been able to find sufficient employment driving. Respondent's gross earnings during 1983 were \$16,000. He has no living expenses aside from those generated when he is on the

road, since he resides with his parents and is not required to pay rent. Although respondent has incurred considerable expenses related to his trucking business, we agree with the trial court's conclusion that he is capable of earning a sufficient income with which to pay his child support obligation.

AFFIRMED.