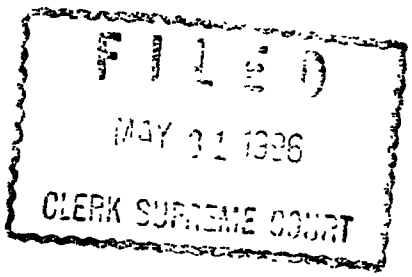
IN THE COURT OF APPEALS OF IOWA

No. 6-006 / 94-1995

IN RE THE MARRIAGE OF PENNY JEAN DeLOZIER AND MICHAEL ALLEN DeLOZIER



Upon the Petition of
PENNY JEAN DeLOZIER,

Appellee.

And Concerning
MICHAEL ALLEN DeLOZIER,

Appellant.

Appeal from the Iowa District Court for Pottawattamie County, J. C. Irvin, Judge.

Michael DeLozier appeals from the child support provisions of the parties' dissolution decree. **AFFIRMED.**

Frank W. Pechacek, Jr. and Scott D. Strait of Willson & Pechacek, P.L.C., Council Bluffs, for appellant.

No appearance by appellee.

Considered by Sackett, P.J., and Cady and Streit, JJ. Vogel, J., takes no part.

PER CURIAM

This is an appeal by a husband claiming his child support obligation as set forth in the parties' dissolution decree is excessive. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

Penny and Michael DeLozier were married in 1992. It was a second marriage for both parties. Penny had one child from her previous marriage. Michael had three children from his previous marriage and he paid child support of $525 per month, plus $100 per month towards his child support arrearage, for these children. The parties had one child during their marriage, Savannah.

The district court entered a dissolution decree for the parties on October 10, 1994. The court granted the parties joint legal custody of Savannah, with Penny having primary physical care. The court found Penny had net monthly income of $1,191 as the manager of a dental clinic, and that Michael had net monthly income of about $2,141 as a construction worker. The court deducted Michael's prior child support obligation of $625 per month from $2,141, and then calculated Michael's child support obligation for Savannah to be $341. He now appeals.

Michael contends the district court erred in calculating his net monthly income. He states the court did not consider the seasonal nature of his employment as a construction worker. Michael claimed he would probably not be able to work

the last three months of 1994, and asked to have his income for the first nine months considered as his income for the year.

A court must determine a parent's current monthly income from the most reliable evidence presented. *In re Marriage of Powell*, 474 N.W.2d 531, 534 (Iowa 1991). This often requires the court to carefully consider all of the circumstances relating to the parent's income. *Id.* We conclude the district court correctly determined Michael's net monthly income. Evidence was presented to show that Michael had the ability to work at odd jobs outside his regular work as a construction worker, and thus, had the ability to earn additional income during 1994.

Michael also claims the district court erred in failing to deviate from the child support guidelines. He states that after he pays his child support obligation for Savannah and his other children, he is left with little to live on. He asks to have child support obligation reduced to $88.66.

There is a rebuttable presumption that the amount of child support required by the child support guidelines is the correct amount of child support to be awarded. *In re Marriage of Bergfeld*, 465 N.W.2d 865, 869 (Iowa 1991). After examining the facts in this case, we find no reason to deviate from the guidelines.

We affirm the district court on all issues raised in this appeal. Costs of this appeal are assessed to Michael.

AFFIRMED.