

FILED
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CLERK SUPREME COURT

$$\begin{array}{r} 8-597 \\ \hline 87-916 \end{array}$$

Considered by Oxberger, C.J., and Donielson and Hayden,
JJ. Habhab, J. takes no part.

OXBERGER, C.J.

Todd Keith appeals a modification order to his decree of dissolution which directs him to pay child support in the amount of \$325 per month. Our review is de novo. We affirm.

Todd Keith (Todd) and Barbara Ann Gronstal-Keith's (Ann) marriage was dissolved in July 1984. The decree placed the parties' two children in Ann's custody. The children, Hunter and Brittany, were born in 1979 and 1982, respectively.

At the time of the 1984 dissolution, Ann was employed as a registered nurse and Todd was a law student. Due to Todd's lack of income, the 1984 decree imposed no specific child support obligation on him, although the decree did encourage him to contribute what he could toward the children's support. The 1984 decree provided that Ann could apply for a specific child support award when Todd finished or discontinued his education.

In September 1984, Todd was dismissed from law school for academic reasons. He was unemployed until September 1985 when he obtained a job as a bus driver. He remained so employed until June 1987. He is currently unemployed. For the years 1985-1987, Todd has reported annual incomes ranging from \$2,200 to \$5,000, supplemented by food stamps. He also reports \$45,000 in debts.

This appeal arises out of Ann's application for child support filed in April 1987. The district court ordered Todd to pay child support of \$325 per month.

Our de novo review of the record reveals that Todd has five years of experience as a manager of a department store, a bachelor's degree in liberal arts from Iowa State University, and two years of law school. The district court in its order noted that Todd is qualified for employment and characterized Todd's current unemployment as "self-imposed." We agree. A voluntary reduction in earning capacity will not excuse a child support obligation. See Reed v. Reed, 260 Iowa 1166, 152 N.W.2d 190 (Iowa 1967); In re Marriage of Vetterneck, 334 N.W.2d 761 (Iowa 1983). Therefore, we affirm the district court's order of child support in the amount of \$325 per month.

In his notice of appeal, Todd indicated he would challenge the dismissal of his contempt proceeding against Ann. Todd's brief makes no mention of this issue. Accordingly, under the authority of Iowa Rule of Appellate Procedure 14(a)(3), we deem this issue waived.

Appellant's motion asking that Ann's "additions to the appendix" be stricken has been submitted with this appeal. The addition to the appendix which Todd opposes is an exhibit introduced at the August 26, 1986 hearing. The exhibit is a letter from Todd's psychologist. We find the exhibit relevant to our review, therefore Todd's motion is denied.

Ann requests attorney fees on appeal. Attorney fees are not recoverable as a matter of right but rest within the discretion of the court and depend upon one spouse's

financial needs and the other spouse's ability to satisfy them. See In re Marriage of Orgren, 375 N.W.2d 710, 714 (Iowa App. 1985). Ann requests \$1,048 in attorney fees. We award \$500 in fees on appeal. Costs are taxed to the appellant.

AFFIRMED.