FILED
OCT 29 1985
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE MARRIAGE OF KRISTEE L. GARDNER AND BRADLEY W. GARDNER

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Upon the Petition of	)	
KRISTEE L. GARDNER,	)	Filed October 29, 1985
Petitioner-Appellee,	)	
And Concerning	)	
BRADLEY W GARDNER,	)	5-426 84-1920
Respondent-Appellant.	)	

Appeal from the Iowa District Court for Washington County - James P. Rielly, Judge

Respondent husband appeals the trial court's decree dissolving the parties' marriage **AFFIRMED.**

L G Klein, Coralville, Iowa, for respondent-appellant.

R Bruce Haupert of Leff, Leff, Leff, Haupert & Traw, Iowa City, Iowa, for petitioner-appellee.

Considered by Donielson, P.J., Schlegel, and Hayden, JJ.

SCHLEGEL, J.

The sole issues of this appeal are, (1) physical custody of the parties' minor child, Lee, and (2) the extent of visitation allowed to respondent by the dissolution decree entered herein.

The parties to this dissolution matter agreed upon joint custody of their minor child, Lee. The trial court accepted that agreement and ordered that the primary physical custody would be placed with the mother, the petitioner, Kristee Gardner. Bradley Gardner appeals that determination and also appeals the court's visitation order.

Our review of this equity matter is de novo. We give deference to the findings of the trial court but are not bound by them. Iowa R. App. P. 14(f)(7).

I. Physical Custody. We agree with the court's acceptance of the agreement between the parties concerning joint custody of Lee. The parties have apparently been able to conduct themselves properly under a temporary arrangement for shared physical custody, which indicates an ability to satisfy the factors considered by the court in making the determination to affirm the agreement for joint custody. In re Marriage of Weidner, 338 N.W.2d 351, 355-56 (Iowa 1983).

Bradley complains that the trial court based the custody determination (physical custody) upon the fact that Bradley has shown "immaturity" both prior to and after separation of the parties. He claims that the record shows no evidence concerning the maturity or immaturity of either party, and that it was not an issue addressed at trial. On that point, the court stated:

> It appears to the Court from the record made that Brad has shown a great deal of immaturity both prior to and after the separation of the parties. He has not proven to be a good provider for the family and has spent a great deal of time away from the home in his hunting and fishing pursuits. Subsequent to the separation, Brad showed a degree of immaturity in taking custody of Lee without any authority of the court and prohibiting Kris

> from having any more than the park visitation. He further showed a degree of immaturity when he had Kris's car towed away from its parking place and he took it and used it, notwithstanding the fact that he had two or three other vehicles which he could have used. The evidence is clear that this car was purchased by Kris with her own money and it was her sole means of transportation.

We cannot say that the court, based upon the recited facts, erred in finding that Brad showed a degree of immaturity. However, we do not agree that the court's sole reason for awarding physical custody to Kristee was Bradley's immaturity. The court further stated:

> Under all of the facts and circumstances shown by the evidence, the Court finds that Lee's best interests will be promoted by awarding physical custody to Kris with Brad to have the right to have Lee with him for visitation for [sic] 5:00 p.m. on Fridays until 5:00 p.m. on the following Sunday of alternate weekends. (Emphasis added.)

Upon a review of the record, we agree with the trial court, that Lee's best interests will be promoted by awarding physical custody to Kristee.

II. Visitation. In addition to the alternate weekends provided by the decree, the court ordered that Bradley should have Lee for a summertime visitation period of one month. In the event the parties cannot agree upon the time period for such visitation, the month of June was designated by the court for that visitation. The court further provided:

> Brad shall have these specified visitation rights and shall also have visitation at such other reasonable times and places as may be mutually agreed to by Kris and Brad and the Court encourages such additional visitation.

It is clear that the trial court believed the visitation provided was that which would assure Brad of a continuing relationship with his son, and would provide Lee with an important continuing relationship with his father. In addition, the court believed that the parents of this child should arrange for other reasonable visitation as they could agree upon.

It is obvious that in their joint custody, Bradley and Kristee should communicate concerning the welfare and interests of their child. Such communication should include plans for visitation in addition to that prescribed by the decree. Their ability to cooperate in these matters may provide a gauge as to the correctness of continuing joint custody or primary physical custody, should that matter become an issue in the future care of this child. In re Marriage of Bolin, 336 N.W.2d 441 (1983); In re Marriage of Burham, 283 N.W.2d 269 (Iowa 1979).

From the record, we believe both the custody determination and the visitation specifically established by the court, when coupled with the further reasonable visitation suggested and allowed by the decree, will provide for the best interest of the parties' child. We affirm the decree of the trial court in all respects.

AFFIRMED.