FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF ROSS J. VALONE AND DOROTHEA JENNE VALONE

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Upon the Petition of)

ROSS J. VALONE,)

Petitioner-Appellee,)

And Concerning)

DOROTHEA JENNE VALONE,)

Respondent-Appellant.)

Filed September 30, 1987

7-406
86-1676

Appeal from the Iowa District Court for Polk County (No. CD 21-12550), Arthur E. Gamble.

Respondent former wife appeals and petitioner former husband cross-appeals from the trial court's modification of a dissolution decree. **AFFIRMED.**

David S. Wiggins of Lamarca, Marcucci, Wiggins & Anderson, West Des Moines, for appellant.

Lawrence F. Scalise and Thomas J. Levis of Scalise, Scisim, Sandre & Uhl, Des Moines, for appellee.

Considered by Oxberger, C.J., and Snell and Sackett, JJ.

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PER CURIAM

In this appeal both parties challenge the trial court's modification of their dissolution decree. The former wife asserts: (1) that the trial court should have increased the child support obligation award even further; and (2) that the trial court should have awarded her an increased amount of attorney fees. She also requests appellate fees. In his cross-appeal, the former husband asserts: (1) that the trial court should not have increased his support obligation; and (2) that the trial court should not have awarded his former wife attorney fees. We affirm.

Our review of this equitable proceeding is de novo. Iowa R. App. P. 4. Our primary concern in this case is the best interest of the child, Jennifer. Iowa Code § 598.21(4) (1987).

The first issue to be resolved concerns the child support award made by the trial court. Dorothea Valone alleges the increase in support payments from $100.00 per week to $1,000.00 per month is inadequate and requests an award of $3,800.00 per month. Ross Valone argues no change should have been made since a substantial change of circumstances necessitating an increase was not shown. We agree with the trial court that the requisite showing has been made and the modification is justified.

In this case, the costs associated with raising Jennifer and providing her with an education have steadily increased. Jennifer's education expenses are approximately $5,300.00 per year. They increase approximately $600.00 per year as Jennifer grows older. These increased costs were not contemplated by the decretal court, and we feel they constitute a material and substantial change justifying an increase in the child support obligation.

As an additional basis for our decision, we note that the Iowa Supreme Court recognizes that a substantial increase in the noncustodial parent's earnings

and purchasing power is ground for a modification of a child support obligation. Pucci v. Pucci, 143 N.W.2d 353 (Iowa 1966); Brin v. Brin, 37 N.W.2d 261 (Iowa 1949). See also Phipps v. Phipps, 279 N.W.2d 26 (Iowa App. 1985). There has been such an increase in this case. Ross's medical practice has flourished and his net income has increased from approximately $64,000.00 in 1979 to $125,000.00 in 1986. We feel this also justifies an increase.

We also feel that the $1,000.00 award plus the annual cost of living adjustment is appropriate. The tuition expenses are increasing at a rate of approximately $600.00 a year and the increased award should be more than adequate to meet the increase. We, therefore, affirm, in its entirety, the trial court's ruling regarding child support.

We now address the issue of attorney fees. The trial court awarded Dorothea $2,000.00 towards the fees incurred in this matter. Dorothea alleges this award is inadequate. She also requests appellate fees. Ross urges no award be made in either case.

Attorney fees in dissolution actions and related matters are awarded based on the parties' respective abilities to pay. In re Marriage of Castle, 312 N.W.2d 147, 150 (Iowa App. 1981). Based on our examination of the parties' financial abilities, we conclude the trial court's fee award was appropriate and affirm that ruling. We have not received an account statement outlining the appellate fees and, therefore, limit our fee award to Dorothea to $500.00. All costs of this appeal are taxed to Ross.

AFFIRMED.