IN THE COURT OF APPEALS OF IOWA

No. 1-540 / 91-455

FILED
MAY 28 1992
CLERK SUPREME COURT

IN RE THE MARRIAGE OF BARBARA J. LAUMBACH AND DOUGLAS E. LAUMBACH

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Upon the Petition of

BARBARA J. LAUMBACH,

Appellee,

And Concerning

DOUGLAS E. LAUMBACH,

Appellant.

Appeal from the Iowa District Court for Woodbury County, Edwin L. Mitchell, Judge.

Douglas Laumbach appeals the district court's denial of his motion for blood tests for paternity. **AFFIRMED.**

Robert Kohorst of Kohorst Law Firm, Harlan, for appellant.

Bonnie J. Campbell, Attorney General; John Parmeter, Special Assistant Attorney General; Robert R. Huibregtse, Assistant Attorney General; and John Baker, Assistant County Attorney, for appellee

Considered by Oxberger, C.J., and Sackett and Habhab, JJ.

HABHAB, J.

Douglas and Barbara Laumbach were married in September 1973. In April 1974 Barbara gave birth to Tonya. In May 1975 Barbara filed a petition for dissolution of marriage. The petition stated, in relevant part, that, "The minor child of the parties is: Tonya Laumbach . . . whose welfare may be affected by this action." Douglas filed an answer admitting this part of the petition. In August 1976 a judgment and decree of dissolution was entered. Douglas did not appear and was found in default. Pursuant to the decree, he was required to pay $25 per week child support. Douglas claims Barbara assured him she would not seek to enforce the decree.

In April 1990 the county attorney filed an application for rule to show cause why Douglas should not be held in contempt. The application alleged he was in default of his child support obligation in the amount of $18,394. Douglas answered, denying paternity. In August 1990 the district court entered its orders concerning the contempt. The court established Tonya was now emancipated and the total amount owing was $17,551. The court also found the parties stipulated to a finding of contempt. The court further determined Douglas could purge the contempt by paying $50 per month until the arrearage was paid. Douglas did not appeal these orders.

In October 1990 Douglas filed a motion for production of blood test. He indicated both he and Tonya had their

blood tested. Barbara had her blood tested concerning the paternity of another child. Douglas was not involved in the paternity testing of this other child. He seeks the results of Barbara's blood test to establish the paternity of Tonya. The district court denied Douglas's motion, and he has appealed.

As this action arises in equity, our review is de novo. Iowa R. App. P. 4. From our de novo review of the record, we conclude that paternity in Douglas has already been established. That issue was not before the trial court and is not before us.

Douglas attempts to use the dissolution proceedings to secure the results of Barbara's blood test which concerned the paternity of another child. We fail to see the relevancy of that request in these proceedings. Tonya is now an adult. We affirm the trial court's denial of the subpoena.

Costs on appeal are assessed to the appellant.

AFFIRMED.