IN THE COURT OF APPEALS OF IOWA

FILED
DEC 29 1993
CLERK SUPREME COURT

No. 3-276 / 92-1591

000537

IN RE THE MARRIAGE OF MARY ALICE SCHLESSELMAN AND JAMES RUSSELL SCHLESSELMAN

Upon the Petition of
MARY ALICE SCHLESSELMAN,

Petitioner-Appellant,

And Concerning
JAMES RUSSELL SCHLESSELMAN

Respondent-Appellee.

Appeal from the Iowa District Court for Poweshiek County, Richard J. Vogel, Judge.

The petitioner appeals from a judgment of the district court suspending the respondent's obligation to pay child support until he has finished his education. **REVERSED.**

Barry S. Kaplan of Fairall, Fairall, Kaplan, Hoglan, Condon & Klaessy, Marshalltown, for appellant.

William D. Olson of Charnetski, Olson, Lacina & Pendleton, Grinnell, for appellee.

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

SACKETT, J. 000538

This appeal follows the district court's decision to modify the dissolution decree of petitioner-appellant Mary Alice Schlesselman and respondent-appellee James Russell Schlesselman, after James lost his job and returned to school, by reducing James's child support obligation from $550 a month to $450 a month. Mary challenges that part of the order modifying that provided while the $450 a month in support would accrue James would not be obligated to pay it until 60 days after he graduated from college at which time he would begin to discharge the accrued support at the rate of $50 a month. We agree with Mary that payment of child support should not have been suspended. We modify the decree by striking the provision suspending the obligation to pay child support.

Both parents have a legal obligation to support their children, not necessarily equally but in accordance with his or her ability to pay. See In re Marriage of Craig, 462 N.W.2d 692, 693 (Iowa App. 1990).

The child support guidelines the Iowa court has adopted are to be used in determining child support and may be adjusted if the court finds and rules, in writing, an adjustment is necessary to provide for the needs of the children and to prevent substantial injustice. Iowa Dep't of Human Servs. ex rel. Gonzales v. Gable, 474 N.W.2d 581, 582 (Iowa App. 1991).

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A reduction of income which is self-inflicted does not constitute grounds for modification. In re Marriage of Van Doren, 474 N.W.2d 583, 586 (Iowa App. 1991). We find James was unemployed through no fault of his own and, although he has looked for a job, he has not been able to find a satisfactory job and has decided to return to college. James is employable. The children's need for support takes precedence over James's desire to obtain further education to change jobs. In re Marriage of Weiss, 496 N.W.2d 785, 789 (Iowa App. 1992). There are times in life when children's needs must take precedence over parents' desires. Id. James's support obligation should be based on either his current income or on his current capacity to earn. See Gonzales, 474 N.W.2d at 583.

We reverse the suspension of the support.

Costs are taxed to James.

REVERSED.