FILED
AUG 26 1982
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

334

DANIEL D. PERKINS,	)	
Plaintiff,	)	Filed August 26, 1982
vs.	)	
THE IOWA DISTRICT COURT FOR KOSSUTH COUNTY,	)	2-228 67320
Defendant.	)	

Appeal from Kossuth District Court, Thomas Hamilton, Judge.

The sole issue presented in this appeal is whether the petitioner, Daniel D. Perkins, has established as a matter of law Dawn M. Perkins' contempt of court. WRIT DENIED.

T. J. Braunschweig, Algona, for plaintiff-appellant.

Eugene G. Sarno, Lake Mills, for defendant-appellee.

Considered en banc.

The sole issue presented in this appeal is whether the petitioner, Daniel D. Perkins, has established as a matter of law Dawn M. Perkins' contempt of court. We deny the writ of certiorari.

Appellate review of contempt proceedings is on errors of law. Lane v. Oxberger, 224 N.W.2d 245, 247 (Iowa 1974).

The present contempt proceeding concerns Daniel's right to visitation on June 20-21, 1981, and July 4-5, 1981. The trial court found Dawn's explanations for the denial of visitation indicated she was not willfully contemptuous. Dawn concluded Daniel had moved out of town and that he was therefore required, under the decree, to come to her house to pick up the child. Daniel contended he had not totally moved out of town and that Dawn was required to bring the child to his mother's house. Moreover, Daniel failed to notify her twenty-four hours prior to exercising his right to visitation, as he was required to do, and Dawn claimed that the Fourth of July was her holiday under the rotating holiday schedule set forth in the decree.

We find that Daniel has failed to establish that Dawn willfully disobeyed the court decree. We therefore affirm the judgment of the trial court.

WRIT DENIED.