FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF JUANITA KOHLS AND CHARLES KOHLS

Upon the Petition of)
JUANITA KOHLS,)
Petitioner-Appellee,) Filed April 26, 1983
And Concerning)
CHARLES KOHLS,) 3-58
Respondent-Appellant.) 2-68981

Appeal from Clayton District Court - Dale S. Missildine, Judge.

Respondent husband appeals from the district court's ruling, on a motion for adjudication of law points, that respondent husband's child support obligation imposed by the dissolution decree is still in effect. AFFIRMED AND REMANDED.

R. L. Donohue of Donohue Law Office, West Union, for respondent-appellant.

James U. Mellick, Waukon, for petitioner-appellee.

Considered by Oxberger, C.J., and Donielson, Snell, and Schlegel, JJ.

PER CURIAM

Respondent husband appeals from the district court's ruling, on a motion for adjudication of law points, that respondent husband's child support obligation imposed by the dissolution decree is still in effect. He claims that the trial court's modification of the decree, transferring custody from petitioner wife to respondent husband, cancelled his child support obligation, even though the modification was later reversed on appeal. We affirm and remand.

The 1976 decree dissolving the marriage of Juanita and Charles Kohls awarded custody of the parties' daughter to Juanita and allowed Charles visitation. Charles was also directed to pay child support. In 1981, the district court granted Charles' petition for modification of the decree; it transferred custody of the parties' daughter to Charles and allowed Juanita visitation. No mention was made of child support. On Juanita's appeal, we reversed the custody modification and specified Charles' visitation. In re Marriage of Kohls, no. 3-66466 (Iowa Ct. App. December 30, 1981). Because Charles did not resume his child support payments after he returned the child to Juanita, she filed an application to cite him for contempt. Charles resisted, asserting that he had no child support obligation because our prior opinion did not specifically impose one. Juanita then filed a motion for adjudication of law points, asking the district court to determine this issue. The district court ruled that Charles did have a child support obligation because our opinion "resulted in the legal status of the parties reverting back to the original Decree . . . ." Charles has appealed from this ruling.

We concur with the trial court's conclusions regarding Juanita's motion to adjudicate law points. Charles' obligation to pay child support under the 1976 decree has never been modified or eliminated by any court action or decree or by any agreement of the parties. Any impact that the 1981 district court decision

modifying custody in Charles' favor had was eliminated by our prior opinion reversing that modification. That opinion had the effect of reinstating in full the provisions of the 1976 decree (except for the change in visitation rights), including Charles' obligation to pay child support. The trial court was correct in so holding.

The decision appealed from is affirmed. The case is remanded for further proceedings on Juanita's contempt application.

AFFIRMED AND REMANDED.