IN THE COURT OF APPEALS OF IOWA

FILED
DEC 17 1987
CLERK SUPREME COURT

IN RE THE MARRIAGE OF DAVID W. ANDERSON AND JEDA ANDERSON

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Upon the Petition of DAVID W. ANDERSON,	)	
Petitioner-Appellee,	)	Filed December 17, 1987
And Concerning JEDA ANDERSON,	)	7-569 / 87-646
Respondent-Appellant.	)	

Appeal from the Iowa District Court for Jasper County (No. 02768) - Arthur E Gamble, Judge.

Respondent appeals the trial court's order modifying the dissolution decree.

AFFIRMED AS MODIFIED.

Eugene Knopf, of Walker, Knopf & Billingsley, Newton, for appellant.

Dennis F. Chalupa, of Brierly, McCall, Girdner, Chalupa, McCall & Otto, Newton, for appellee.

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

PER CURIAM **16**

Respondent-Appellant Jeda Anderson appeals from the trial court's order modifying her dissolution decree. She asks that we increase the child support and require appellee to pay all visitation expenses. She also requests attorney fees. We affirm as modified.

Jeda and Petitioner-Appellee David W. Anderson's marriage was dissolved in 1985. Physical care of the parties' two children, Lori born in 1972 and Alida born in 1975, was awarded to Jeda. David was ordered to pay support of $110 per week for both children. A petition for modification was filed because Lori moved in with her father. David sought Lori's physical care and a reduction in his child support payment to Jeda. The trial court modified the decree to transfer physical care of Lori to David. There is no challenge to the custody issue.

The court provided each party should pay visitation transportation for the child living with him or her and reduced David's child support obligation to $25 per week. Jeda was not ordered to contribute to Lori's support. The trial court provided when David was no longer obligated to support Lori, his support for Alida increase to $70 per week. Jeda contends David should contribute a larger share for the child in her care.

Both parents have an obligation to support their children, not necessarily equally but in accordance with their ability to pay. In re Marriage of Anderson, 400 N.W.2d 84, 86 (Iowa 1986); In re Marriage of Byall, 353 N.W.2d 103, 108 (Iowa App. 1984).

David works for Maytag and had taxable wages of $30,101.33 in 1986. Jeda had earnings of $12,543.50 in 1986. She remarried a co-worker and because company policy prohibited two members of the same family from working there,

she lost her job on December 19, 1986. At the time of hearing she was drawing unemployment of $143 per week. Jeda's new husband has gross wages of $577.20 weekly and has a child support obligation of $225 monthly for three children.

We consider her present husband's income only as it relates to Jeda's overall financial condition and recognize his support obligation to the child in their home is limited to any increase in the cost of maintenance she may experience because of his presence in the home. In re Marriage of Mueller, 400 N.W.2d 88-89 (Iowa App. 1986). We consider the fact David is supporting Lori without help from Jeda. See In re Marriage of Phipps, 379 N.W.2d 26, 29 (Iowa 1985); Mueller, 400 N.W.2d at 88.

In assessing the child support we consider the factors of section 598.21(4) and applicable case law. Locke v. Locke, 246 N.W.2d 246, 251 (Iowa 1976); In re Marriage of Anderson, 400 N.W.2d 84, 85 (Iowa App. 1986). We modify the trial court's support award for Alida to increase it to $50 weekly. When David is no longer required to contribute to Lori's support, it shall be increased to $70.

Jeda complains about that part of the trial court's order requiring her to pay visitation transportation costs for the child living with her. She contends David should pay all of these costs. We disagree and affirm that portion of the trial court's decree.

Jeda contends the trial court should have ordered David to pay her attorney fees in the trial court. The trial court has considerable discretion in fixing attorney fees. See In re Marriage of Willcoxson, 250 N.W.2d 425, 427 (Iowa 1977). We find no reason to disturb the trial court's decision on this issue.

Jeda requests attorney fees on appeal. We award Jeda $300 in appellate attorney fees. See Iowa Code §598.36.

AFFIRMED AS MODIFIED.