

IN THE COURT OF APPEALS OF IOWA

No. 6-681 / 96-0826

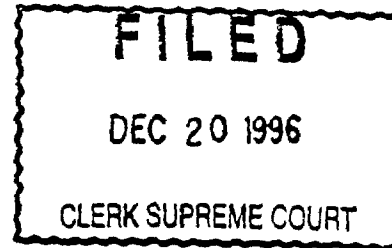
IN RE THE MARRIAGE OF LAURIE DEE
SHARP AND WILLIAM JOHN SHARP

Upon the Petition of
LAURIE DEE SHARP,

Petitioner-Appellee,

And Concerning
WILLIAM JOHN SHARP,

Respondent-Appellant.



Appeal from the Iowa District Court for Johnson County, William L. Thomas,
Judge.

The father appeals the provisions of the parties' dissolution decree concerning
custody, child support, and alimony. **AFFIRMED.**

Richard H. Zimmermann, Iowa City, for appellant.

Margaret T. Lainson of Meardon, Sueppel, Downer & Hayes, P.L.C., Iowa City,
for appellee.

Considered by Habhab, P.J., and Huitink and Vogel, JJ.

PER CURIAM

This is an appeal by a father claiming the district court should have awarded him custody of the parties' two children. He also appeals the child support and alimony provisions of the dissolution decree. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

Laurie and William (John) Sharp were married in 1979. They have two children, Sarah, born in 1982, and Megan, born in 1985. John is employed as a vascular surgeon for the University of Iowa Hospitals, where he has annual income of \$175,588. Laurie has worked part-time as a nurse during the marriage. She has had a problem with addiction to prescription drugs. Because working as a nurse gives her access to drugs, she quit her employment in August 1995. Laurie was attending AA and a recovery group for nurses. She plans to go back to school to become a social worker.

The district court issued a dissolution decree for the parties on January 18, 1996. The court granted the parties joint legal custody of the children, with Laurie having primary physical care. John was ordered to pay child support of \$1,995 per month for the two children. The court divided the parties' property to give Laurie net assets worth \$23,050 and John net assets worth \$22,578. Laurie was awarded alimony of \$2,000 per month for five years, and then \$1,000 per month until Laurie dies or remarries. John now appeals.

I. John asks to be awarded primary physical care of the two minor children. He believes Laurie's drug addiction prevents her from being an effective parent. In child custody cases, our first and governing consideration is the best interests of the children. *In re Marriage of Buttrey*, 538 N.W.2d 322, 324 (Iowa App. 1995). The court's objective is to place the children in the environment most likely to bring the children to a healthy physical, mental, and social maturity. *In re Marriage of Rodgers*, 470 N.W.2d 43, 45 (Iowa App. 1991).

In our de novo review, we agree with the decision of the district court that the children should be placed in the primary physical care of Laurie. John admitted Laurie was the primary caretaker for the children during the marriage. The evidence showed the children had not suffered from her problems with prescription drugs, and in fact, were doing quite well. We also note the parties' babysitter testified John had limited contact with the children. Additionally, the children had expressed a desire to live with Laurie. We affirm the custody provision of the dissolution decree.

II. John asks that Laurie be required to take periodic drug tests to show she is staying off drugs. We decline to make this a condition of the custody provision of the parties' dissolution decree.

III. John seeks a downward adjustment in his child support obligation for the time during the summer when he has extended visitation with the children. Generally, a support obligation is not reduced during period of extended visitation, as the custodial

spouse has the continuing obligation to maintain the house and other necessary expenses. *In re Marriage of Toedter*, 473 N.W.2d 233, 235 (Iowa App. 1991). We find John's support obligation should not be reduced during summer visitation.

IV. John claims Laurie is not entitled to permanent alimony. He points out she was only forty years old at the time of the dissolution hearing, and still had many years left to establish a career. He also contends the award of alimony should terminate on the death of either party, not just the death of Laurie.

Alimony is not an absolute right; an award depends upon the circumstances of each particular case. *In re Marriage of Whelchel*, 476 N.W.2d 104, 110 (Iowa App. 1991). Traditional alimony analysis may be used in long-term marriages where life patterns have largely been set and the earning potential of both spouses can be predicted with some reliability. *In re Marriage of Francis*, 442 N.W.2d 59, 62-63 (Iowa 1989). Here, the parties had been married for seventeen years. The evidence showed Laurie's earning potential would never approach that of John. Laurie testified she expected to earn about \$35,000 in the field of social work. We affirm the award of permanent alimony under the facts of this case.

V. John contends the award of rehabilitative alimony should be reduced to four years. He believes Laurie should be able to finish school in four years, and states the award of rehabilitative alimony for five years was excessive. We conclude the award

of rehabilitative alimony is equitable. The award will give Laurie an opportunity to complete a degree in social work and establish herself in a new career.

VI. Finally, Laurie asks for attorney fees for this appeal. We order John to pay \$3,500 for Laurie's appellate attorney fees.

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

AFFIRMED.