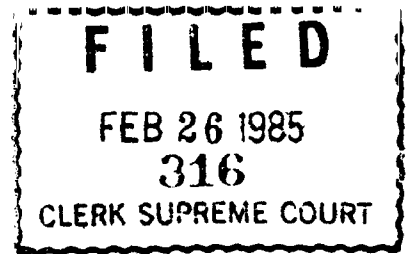


IN THE COURT OF APPEALS OF IOWA



IN RE THE MARRIAGE OF DAN RIEMERSMA AND BETH RIEMERSMA

Upon the Petition of	)	
DAN RIEMERSMA,	)	
Petitioner-Appellant,	)	Filed February 26, 1985
And Concerning	)	
BETH RIEMERSMA,	)	4-555
	)	<u>84-814</u>
Respondent-Appellee.	)	

Appeal from the Iowa District Court for Warren County - M. C. Herrick,
Judge.

Petitioner husband appeals from a modification of the decree dissolving the parties' marriage, asserting (1) that there has not been a material change of circumstances since the decree which warrants increasing his child support obligation; (2) that the trial court should not have made the modification retroactive to a date before the application to modify was filed; and (3) that the trial court should not have required him to pay half of each child's post-high school education expenses in addition to his weekly child support obligation. AFFIRMED AS MODIFIED.

Larry Seckington and Ann Marie Brick of Brick, Seckington, Bowers, Swartz & Gentry, Des Moines, for appellant.

Phil Watson and Robert L. White of Watson, White & Peterson, Des Moines, for appellee.

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

PER CURIAM

The marriage of petitioner Dan Riemersma and respondent Beth Riemersma was dissolved by decree on May 19, 1975. Beth was awarded custody of the parties' two children and Dan was directed to pay child support of \$30 per week per child until each child reached age eighteen.

On July 18, 1983, Beth filed a petition for modification of the decree. She asserted (1) that the older child, Rhonda, had reached age eighteen on July 14, 1983, and was attending beauty school; (2) that her expenses for both children had increased since the decree due to inflation; and (3) that her income had decreased and Dan's had increased since the decree. She asked the trial court (1) to increase the amount of Dan's child support obligation; (2) to continue the obligation for the period of time each child was pursuing post-high school education; and (3) to require Dan to pay half of each child's post-high school education expenses.

Both parties have remarried and both have children by the second marriage. Neither Beth nor Dan's wife by his second marriage work outside of the home. The record indicates that Dan's income at the time of the divorce was approximately \$12,000 per year. In 1981, he purchased a trucking company with his father. His net income before taxes in 1980 was \$36,443 and \$37,948 in 1981. At the time of the divorce Beth was earning approximately \$6,000 per year. Beth is currently not working. Her second husband earned approximately \$20,290 in 1983.

The couple's oldest daughter, Rhonda, graduated from high school in June, 1983. She turned 18 on July 14, 1983. In June of that year she enrolled in a 13-month program at the Iowa School of Beauty in Des Moines. While she attended school, she lived at home with her mother and stepfather. To help cover the educational expenses, Rhonda took out a \$2500 loan.

The trial court modified the decree by (1) increasing Dan's child support obligation to \$55 per week per child, retroactively from July 1, 1983; (2) continuing the obligation for the period of time each child was pursuing post-high school

education; and (3) requiring Dan to pay half of each child's post-high school education expenses. Dan has appealed.

Our review is de novo. Iowa R. App. P. 4. After reviewing the record, we find the trial court modification to be equitable.

Iowa Code section 598.1 defines "support payments" and states that such obligations may include "support for a child who is between the ages of eighteen and twenty-two years who is regularly attending . . . a course of vocational technical training" Iowa Code § 598.1(2) (1983). The trial court award requiring Dan to pay support during the period of time each child is pursuing post-high school education is valid and is supported by the record.

Similarly, we find the order making the increased child support retroactive to be equitable. In Willcox v. Bradrick, 319 N.W.2d 216, 219 (1982), the supreme court held that the order increasing the child support as a result of modification can be made retroactive to the date of the filing of the application for modification. In this case, the court made the order retroactive to July 1, 1983. The petition for modification was not filed until July 18, 1983. We find, therefore, that the increased child support payments should be retroactive to July 18, 1983.

The findings of the trial court are otherwise affirmed.

The wife has made a request for attorney's fees. Effective July 1, 1984, Iowa Code section 598.36 now provides:

In a proceeding for the modification of an order or decree under this chapter, the court may award attorney fees to the prevailing party in an amount deemed reasonable by the court.

This amendment is procedural and is therefore subject to retroactive application. In re Marriage of Shima, No. 83-985, slip op. at 7 (Iowa Jan. 16, 1985). In this case, we conclude Beth is entitled to \$500 in attorney fees.

AFFIRMED AS MODIFIED.