FILED
AUG 25 1981
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

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GARY L. GREENE,)

Petitioner-Appellant,) Filed August 25, 1981

vs.)

KAREN A. GREENE,) 1-264
3-66151

Defendant-Appellee.)

Appeal from Warren District Court - M. C. Herrick, Judge.

Petitioner appeals from trial court order modifying the custody provisions of the decree dissolving his marriage to respondent. REVERSED.

David W. Sheetz, Des Moines, Iowa, for petitioner-appellant.

Thomas P. Hyland and Robert H. Laden of Hyland, Laden & Pearson, Des Moines, Iowa, for defendant-appellee.

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

PER CURIAM

Petitioner, Gary Greene, appeals from trial court order modifying the custody provisions of the October 24, 1977 decree dissolving his marriage to respondent, Karen Greene. The dissolution decree of October 24, 1977 granted custody of the two minor children of the parties to Gary. Under the order of modification from which this appeal is taken (entered December 29, 1980), custody of both children was awarded to Karen.

The grounds alleged in support of Karen's application for modification and upon which the trial court's order was based, all relate to Gary's action in removing the children from the state to take up residence in Chandler, Arizona. It is alleged and the trial court found that this was done without notice to Karen and served to frustrate her rights of visitation under the decree.

On appeal, Gary urges that although Karen was not notified prior to the move, she had no difficulty in locating him and the children in Arizona, that the move was financially and vocationally justified, and that the total showing made does not support modification under prior judicial decisions. Gary particularly relies on the decisions in Slidell v. Valentine, 298 N.W.2d 599 (Iowa 1980); In re Marriage of Lower, 269 N.W.2d 822 (Iowa 1978); and Spotts v. Spotts, 197 N.W.2d 370 (Iowa 1972), as indicating that modification was not a proper remedy for any detriment suffered by Karen from the removal of the children to another state.

While the issue presented is difficult and the proper result to be reached is not free from doubt, we reverse the trial court's order as not being in the best interests of the children. The case is remanded for an amended order which deletes the child support requirements placed upon Gary and makes appropriate provisions for visitation under the present circumstances of the parties.

REVERSED.