

FILED

MAY 20 1977

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IN THE COURT OF APPEALS OF IOWA **CLERK SUPREME COURT**

IN RE THE MARRIAGE OF DOROTHY MONAHAN and VINCENT MONAHAN

Upon the Petition of	)	
DOROTHY MONAHAN,	)	
Appellant,	)	Filed May 20, 1977
And Concerning,	)	
VINCENT MONAHAN,	)	166
Appellee.	)	2-58968

Appeal from Carroll District Court - Edward J. Flattery,
Judge.

Appeal from child support provision of a dissolution decree.
Modified and affirmed.

Thomas McCullough of Sac City, David E. Green and Gregory J.
Siemann of Carroll, for appellant.

Maurice C. Breen of Fort Dodge, for appellee.

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

PER CURIAM

This is an appeal from the economic provisions of a dissolution decree. Petitioner, Dorothy Monahan, contends that the child support payments required of the respondent, Vincent Monahan, in the trial court's decree are inadequate.

Our review is de novo. Rule 334, Rules of Civil Procedure. With respect to the economic determinations which we make in this case we apply the criteria stated in *Schantz v. Schantz*, 163 N.W.2d 398, 405 (Iowa 1968), excluding considerations of fault. Precedent is of little value in making such determinations and each case must be determined on its own peculiar circumstances.

Upon application of the *Schantz* principles to the record in the present case we conclude that the financial obligation placed upon Vincent, including the child support obligation, should not be increased. We do, however, direct modification of the trial court's decree in the following particulars:

- (a) It should be provided that upon Vincent's satisfaction of the obligation to the Ford Motor Credit Co. under paragraph 6(b) of the decree his total child support obligation existing at that time shall be increased by the sum of \$97.30 per month.
- (b) The provision for pro rata abatement of child support when Maria and Colin attain 18 years of age shall be deleted. Dorothy's child rearing costs will not abate pro rata. At the time each of these children attain their majority and when Sean becomes self-supporting, Vincent may apply to the trial court for an order reducing child support. Said applications shall be determined upon the facts and circumstances existing at the time each is filed.

As modified the decree will be affirmed. Without attempting to fix Dorothy's obligation to her attorney for services on this appeal we direct that Vincent should pay the sum of \$300 towards said fees.

Modified and affirmed.