FILED
JUN 26 1984
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF JEWEL ANN MANDERS AND JOHN M. MANDERS

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| Upon the Petition of | ) | |
| **JEWEL ANN MANDERS,** | ) | Filed June 26, 1984 |
| Petitioner-Appellee, | ) | |
| And Concerning | ) | |
| **JOHN M. MANDERS,** | ) | 4-200<br>83-940 |
| Respondent-Appellant. | ) | |

Appeal from the Iowa District Court for Polk County - Jack D. Levin and Theodore H. Miller, Judges.

Respondent-husband appeals from the order modifying child support and visitation provisions of the parties' dissolution decree. Petitioner-wife asserts that she should be awarded attorney fees for this appeal. AFFIRMED.

Harvey L. Harrison, Des Moines, Iowa, for respondent-appellant.

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

Considered by Snell, P.J., and Hayden and Sackett, JJ.

**HAYDEN, J.**

Respondent-husband appeals from the order modifying child support and visitation provisions of the parties' dissolution decree. Petitioner-wife asserts that she should be awarded attorney fees for this appeal. We affirm.

The parties' 1977 dissolution decree awarded Jewell support of $120 per month for each of their four children, aged 7, 5, 3 and 1 at that time, and further provided that orthodontia expenses would be split in proportion to the income of the parties for the preceding year. Following Jewell's move to Texas, the decree was modified in 1979 to provide that she pay $250 for each air transportation of the children relating to visitation. In 1982 Jewell sought an increase in child support alleging the following as change of circumstances: the effects of inflation, the children's involvement in new projects and activities necessitating payment of certain fees and costs, increase in the husband's income, and severe financial hardship. John sought increased visitation.

John is a university professor whose income increased from $19,639 in 1977 to $31,176 in 1982. Jewell was unemployed with no income in 1977 but has since obtained a college degree and employment as a teacher with 1982 income of $15,344. She has remarried and become the parent of another child but at the time of trial was separated from her new husband, who had income of approximately $60,000 per year, and was voluntarily paying her housing expenses of $750 per month. Evidence was presented that the children had become involved in such projects as drill team, trumpet lessons, and school pictures.

The trial court found that a substantial and continuing change in circumstances had been shown and modified the decree to provide support of $150 per month per child subject to a cost of living adjustment (COLA) clause and apportioned orthodontia expenses between the parties at a ratio of one-third to Jewell and two-thirds to John. Visitation was awarded between June 15 and August 8 each year with that period to include a week for the maternal

grandmother's visitation rather than, as sought by John, June 15 to August 17 without regard to grandparental visitation. John was also ordered to pay all costs of transportation for visitation purposes. We affirm.

I. Increase in Child Support. The circumstances of this case are similar to the facts in In re Marriage of Stamp, 300 N.W.2d 275 (Iowa 1980). John's employment has been stable since the original decree with gradual salary increases and no wide fluctuations. Jewell's employment appears stable with salary increases at a less substantial rate. The trial court is permitted to consider the effects of inflation in Jewell's claim for increased child support providing for COLA in the future. Id. In Sandler v. Sandler, 258 Iowa 84, 86, 137 N.W.2d 591, 592 (Iowa 1965), the supreme court held: "It appears that his current income is more than it was . . . at the time of the original decree. To that extent there is a change in circumstances."

Increased school and medical expense and the needs of growing children are factors the court may weigh in determining whether an increase in child support following dissolution is warranted. In re Marriage of Stutsman, 311 N.W.2d 73, 76 (Iowa 1981). The trial court is affirmed on this issue.

The trial court correctly apportioned the cost of the children's orthodontia expense between the parties in the ratio as provided in the original decree.

II. Visitation. The trial court correctly awarded John extended visitation from June 15 through August 8 each year that includes a week's visitation by the maternal grandmother during this period. John is not entitled to the entire summer vacation for extended visitation. The trial court did not err in assessing costs of transportation for visitations to John.

III. Attorney Fees on Appeal. Jewell's request for appellate attorney fees cannot be granted in a modification action. In re Marriage of Nesset, 345 N.W.2d 107, 112 (Iowa 1984), citing In re Marriage of Havener, 240 N.W.2d 670, 671 (Iowa 1976).

Upon our de novo review per Iowa Rule of Appellate Procedure 4, we affirm the trial court in all respects. Costs of appeal are assessed to respondent-appellant, John.

AFFIRMED.