FILED
MAY 31 1988
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF TIM E. MOREHOUSE AND SHERRY L. MOREHOUSE

Upon the Petition of	)	195
TIM E. MOREHOUSE,	)	
Petitioner-Appellant,	)	Filed May 31, 1988
And Concerning	)	
SHERRY L. MOREHOUSE,	)	8-109 87-1172
Respondent-Appellee.	)	

Appeal from the Iowa District Court for Delaware County (No. DM 735/CD 2202), Peter Van Metre, Judge.

Petitioner husband appeals from the decree dissolving the parties' marriage.

AFFIRMED.

James L. Chipokas of Chipokas & Flitz, Cedar Rapids, for appellant.

Mary M. Schumacher of Roth & Schumacher, Dubuque, for appellee.

Considered by Schlegel, P.J., and Sackett and Habhab, JJ.

PER CURIAM 196

Petitioner, Tim E. Morehouse, and respondent, Sherry L. Morehouse, were married in 1983, when Tim was twenty-three and Sherry was seventeen. They have one child, Ashley, born in 1984. The parties separated in 1986. Petitioner moved in with his parents on their farm in Masonville. Respondent rented an apartment in Dubuque.

A dissolution action was initiated and while pending the parties alternated custody of Ashley every two weeks. In its dissolution decree, the district court awarded joint custody to both parents with the respondent having physical care of Ashley. Petitioner has appealed from the decree, challenging the physical care provision.

The sole issue for our determination is whether the trial court erred in awarding primary physical care of the minor child to the respondent. We determine there is no error.

In child custody cases, the primary consideration of the court is the long term best interests of the child. Iowa R. App. P. 14(f)(15). Each case is different. The court's decision depends on the particular facts of each case. In re Marriage of Kehrli, 241 N.W.2d 923, 926 (Iowa 1976).

Our review is de novo. Iowa R. App. P. 4. In equity cases, especially when considering the credibility of witnesses, the court gives weight to the fact findings of the trial court, but is not bound by them. Iowa R. App. P. 14(f)(7).

Against this legal background, we turn to the facts of the case. We especially take notice of the fact that after the parties' separation and prior to the filing of the petition, the respondent afforded the petitioner reasonable visitation with Ashley. On one of the those visitations, petitioner took Ashley and refused to return her to the respondent for a period of over a month. During that time he allowed the respondent only limited access to Ashley.

During the trial, the petitioner testified that he had failed to pay child support as ordered by the court. He testified that he was in arrears in child support, knew he was in arrears in child support, and had sufficient money to pay the child support, but had failed to do so.

The petitioner is to be commended for the progress he has made in regard to his drug and alcohol use. We trust he will continue in this endeavor for it will enable him to be a more responsible parent. But our review of the record brings us to the concusion that the trial court was correct in awarding the phsyical care of Ashley to respondent.

The trial court stated that "[t]hose witnesses that the Court would characterize as more 'neutral' generally lean toward the respondent as the primary caretaker." It further concluded that the parties should have joint legal custody, but the primary physical placement should be with the respondent subject to generous rights of visitation for petitioner. We find no error in this result and therefore affirm.

AFFIRMED.