FILED
JAN 28 1987
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF SUZANNE MARIE HANSON
AND DENNIS RAY HANSON

Upon the Petition of	)	68
SUZANNE MARIE HANSON,	)	
Petitioner-Appellee,	)	Filed January 28, 1987
And Concerning	)	
DENNIS RAY HANSON,	)	6-459 86-1085
Respondent-Appellant.	)	

Appeal from the Iowa District Court for Pottawattamie County (No. DM 24-33) - Keith E. Burgett, Judge.

Respondent husband appeals from the trial court's denial of his petition for modification of a dissolution decree, asserting that the trial court should have transferred custody of the parties' two children from petitioner wife to him **AFFIRMED.**

A W. Tauke of Porter, Tauke & O'Brien, Council Bluffs, for appellant.

Michael J. Winter, Council Bluffs, for appellee.

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

PER CURIAM **69**

On October 21, 1982, Dennis and Suzanne Hanson were granted a dissolution of their marriage by the District Court for Pottawattamie County. The district court, in the dissolution decree, awarded custody of the parties' children, Chad and Carrie, to Suzanne. On the date the decree was entered the children were six and four years old, respectively. Subsequently, Suzanne remarried, and we refer to her hereinafter by her present married name, Hatterman. Hanson filed a petition for modification of the decree on June 17, 1986, seeking custody of the children. A hearing on the petition was held on June 25, 1986. On July 9, 1986, the district court dismissed the petition. This appeal followed.

The principles which guide our review of cases involving modification petitions are well settled. As an initial matter, we note that our review is de novo. In re Marriage of Brown, 247 N.W.2d 2, 3 (Iowa 1976). In In re Marriage of Frederici, 338 N.W.2d 156, 158 (Iowa 1983), the Iowa Supreme Court set forth the law which controls the modification issue as follows:

> 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 addition, the criteria used for making initial child custody decisions apply also to proceedings to modify a child custody decree. In re Marriage of Hubbard, 315 N.W.2d 75, 80 (Iowa 1982). Although we are not bound by the fact findings of the district court we give them weight, especially when consider-

ing the credibility of witnesses. Iowa R. App. P. 14(f)(7). The rationale behind this proposition is that the district court has the opportunity to observe the demeanor of the witnesses as they testify and to formulate an appropriate impression of the witnesses' credibility based upon that demeanor. In re Marriage of Vrban, 359 N.W.2d 420, 423 (Iowa 1984).

In the present case, Hanson argues that the threshold showing of a material and substantial change in circumstances has been established by evidence of neglect and physical abuse of the children, of Hatterman's attempts at alienating the children from Hanson and his family, and of Hatterman's instability.

With respect to the first of the grounds argued by Hanson, that the children are subject to abuse and neglect by Hatterman and her present husband, we find the record fails to support this claim. Although Hanson filed two complaints with the Iowa Department of Human Services related to these allegations, both complaints were determined by case workers to be unfounded. Hanson alleges that the Hattermans are attempting to alienate the children from him and his family by making disparaging remarks about him to the children and by denigrating his position as the "biological father." These allegations are met by record testimony to the effect that Hanson made similar remarks to the children regarding Suzanne Hatterman's character and Larry Hatterman's authority as stepfather. We of course frown upon attempts by a parent to undermine children's relationships with their other parent. In re Marriage of Leyda, 355 N.W.2d 862, 865-66 (Iowa 1984). Although today we reaffirm our adherence to this position and caution the parents to refrain from further conduct along this line, we cannot say that the conflicting evidence on this issue constitutes a material and substantial change in circumstances such as would allow us to modify the custody decree. We note that Hanson does not allege any problems in enforcing his visitation rights.

Hanson emphasizes an episode in June 1986 when Chad was found by a deputy police officer at approximately 3:00 a.m. on a highway some five miles away from the Hatterman home. Chad told the deputy that he, Chad, was on his way to see Hanson. We share Hanson's concern that such an occurrence not be repeated. We think, however, that Hatterman was appropriately responsive to the situation when she arranged for professional counseling for Chad, whose young life has been marred not only by his parents' divorce but also by the death of a sibling only two months prior to the dissolution. We agree with the district court that isolated incidents of ten-year-old boys running away from home are not so unusual as to be particularly telling indicia of an unhealthy home environment.

Hanson urges us to find the required change in circumstances from evidence of Hatterman's repeated residential changes following the dissolution and the consequential necessity for the children to change schools. We think, however, that the record reflects sound reasons behind each of these moves and note both that the children were allowed to finish the school year prior to each move and that the Hattermans have now purchased a home in Hancock, Iowa, where they have lived since June 1985.

Our de novo review of the record convinces us that Hanson has failed to show that a material and substantial change in circumstances has occurred since the dissolution decree was entered. Accordingly, the decision of the district court dismissing his modification petition is affirmed.

AFFIRMED.