

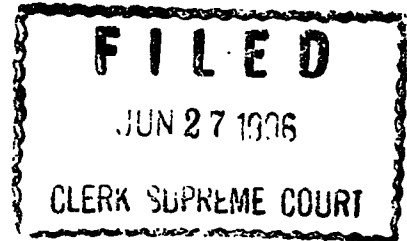
IN THE COURT OF APPEALS OF IOWA

No. 6-066 / 94-2150

PAUL ALLEN MINICH
Plaintiff-Appellant,

vs.

SHEILA K. RODGERS,
Defendant-Appellee.



Appeal from the Iowa District Court for Webster County, Kurt L. Wilke,
Judge.

Paul Minich appeals the district court's order that he pay \$1000 of Sheila
Rodgers' attorney fees in an action to modify a paternity decree. **AFFIRMED.**

James W. McCarthy, Fort Dodge, for appellant.

Sheila Rodgers, Chuckey, Tennessee, pro se.

Considered by Huitink, P.J., Streit, J., and Hayden, S.J.*

*Senior judge from the Iowa Court of Appeals serving on this court by order
of the Iowa Supreme Court.

PER CURIAM

This is an appeal by a father claiming the district court should not have ordered him to pay a portion of the mother's attorney fees as part of an order denying the father's application to modify the custody provision of a paternity decree. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

Paul Minich and Sheila Rodgers are the parents of Miranda. In 1992, Paul filed a petition pursuant to Iowa Code chapter 675 (now chapter 600B) seeking custody of Miranda. The district court awarded the parties joint legal custody of Miranda, with Sheila having primary physical care. Paul was granted visitation. No order setting child support appears in the record.

On February 8, 1994, Paul filed an application for modification, seeking physical care of Miranda. The court determined Paul failed to show a substantial change in circumstances, and declined to modify physical care. The court ordered Paul to contribute \$1,000 towards Sheila's attorney fees.

Paul now appeals that portion of the district court order which requires him to pay \$1,000 of Sheila's trial attorney fees. In Iowa, courts do not have the power to make an award of attorney fees unless authorized by statute or contract. *Bethards v. Shivvers, Inc.*, 355 N.W.2d 39, 48 (Iowa 1984). This rule applies whether the case is in law or equity. *Id.* Paul claims there is no provision in chapter 600B permitting an award of attorney fees.

Section 600B.25 (1993) clearly states:

The court may award the prevailing party the reasonable costs of suit, including but not limited to reasonable attorney fees.

Thus, there is statutory authority to award attorney fees in the present case. We find no abuse of discretion in the award of attorney fees to Sheila.

We affirm the decision of the district court. Costs of this appeal are assessed to Paul.

AFFIRMED.