IN THE COURT OF APPEALS OF IOWA

FILED
NOV 26 1986
CLERK SUPREME COURT

IN RE THE MARRIAGE OF DONNA LEE KUSEL AND SCOTT L. KUSEL

Upon the Petition of
DONNA LEE KUSEL,

Petitioner-Appellee,

And Concerning
SCOTT L. KUSEL,

Respondent-Appellant.

Filed November 26, 1986

6-415
86-505

153

Appeal from the Iowa District Court for Benton County (No. D98I-4-84) - Larry J. Conmey, Judge.

Respondent appeals from the trial court's order on his application for modification of his dissolution decree. **AFFIRMED.**

Morris L. Eckart, Vinton, for appellant.

Ted V. Ruffin, Cedar Rapids, for appellee.

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

SACKETT, J.

Respondent Scott Kusel appeals from the trial court's order on his application for modification of his dissolution decree. He contends the trial court should have modified custody and child support.

The marriage of Scott and Petitioner Donna Kusel, was dissolved in October, 1984. In dissolving their marriage the trial court approved a stipulation by the parties which provided the parties would have joint custody of their three children. Scott was given physical care of Stacey, born in 1969. Donna assumed physical care of Heath, born in 1972 and Heather, born in 1974. Scott was ordered to pay child support of $250 per month for Heath and $250 per month for Heather. He was also to maintain medical insurance and pay one-half of certain medical expenses of the children.

In October, 1985, Scott filed a petition to modify the decree seeking custody of Heath and/or a reduction in child support.

I. Custody

Both Scott and Donna have excellent parenting abilities and appear to be concerned about their children. Heath is happy with his mother's care but did testify he would rather live with his father. Donna may move from the school district where Heath attends school, and if Heath stayed with his father he would remain in the same school district. Scott lives on a farm and Heath is interested in agriculturally related activities.

Scott's burden is heavy because once custody is fixed it may be disturbed for only the most compelling reasons. In re Marriage of Gravatt, 371 N.W.2d 836, 838 (Iowa App. 1985). Scott must show a superior ability to minister more effectively, not merely equally to Heath's needs. Crary v. Curtis, 199 N.W.2d 319, 320 (Iowa 1972); Spotts v. Spotts, 197 N.W.2d 370, 371 (Iowa 1970). The

paramount consideration is the best interest of the child. Iowa R. App. P. 14(f)(15).

While deciding custody is far more complicated than asking children which parent they want to live with. The preference of a child 14 year of age is relevant and should be considered in a custody determination. See In re Marriage of Phipps, 379 N.W.2d 26, 28 (Iowa App. 1985); In re Marriage of Ellerbroek, 377 N.W.2d 257, 258 (Iowa App. 1985); Gravatt, 371 N.W.2d at 840. However, the wishes of a child are entitled to less weight in a modification than in the original custody determination. Ellerbroek, 377 N.W.2d at 259. We have assessed Heath's preference under the factors discussed.

In In re Marriage of Powers, 226 N.W.2d 810, 812 (Iowa 1975), the court determined a noncustodial parent's remarriage and the occasionally expressed preference of children whose ages were approximately 11, 10 and 8, were not circumstances which, when considered in light of the record, justified modification of custody. We therefore agree with the trial court that Scott has failed to meet the burden necessary to justify modification and affirm the trial court's decision.

II. Child Support

Scott contends the trial court should have decreased his child support. He also contends the trial court failed to make written findings of fact and separately state its conclusions of law. We consider the trial court's decision to be adequate in this regard.

Our review is de novo. Iowa R. App. P. 4. We assess the record anew.

Scott contends his net worth has decreased since the decree was filed. Scott bears the burden to prove such change in his financial situation. Scott is a farmer. The record shows a decrease in Scott's net worth from about $8,000

at the time of the decree to a minus $50,000 figure. In In re Marriage of Hoag, 380 N.W.2d 8, 10 (Iowa 1985), we recognized farming in Iowa today is frequently not a profitable operation and farmers' net worths are not what they were several years ago. However, that fact alone is not sufficient to justify a modification. We must consider too the adjustment in income.

The income factor has not been addressed. Scott's financial statement filed at the time of the dissolution was entered does not give any current income information nor do we find evidence in the record from which to determine Scott's income at the time of dissolution. Furthermore, the income figure used on the financial statement made at the time of the application for modification apparently came from Scott's 1984 tax returns. Scott was not divorced until October, 1984.

We agree with the trial court in its finding Scott has failed to present sufficient evidence to support a modification of child support.

AFFIRMED.