FILED
MAY 22 1984
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF KATHERINE IRENE CLARK AND GARY HOWARD CLARK

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Upon the Petition of)
KATHERINE IRENE CLARK,)
Petitioner-Appellant,) Filed May 22, 1984
And Concerning)
GARY HOWARD CLARK,) 4-149 / 83-908
Respondent-Appellee.)

Appeal from the Iowa District Court for Linn County - Larry J. Conmey, Judge.

Petitioner wife appeals from the trial court's denial of her application for modification of the decree dissolving the parties' marriage. She asserts that the trial court should have increased her child support award because she showed that there has been a substantial change of circumstances since the decree which was not within the contemplation of the court when it entered the decree. AFFIRMED AS MODIFIED.

John M. Heckel of Holden, Steggall & Heckel, Cedar Rapids, for petitioner-appellant.

James E. Bennett of Keyes, Bennett & Kucera, Cedar Rapids, for respondent-appellee.

Considered by Snell, P.J., and Schlegel and Sackett, JJ.

The 1977 decree dissolving the marriage of petitioner Katherine Irene Clark and respondent Gary Howard Clark gave Katherine custody of the parties' three children: Michelle, born in 1970; David, born in 1973; and Paul, born in 1975. It also directed Gary to pay child support of $200 per month.

In 1982, Katherine applied for a modification of the dissolution decree; she asserted that her child support award should be increased because: (1) the cost of living had increased due to inflation; (2) the children's expenses were increasing as they got older; and (3) David's medical expenses had increased because his medical condition of juvenile arthritis had worsened. Gary resisted the application for modification, and trial was held.

The trial court ruled that the first two changes in circumstances Katherine had asserted were in the contemplation of the court at the time it entered the dissolution decree. The trial court therefore refused to increase Katherine's child support award; it did, however, direct Gary to pay all medical and dental expenses for the children for as long as he was obligated to pay child support. Katherine has appealed.

On appeal, Katherine contends that the trial court erred in finding that inflation was within the contemplation of the trial court at the time of the decree. She asserts inflation has provided a substantial change in circumstances which dictates a modification of the decree to increase the child support award. Our review is de novo. Iowa R. App. P. 4 (1983). Each case must be decided in accordance with its particular facts. Spaulding v. Spaulding, 204 N.W.2d 634, 635 (Iowa 1973). We are not bound by the findings of the trial court, but we give weight to them. Dworak v. Dworak, 195 N.W.2d 740, 742 (Iowa 1972).

It is well settled that:

> 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.

Spaulding v. Spaulding, 204 N.W.2d at 635.

Among the circumstances which have changed in this case, Katherine brings to our attention the relatively small change in her salary since the dissolution, the almost doubling of Gary's salary in the same time, the increased age of the children, the special health needs of the older son and, particularly, the approximately 65 percent rise in prices due to inflation since the time of the decree.

Increased costs due to rising ages of children may be taken into account when determining whether a modification in a decree is warranted. See, e.g., In re Marriage of Stutsman, 311 N.W.2d 72, 76 (Iowa 1981); Dworak v. Dworak, 195 N.W.2d at 742. We may also take into account the erosion of the dollar's actual value. In re Marriage of Jensen, 251 N.W.2d 252, 254 (Iowa 1977); Dworak v. Dworak, 195 N.W.2d at 742. The supreme court has judicially noticed the diminished purchasing power of the dollar. See In re Marriage of Stutsman, 311 N.W.2d at 76; In re Marriage of Stamp, 300 N.W.2d 275, 279 (Iowa 1980); Page v. Page, 219 N.W.2d 556, 558 (Iowa 1974); Dworak v. Dworak, 195 N.W.2d at 742.

Although we acknowledge the modification court's adjustment in ordering Gary to pay medical and dental expenses, we find that an increase in the child support award is warranted. Although the dissolution court may have contemplated some inflation, it gave no indication that it contemplated a 65 percent increase in the cost of living. We therefore find that Katherine has demonstrated a substantial change in circumstances which was not within the contemplation of the court at the time the dissolution was entered. We modify the decree to increase the monthly child support to $300.

AFFIRMED AS MODIFIED.