IN THE COURT OF APPEALS OF IOWA

No. 6-679 / 96-0716

IN RE THE MARRIAGE OF JEFFERY SCOTT LARABEE AND SHARON JEAN LARABEE

Upon the Petition of
JEFFERY SCOTT LARABEE,

Petitioner-Appellee,

And Concerning
SHARON JEAN LARABEE,

Respondent-Appellant.

FILED
DEC 20 1996
CLERK SUPREME COURT

Appeal from the Iowa District Court for Page County, Timothy O'Grady, Judge.

Sharon Larabee appeals from the custody provisions of the parties' dissolution decree. **AFFIRMED.**

Jon H. Johnson of Johnson & Graeser, P.C., Sidney, for appellant.

Bruce E. Swanson of Swanson Law Firm, Red Oak, for appellee.

Considered by Sackett, C.J., and Cady and Streit, JJ.

PER CURIAM

This is an appeal by a mother claiming the district court should have granted her primary physical care of the parties' two children in the decree of dissolution. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

Jeffery and Sharon Larabee were married in 1989. They have two children, Samantha, born in 1990, and Skylar, born in 1991. Sharon's three children from a previous marriage also lived with the parties during the marriage.

In October 1991, Sharon was sent to prison after she pled guilty to conspiracy to commit murder. Jeffery took care of all five children during this time. While Sharon was in prison, Jeffery filed a petition for dissolution of marriage. A default decree was entered on December 2, 1992, which granted the parties joint legal custody of their two children, with Jeffery having primary physical care.

When Sharon was released from prison, she assumed the care of her three children from a previous marriage. On Sharon's motion, the district court vacated the original dissolution decree on December 21, 1995. However, because Sharon only objected to the custody provision, all other provisions of the decree were reaffirmed and the matter of custody was set for hearing.

In the new dissolution decree, the district court granted the parties joint legal custody of their two children, with Jeffery having primary physical care. Sharon was granted visitation and ordered to pay child support. She now appeals.

Sharon believes she should be granted primary physical care of Samantha and Skylar. She states she used her time in prison to improve herself by taking parenting classes. She asserts Jeffery is an alcoholic who was drinking until she filed a petition in this case. She also asserts he is a workaholic who has little time for the children.

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 Jeffery. He has had the care of the children since October 1991, when Samantha was about one and one-half years old and Skylar only a few months old. At this point, it would be a disruption to the children's lives to place them in Sharon's care. Jeffery has provided consistent care for the children. Sharon admitted Jeffery has generally done a good job in raising the children.

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

AFFIRMED.