IN THE COURT OF APPEALS OF IOWA

No. 6-572 / 95-0706

STATE OF IOWA ex rel. IOWA DEPARTMENT OF HUMAN SERVICES, SUSAN ROSS,

Petitioner-Appellee,

vs.

STEPHEN R. ROSS,

Respondent-Appellant.

FILED
DEC 20 1996
CLERK SUPREME COURT

Appeal from the Iowa District Court for Hardin County, Dale E. Ruigh, Judge.

Stephen Ross appeals from a district court order denying his motion to quash an income withholding order instituted by the child support recovery unit. **AFFIRMED.**

J. Michael Mayer, Des Moines, for appellant.

Thomas J. Miller, Attorney General, Diane Stahle, Special Assistant Attorney General, Michael J. Parker, Assistant Attorney General, and Gary Otting, Assistant County Attorney, for appellee.

Considered by Habhab, P.J., and Huitink and Vogel, JJ.

PER CURIAM

This is an appeal by a father claiming the district court should have granted his motion to quash an amended order for income withholding. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

Susan and Stephen Ross are the parents of Stephen Ross, Jr., who was born in 1980. A Connecticut order requiring Stephen to provide support for the child was registered in Iowa in 1983, under Iowa Code chapter 252A, the Uniform Support of Dependents Law.

On May 16, 1984, Susan and Stephen entered into a stipulation which provided Stephen would pay the following amounts of support: $75 per month from March 1, 1984, to March 1, 1985; $100 per month from March 1, 1985, to March 1, 1986; and $150 per month from March 1, 1986, and each month thereafter. Paragraph four of the stipulation further provided:

> d. It is understood that Respondent's financial situation and current income shall be reviewed by the Court prior to the above proposed increases in Respondent's child support obligation.

Stephen paid child support in accordance with the terms of the stipulation until March 1986. He has paid very little child support after that date. In 1991, a mandatory order for income withholding was filed which deducted $75 per month for support and $37 per month for delinquent support.

On January 19, 1995, an amended order was entered, which deducted $150 per month from Stephen's income, plus $75 per month for delinquent support. Stephen

filed a motion to quash, claiming the amount withheld from his income could not be increased because there had been no review by the court as required by paragraph 4(d) of the stipulation. The district court denied the motion to quash.

Stephen appeals the decision of the district court denying his motion to quash. He claims the language of paragraph 4(d) is explicit that he is entitled to have his finances reviewed by the court before his child support obligation is increased. Our review of proceedings under the Uniform Support of Dependents Law is de novo. *State ex rel. Phipps v. Phipps*, 503 N.W.2d 391, 392 (Iowa 1993).

We agree with the district court that paragraph 4(d) should be construed to give either party the opportunity to seek a further review of the terms of the stipulation before an increase in child support becomes effective. Neither party sought a review at the time of the increases, and therefore, the terms of the stipulation became effective. We note that Stephen increased his child support payments from $75 per month to $100 per month on March 1, 1985. We believe this shows he understood the automatic increases in child support would take effect unless there had been a court review of his finances.

We affirm the decision of the district court. Costs of this appeal are assessed to Stephen.

AFFIRMED.