FILED
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CLERK, SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

124

ANNETTE L FISHER,)

Petitioner-Appellee,) Filed September 24, 1985

vs)

LESLIE E. DICKEN,) 5-345
84-1786

Respondent-Appellant.)

Appeal from the Iowa District Court for Scott County - Margaret S. Briles, Judge

Respondent appeals from the judgment in this support action under Iowa Code chapter 252A (Uniform Support of Dependents Law). **AFFIRMED AS MODIFIED**

H Reed Doughty of Winstein, Kavensky, Wallace & Doughty, Davenport, and Theresa M Bremer, Davenport, for respondent-appellant.

Arthur L Buzzell and Theresa M. Semel of Newport & Buzzell, Davenport, for petitioner-appellee

Considered by Donielson, P.J., and Schlegel and Hayden, JJ.

DONIELSON, P.J.

Respondent appeals from the judgment in this support action under Iowa Code chapter 252A (Uniform Support of Dependents Law). Respondent asserts that the amount of his child support obligation is not supported by the record. Petitioner requests attorney fees on appeal.

The State of Iowa brought this action on behalf of the mother, Annette L Fisher, for support of her child, Christine, born March 12, 1983. The father of the child, Leslie L. Dicken, admitted paternity. Annette received ADC benefits from the State for about a year after the birth of the child. She chose to proceed with the action on her own behalf when she was no longer receiving the benefits. The testimony at trial centered on the parties' financial situations. The trial court directed Leslie to pay Annette $90 per week child support. Leslie has appealed. Annette filed an application for attorney fees on appeal, and it was ordered submitted with the appeal.

Our scope of review is de novo. Iowa R. App. P. 4. We give weight to the findings of the trial court, but are not bound by them. Iowa R. App. P. 14(f)(7). Iowa law provides that the natural parents of a child born outside of wedlock shall be severally liable for the support of the child. Iowa Code § 252A.3(9). In reviewing this decision, it is necessary to determine the respective financial means of the parents of this child.

The mother is twenty-seven years old and is employed by the State of Iowa in a special projects program. She earns $294 in net income every two weeks along with $180 in bi-weekly child support. Annette rents an apartment and her assets include a 1974 car valued at $500. Petitioner is attending a community college in the evenings and intends to receive a degree in business administration in the next three to five years. The child is her only dependent.

Leslie has a different financial situation. He has remarried his former wife and supports three children who live in their household. One of the children is his natural son while the other two dependents are his wife's children from a previous marriage. Respondent has a home valued at $62,150 with $25,450 in equity and has two 1970 cars; Leslie has a stable job with Alcoa and his salary is between $315 and $515 net weekly earnings depending upon whether he works a forty or fifty-six hour work week, respectively. Leslie's wife is disabled and not working at the present.

The trial court directed Leslie to pay $10 weekly for past obligations due and $90 weekly in child support. He appeals based on the trial court's alleged misinterpreting his financial status because given his expenses of nearly $2,200 monthly, he would have to work seven days a week to make enough money to maintain his obligations. He contends by working such hours he would be unable to enjoy his family and to develop a relationship with Christine.

In evaluating a claim for reduced child support, all factors including the cost of raising other dependent children shall be considered. See Moen v. McNamara, 272 N.W. 438, 441-42 (Iowa 1978). Despite the contentions regarding Leslie's use of exemptions on his federal income tax and his overtime employment situation at Alcoa to cloud his financial status, we think that the original order, while trying to make the best of this situation, works an undue hardship on Leslie. Accordingly, we decrease his child support obligation from $90 to $75 weekly. We believe an order requiring Leslie, in effect, to work seven days a week is burdensome, yet he has chosen to support his wife's two children[1] and not seek

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[1]We can appreciate the delicate situation the Dickens family faces in that Leslie is single-handedly supporting his wife's two children from a prior marriage because his wife does not want child support from the children's natural father. The Dickens fear that if the natural father, an ex-felon, is required to pay child support he might seek visitation rights which would allegedly subject the children to an influence contrary to their best interests.

hild support from their natural father Accord White v White, 101 N.W.2d 8 (Iowa 1960) The reduction in support shall provide relief to Leslie while suring Annette receives an adequate income to support Christine. Because ne child support obligation is reduced, we decide to leave the trial court's order egarding in-kind child care services intact

Annette is able to pay her own attorney fees, therefore, her claim for attorney fees is denied Accord In re Marriage of Latting, 318 N.W.2d 811, 817 (Iowa Ct App 1982)

AFFIRMED AS MODIFIED