

FILED

SEP 26 1990

CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 0-462 / 89-1981

STATE OF IOWA, ex rel., AUGUST HENNINGS, JR.,
Appellee,

vs.

ARDELLA OETTING,
Appellant.

Appeal from the Iowa District Court for Dickinson
County, Tom Hamilton, Judge.

Ardella Oetting appeals a district court order entered
under Iowa Code chapter 252A increasing her child support
obligation because of her increased earnings. She contends
that the district court erred in its mathematical
calculations. **AFFIRMED AS MODIFIED.**

Joseph L. Hansen, Emmetsburg, for appellant..

Thomas J. Miller, Attorney General, Gordon Allen,
Deputy Attorney General, and Robert R. Huibregtse,
Assistant Attorney General, for appellee.

Heard by Oxberger, C.J., and Donielson and Hayden, JJ.

PER CURIAM.

August Hennings and Ardella Oetting were married in 1973. Two children were born of the marriage: Timothy, born on February 7, 1974; and Robbie, born on August 14, 1975. The marriage was dissolved in 1976. By stipulation the parties agreed August would have sole custody of the boys. Ardella was not required to pay child support.

In 1977 Hennings began receiving state benefits, and he currently receives \$394 in AFDC, \$150 in food stamps, and Title XIX benefits. Hennings is also involved in the metal salvage business.

In 1980 the State initiated an action against Oetting for child support pursuant to Iowa Code chapter 252A. At that time Oetting was employed and earning \$400 per month. She was ordered to pay \$75 per month in child support.

In 1989 the State filed a petition against Oetting to increase the amount of child support. Following a hearing, the district court determined Oetting has a net monthly income of \$1,707 and Hennings has a net monthly income of \$901 to \$1,000. The court then used a 25.2 percent multiplier to calculate the amount of support and ordered Oetting to pay child support of \$222.50 per month per child.

Oetting appeals the district court's order. She contends the district court used the wrong percentage to calculate the amount of support. Oetting cites at some length the agency rules concerning public assistance. It

appears that Oetting may be arguing Hennings is receiving excessive benefits and she is entitled to recoup the benefits.

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

We note initially the issue before us is the appropriateness of the trial court's findings of the proper amount of child support. Neither party appears to question whether some support is owed. The argument appears to be over how much is owed. The issues being thus defined, we do not consider in any manner appellant's allegations of welfare fraud, misrepresentation, personal confrontations between August and Ardella, or other issues except as they directly related to the amount of child support.

The amount of child support is governed by the permanent child support guidelines established by order of the Iowa Supreme Court on September 29, 1989. These guidelines are mandatory, unless the trial court expressly makes a written finding the guidelines would be unjust or inappropriate under certain specified criteria. The trial court made no such findings. We agree the child support guidelines as written are applicable in this case.

We do make one adjustment to the trial court's findings. The trial court found Ardella had income of \$1,707 per month. The trial judge then applied a 25.2 percent multiplier. Upon a review of the guidelines, we

determine the correct multiplier for two children is 25.5 percent. We modify the trial court's findings accordingly. The correct amount of child support for two children is \$435.28 per month. The Clerk of the Dickinson County Court shall enter judgment against Ardella Oetting accordingly.

The trial court's order and findings are affirmed in all other respects. We find the other issues raised by Ardella to be without merit and irrelevant to this case.

AFFIRMED AS MODIFIED.