FILED
NOV 19 1979
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF RITA LOU COLL and ROY HOWARD COLL

Upon the Petition of	)	
RITA LOU COLL,	)	Filed November 19, 1979
Petitioner-Appellee,	)	
And Concerning	)	242
ROY HOWARD COLL,	)	2-62374
Respondent-Appellant.	)	

Appeal from Polk District Court - James P. Denato, Judge.

Respondent-husband appeals child support provisions of dissolution decree requiring him to pay $60 per week child support for each of two minor children alleging the amount imposed by trial court is excessive. AFFIRMED.

John R. Hearn of Payton & Hearn, P.C., Des Moines, for respondent-appellant.

Susan L. Ekstrom of Des Moines, for petitioner-appellee.

Submitted to Oxberger, C.J., and Donielson, Snell, Carter and Johnson, JJ.

PER CURIAM

Respondent-husband, Roy Howard Coll, appeals child support provisions of dissolution decree requiring him to pay petitioner-wife, Rita Lou Coll, $60 per week child support for each of two minor children until they reach majority. We affirm.

At the date of dissolution, petitioner and respondent had been married five years and had two minor children: Roy Howard Coll, Jr., age two and one-half years, and Courtney Leigh Coll, age five months. During the marriage, petitioner had part-time employment as a nursing assistant, earning a minimum wage. She did not work during 1977 or 1978, however, so she could remain at home and care for the children. Respondent is employed as a forklift driver at Massey-Ferguson and also has had part-time employment with the State Fair Board. His combined income for 1977 was approximately nineteen thousand dollars. At the date of trial, all members of the family were in good health.

Trial court decreed petitioner have absolute custody of the parties' minor children, subject to reasonable visitation rights by respondent. It was further ordered respondent pay petitioner $60 per week child support for each of the two children until they reach the age of 18, and have graduated from high school or married, or become self-supporting.[1]

I. Scope of Review. Appellate review of a dissolution proceeding is **de novo.** Iowa R. App. P. 4; Zinger v. Zinger, 243 N.W.2d 639, 640 (Iowa 1976). The court is guided by section 598.21, The Code 1977, which directs the court to make orders relating to children, property, parties and their maintenance as is justified, and by section 598.17, The Code 1977, which directs the court to provide reasonable support for dependent children or either spouse.

II. Child Support. Respondent argues the amount of child support fixed by trial court is excessive. More specifically, he contends trial court's support award is inequitable when considered in light of petitioner's earning capacity.

Applying the criteria set out in In re Marriage of Zoellner, 219 N.W.2d 517, 525 (Iowa 1974), we find trial court was justified in ordering child support payments of $60 per child per week. While the amount is far from modest, it is not excessive in light of

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[1] Petitioner was awarded no alimony.

respondent's employment position and earnings. Support is apportioned according to the fair ability of each party to contribute. In re Marriage of Fleener, 247 N.W.2d 219, 221 (Iowa 1976). As petitioner has limited earning capacity and custodial responsibility for the minor children, she cannot realistically contribute financially to their support at this time. Nor should petitioner be compelled to work outside the home. Youel v. Youel, 218 N.W.2d 449, 451 (Iowa 1974).

While respondent undoubtedly will live on a tight budget if he is to meet his existing obligations, his child support obligations represent approximately one-third of his 1977 gross income. Balancing the children's needs against respondent's ability to pay, we conclude trial court's award should be affirmed.

Costs of this appeal are assessed against respondent. Judgment of trial court is affirmed.

AFFIRMED.