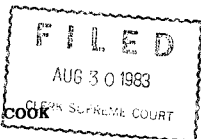


IN THE COURT OF APPEALS OF IOWA



IN RE THE MARRIAGE OF ROGER W. COOK AND JOYCE A. COOK

UPON THE PETITION OF
ROGER W. COOK,

Petitioner-Appellant,

AND CONCERNING
JOYCE A. COOK,

Respondent-Appellee.

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Filed August 30, 1983

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2-68623

 Appeal from Boone District Court, M. D. Seiser, Judge.

Petitioner-husband appeals from a modification of economic provisions of the parties' dissolution decree, asserting that no substantial and material change in circumstances was shown justifying an increase in his child support obligation.

REVERSED.

Stephen M. Terrill of Maurer & Terrill, Ames, for petitioner-appellant.

Jere C. Maddux of Hegland, Newbrough, Johnston, Brewer & Maddux, Ames,
for respondent-appellee.

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

OXBERGER, C.J.

Petitioner-husband appeals from a modification of economic provisions of the parties' dissolution decree, asserting that no substantial and material change in circumstances was shown justifying an increase in his child support obligation. We reverse.

The trial court modified petitioner's child support obligation, increasing it from \$500 per month to \$600 per month, without making a finding that there was a substantial and material change in circumstances which was not within the contemplation of the court which issued the original decree. In order to justify any modification of a decree of dissolution, the party urging the modification must demonstrate, and the court granting the modification must find that there has been a substantial and material change of circumstances which has occurred since the decree was issued. See In re Marriage of Habben, 260 N.W.2d 401, 403 (Iowa 1977). This means that the change must be a major one, it must be permanent or continuous, and it must not have been within the contemplation of the trial court when the decree was issued. Meers v. Meers, 213 N.W.2d 511, 515 (Iowa 1973).

The only change in circumstances which is apparent from the record is that both parties have benefited from increases in their salaries as government employees. The supreme court has taken judicial notice of inflation and has held that cost of living salary adjustments may provide justification for child support adjustments. See In re Marriage of Stamp, 300 N.W.2d 275 (Iowa 1981). We note, however, that these increases have placed respondent in a better position than petitioner to absorb the brunt of inflation during the past few years. Since the time the original decree was issued, petitioner's income has increased from \$19,000 to \$22,775 (a 19.9% increase) while respondent's income has increased from

\$11,000 to \$15,750 (a 43.2% increase). We note additionally that petitioner's total support obligation already exceeds \$700 per month. To increase this amount to over \$800 would be inequitable in light of his modest income.

The record indicates that petitioner earns some additional income during the summer by painting houses and doing farm work. That amount is not substantial, however, and since he has done this type of summer work since before the parties were divorced, this additional income cannot have been outside the contemplation of the trial court at the time the original decree was issued. It is therefore not sufficient to justify a modification of petitioner's support obligation. The order of the trial court modifying the support provisions of the decree is reversed, and the terms of the original decree are hereby reinstated.

REVERSED.