FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF JANICE F. PALLWITZ & CHARLES D. PALLWITZ

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Upon the Petition of	)	
JANICE F. PALLWITZ,	)	Filed September 6, 1984
Petitioner-Appellee,	)	
And Concerning	)	
CHARLES D. PALLWITZ,	)	4-233 83-1453
Respondent-Appellant.	)	

Appeal from the Iowa District Court for Polk County - Theodore Miller, Judge.

Respondent appeals from the district court's denial of his petition to modify a dissolution decree to grant custody of the parties' minor daughter to him. AFFIRMED.

Joseph L. Marks and Victoria L. Meade of Marks, Marks & Marks, Des Moines, Iowa, for respondent-appellant.

Jerry Foxhoven, Des Moines, Iowa, for petitioner-appellee.

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

SCHLEGEL, J.

Respondent, Charles Pallwitz, appeals from the district court's denial of his petition to modify a dissolution decree to grant custody of the parties' minor daughter, Michawn, to him. On appeal, he asserts that he demonstrated a substantial improvement in his own parenting abilities and changes in his ex-wife's circumstances, and that these constituted substantial changes of circumstances justifying modification of custody. We affirm.

Our review is de novo. Melton v. Melton, 246 N.W.2d 200, 205 (Iowa 1977). We will give weight to the fact findings by the trial court, but are not bound by those findings. Iowa R. App. P. 14(f)(7).

The general principles of deciding which parent initially receives custody of a child were set out in In re Marriage of Bowen as follows:

> The status of children should be quickly fixed and, thereafter, little disturbed. . . . No hard and fast rule governs which parent should have custody. It is not a matter of reward or punishment. The issue is ultimately decided by determining under the whole record which parent could minister more effectively to the long-range best interest of the children.

219 N.W.2d 683, 687-88 (Iowa 1974) (citations omitted).

The initial award of custody will be modified only on a showing of a material and substantial change in circumstances. Dworak v. Dworak, 195 N.W.2d 740, 742 (Iowa 1972). To show such change in circumstances,

> [t] he parent seeking to take actual custody from the other has the burden to show some superior claim based on his ability to minister, not equally, but more effectively to the children's well being. This principle is but a corollary to our rule that custody of children, once fixed, should seldom be disturbed and then only for the most cogent reasons.

In re Marriage of Gutermuth, 246 N.W.2d 272, 274 (Iowa 1976) (citations omitted).

Charles has not shown a cogent reason for disturbing the present custody arrangement. We have carefully examined the voluminous record of this action and agree with the trial court judge that there is not sufficient evidence to show that Michawn has been abused or provided with unsuitable clothing.

Charles undoubtedly has improved his parenting abilities since the original custody decree was made. However, the trial court found, and we agree, that Michawn is well cared for and dressed, is making good progress in school, and is likely to continue making such progress. Because Michawn is a happy, healthy child in her mother's custody, and because custody, once fixed, should seldom be disturbed, we find no cogent reason to modify the custody decree. See In re Marriage of Brown, 247 N.W.2d 2, 4 (Iowa 1976).

AFFIRMED.