IN THE COURT OF APPEALS OF IOWA

No. 1-364 / 91-382

FILED
SEP 24 1991
CLERK SUPREME COURT

JAMES GERALD GREINER,

Appellant,

vs.

ANDREA LYNN WILLIAMS,

Appellee.

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Appeal from the Iowa District Court for Linn County, Paul J. Kilburg, Judge.

The father appeals from a district court ruling placing primary care of the couple's child with the mother. **AFFIRMED.**

Steven E. Howes, Cedar Rapids, for appellant.

Michael Harrington, Legal Services Corp. of Iowa, Cedar Rapids, for appellee.

Heard by Donielson, P.J., and Sackett and Habhab, JJ.

PER CURIAM

James Greiner and Andrea Williams have never been married but have cohabited in the past. They are the parents of one child, a boy born in January 1988.

James and Andrea separated in 1989. The child remained in Andrea's physical care. However, James later filed the present petition asking that the child be placed in joint legal custody and in his primary physical care.

After a hearing, the district court placed the child in joint legal custody and in Andrea's primary physical care. The district court characterized both parties as immature. However, the court noted that Andrea has been the child's primary caretaker since his birth.

James has now appealed from the district court's order. He contends the child should be placed in his primary physical care. He complains that Andrea has demonstrated a lack of stability and responsibility. He also complains that Andrea has failed to cooperate with him on visitation. Andrea responds, among other things, that James is an inappropriate custodian because of his violent temper and his lack of experience in caring for this child or any child. In addition, Andrea argues the child should not be separated from his younger half-brother.

Our review in this matter is de novo. Iowa R. App. P. 4. In child custody cases, the best interests of the child is the first and governing consideration. The factors the court considers in awarding custody are

enumerated in Iowa Code section 598.41(3) and in In re Marriage of Weidner, 338 N.W.2d 351, 356 (Iowa 1983) and In re Marriage of Winter, 223 N.W.2d 165, 166-67 (Iowa 1974). All factors bear on the "first and governing consideration," the court's determination of what will be in the long-term best interests of the child. In re Marriage of Vrban, 359 N.W.2d 420, 424 (Iowa 1984). The critical issue in determining the best interests of the child is which parent will do better in raising the child. In re Marriage of Ullerich, 367 N.W.2d 297, 299 (Iowa App. 1985). Gender is irrelevant. Id. Neither parent should have a greater burden than the other in attempting to gain custody in a dissolution proceeding. Id.

We have reviewed the facts of this case. We conclude the district court correctly placed primary care of the child with his mother. We affirm the trial court.

Costs are taxed to James.

AFFIRMED.