FILED
NOV 19 1979
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

PAM UNTIEDT,)
by her mother and next friend,) Filed November 19, 1979
ORALEE GALLI,)
Petitioner-Appellant,)
vs.)
KEITH DOUGLAS SIMOENS,) 281
Respondent-Appellee.) 2-62914

Appeal from Linn District Court - Harold D. Vietor, Judge.

Petitioner appeals dismissal with prejudice of her action to establish paternity and to compel support payments. - Affirmed.

Allan L. Harms, Assistant Linn County Attorney, Cedar Rapids, for petitioner-appellant.

R. M. Fassler, Cedar Rapids, for respondent-appellee.

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

PER CURIAM

Petitioner Pam Untiedt appeals post-trial dismissal of her petition to establish paternity and compel payment of child support pursuant to chapter 252A, The Code 1975. Affirmed.

Petitioner Pam Untiedt sought to establish that respondent Keith Douglas Simoens was the father of her son Kevin Duane Untiedt and brought this paternity and support action under the provisions of chapter 252A, The Code 1975. The trial court found the petitioner failed to prove by a preponderance of evidence that respondent was the child's father and this appeal followed.

Petitioner elected to bring this paternity action under chapter 252A rather than section 675.18, The Code 1975. Paternity is a proper issue for inquiry under Iowa's Uniform Support of Dependents law, chapter 252A. Greenstreet v. Clark, 239 N.W.2d 143, 147 (Iowa 1976). Since a chapter 252A action is in equity, however, we do not apply the normal standard of review, on errors assigned, established for paternity cases in Moen v. McNamara, 272 N.W.2d 438, 439 (Iowa 1978). Rather we review this equity action de novo. Iowa R. App. P. 4.

To establish paternity, petitioner must show respondent is the child's father by a preponderance of the evidence. Iowa R. App. P. 14(f)(6). The evidence entered here is sharply conflicting. Petitioner claims she became pregnant in August 1976 and that during the months of July, August and September 1976, she had sexual intercourse only with the respondent. Respondent asserts he did not have intercourse with petitioner after May 1976. Testimony indicated the parties had met on at least one occasion in July 1976 but the purpose of that meeting was controverted. Further testimony indicated petitioner may have had intercourse with persons other than the respondent during the summer of 1976. Although we do not abdicate our function as trier de novo, we may give weight to the trial court's findings, see In re Marriage of Locke, 246 N.W.2d 246, 249 (Iowa 1976). Based on our review of the pleadings and record, we agree with the trial court's conclusion paternity was not established by a preponderance of the credible evidence.

AFFIRMED.