FILED
AUG 2 3 1989
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF MARY FRANCES REEDER
AND JAMES LESLIE REEDER

Upon the Petition or)
MARY FRANCES REEDER,)
Petitioner-Appellee/)
Cross-Appellant,)
)
And Concerning)
JAMES LESLIE REEDER,)
Respondent-Appellant/)
Cross-Appellee.)

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88-518

Appeal from the Iowa District Court for Webster County (D-4014), Newt Draheim, Judge.

The husband has appealed from a dissolution decree, challenging various economic provisions. **AFFIRMED AS MODIFIED.**

Jerry L. Schnurr III of the Law Offices of M. Gene Blackburn, Fort Dodge, for the respondent-appellant/ cross-appellee.

Dan T. McGrevey of McGrevey & Sherman, Ft. Dodge, for petitioner-appellee/cross-appellant.

Considered by Oxberger, C.J., and Schlegel and Hayden, JJ.

SCHLEGEL, J.

James Reeder has appealed a dissolution decree challenging the child support award, the division of property and debts, and the award of attorney fees. Mary Reeder has cross-appealed, requesting an increase in child support, an additional contribution of one-half of the medical expenses of the children not covered by insurance, and attorney fees. She also wants James' visitation with the children to be reduced to every other weekend. Our scope of review is de novo. In re Marriage of Janssen, 348 N.W.2d 251 (Iowa 1984).

James first contends $125 per month per child is "erroneously excessive." There are five children of the marriage, so the total obligation is $625 per month. James' net monthly income is $1,187.

Both parties have a duty to support their children, not necessarily equally, but in accordance with their respective abilities to pay. In re Marriage of Anderson, 400 N.W.2d 84 (Iowa App. 1986). James' $625 per month obligation for child support is slightly more than one-half his net earned income, though we realize the needs of the children may exceed this award. Mary's appeal for an increase is denied.

James' $625 per month obligation is excessive. Parents have a duty to support their children at a decent standard of living, based on the parents' earnings, not a figure

reflecting what's left to support their children after their debts are deducted from their earnings. In re Marriage of Ranniger, 423 N.W.2d 558, 560 (Iowa App. 1988). In this instance we risk making the father's obligations beyond his abilities to pay. We find that presently James does not have the financial capability to pay the entire child support award. Therefore, we reduce the child support award to $100 per month per child.

We have not provided for the change in circumstances when Mary attains her degree and gains employment.

Mary's cross-appeal claims that James should contribute more toward the uninsured medical expenses of the children. Unusual expenses incurred by properly attending to the children's health care needs should be shared equally by the parents. Accordingly, we order James to contribute one-half payment of the expenses of the children's dentist, eye doctor, etc., not covered by insurance.

James finally appeals from the liability for one-half of Mary's trial attorney's fees. The relative financial circumstances of the parties determines the award for trial attorney fees in a dissolution action. See In re Marriage of Vrban, 359 N.W.2d 420, 428 (Iowa 1984). We find the trial court equitably taxed James with partial payment of Mary's attorney fees.

Mary now requests her attorney fees on this appeal be charged against James. Appellate attorney fee awards are based on the need of the party, the parties' ability to pay, and the necessity of a party to defend the decision of the trial court. In re Marriage of Bornstein, 359 N.W.2d 500 (Iowa App. 1984). Mary's request for relief in defending this appeal is denied.

Mary finally objects to the order that the children visit every weekend with James. We modify the visitation order to limit James' visitation with the children to every other weekend at the hours specified in the trial court decree. This modification will avoid harmful disruption of the children's routine. In re Marriage of Muell, 408 N.W.2d 774, 775-76 (Iowa App. 1987).

AFFIRMED AS MODIFIED.