FILED
AUG 30 1990
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 0-347 / 89-1812

IN RE THE MARRIAGE OF PAMELA SUE DEN HARTOG AND THOMAS EUGENE DEN HARTOG

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Upon the Petition of
PAMELA SUE DEN HARTOG,

Appellee,

And Concerning
THOMAS EUGENE DEN HARTOG,

Appellant.

Appeal from the Iowa District Court for Black Hawk County, Alan L. Pearson, Judge.

Appellant has appealed from the modification order. He contends the child should be placed in his primary physical care. **AFFIRMED.**

Timothy J. Luce of Randall, Anfinson & Luce, Waterloo, for appellant.

Richard A. Knock of Reed-Merner and Mershon, Snow & Knock, Cedar Falls, for appellee.

Considered by Hayden, P.J., and Sackett and Habhab, JJ.

PER CURIAM

Pamela and Thomas Den Hartog were married from 1980 to 1983. They have one child, a boy born in May 1982.

The parties' marriage was dissolved in 1983. The dissolution decree placed their child in Pamela's legal custody and physical care.

In 1989 Thomas filed the present petition to modify the dissolution decree. Thomas asked the child be placed in joint legal custody and in his physical care. As changes of circumstances, Thomas alleged Pamela has become an active lesbian and has an alcohol abuse problem. Pamela acknowledges past alcohol abuse, but asserts she has undergone treatment and has maintained sobriety since April 1989.

After a hearing, the district court modified the decree to place the child in joint legal custody. The court did not transfer the child from Pamela's physical care to Thomas' care; however, the court commented a transfer of physical care might become appropriate if Pamela resumed drinking.

Thomas has appealed from the modification order. He contends the district court should have placed the child in his physical care.

Our review of this case is de novo. Iowa R. App. P. 4. We give weight to the trial court's findings, but are not bound by them. Iowa R. App. P. 14(f)(7).

> To change a custodial provision of a dissolution decree, the applying party must establish by a

> preponderance of evidence that conditions since the decree was entered have so materially and substantially changed that the children's best interests make it expedient to make the requested change. The changed circumstances must not have been contemplated by the court when the decree was entered, and they must be more or less permanent, not temporary. They must relate to the welfare of the children. A parent seeking to take custody from the other must prove an ability to minister more effectively to the children's well being. The heavy burden upon a party seeking to modify custody stems from the principle that once custody of children has been fixed it should be disturbed only for the most cogent reasons.

In re Marriage of Frederici, 338 N.W.2d 156, 157 (Iowa 1983).

The record supports the trial court's findings of a material and substantial change in circumstances due to Pamela's change in lifestyle and alcoholism. The trial court did not find the change in circumstances sufficient to warrant a change in custody at the present time. The record shows Thomas Jr. is a happy and well-adjusted young boy. He is doing well in school. No detrimental effects are apparent from either Pamela's change in lifestyle or her alcoholism.

Pamela has been sober since emerging from an alcohol treatment program. She went there apparently under a court order following an arrest for an alcohol related incident. The trial court in this action stated: "So long as [Pamela] remains sober, the record does not establish a basis which will support a change in custody."

We agree. We likewise agree with the trial court should Pamela begin drinking again, the door is open for Thomas to seek a change in custody. We find it is in the best interests of the child to remain with his mother at the present time. Stability of parent remains an important consideration. Cf. In re Marriage of Weidner, 338 N.W.2d 351, 359 (Iowa 1983); In re Marriage of Carrico, 284 N.W.2d 251, 254 (Iowa 1979); Halstead v. Halstead, 144 N.W.2d 861, 864-65 (Iowa 1966). Should Pamela begin drinking or any other actions which manifestly have a deleterious effect on Thomas Jr., the father may promptly re-petition the court for a change of custody.

We affirm the trial court in all respects.

AFFIRMED.