FILED
MAR 0 9 1988
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF NANCY GERMER AND RICHARD GERMER, JR.

Upon the Petition of)

NANCY GERMER,) Filed March 9, 1988

Petitioner-Appellee,) 148

And Concerning)

RICHARD GERMER, JR.,) 7-554
87-391

Respondent-Appellant.)

Appeal from the Iowa District Court for Union County (No. CD-10337), Rodney J. Ryan, Judge.

Respondent husband appeals from the decree dissolving the parties' marriage. **AFFIRMED AS MODIFIED AND REMANDED.**

Dale A. Glanzman, Creston, and Emil Trott, Jr. of Barrett & Trott, Des Moines, for appellant.

Arnold O. Kenyon II of Kenyon, Kenyon & Kenyon, Creston, for appellee.

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

HAYDEN, P.J.

Respondent, Richard Germer, Jr. (Pete), appeals the decree of dissolution rendered by the trial court. He asserts the court erred by placing physical care of the parties' sons, Rick and Chris, with petitioner, Nancy Germer, and by ordering him to pay a $3,500 debt to Nancy's mother. Nancy requests attorney's fees.

Since no hard and fast rules govern custody and economic issues in dissolution actions, our decision ultimately depends on the particular facts relevant to each issue. In re Marriage of Vrban, 359 N.W.2d 420, 423 (Iowa 1984). Our review is de novo. Iowa R. App. P. 4. We give weight to the fact findings of the trial court, especially when considering the credibility of witnesses, but we are not bound by them. Iowa R. App. P. 14(f)(7).

I. **Physical care.** Our decision regarding physical care is ultimately made by determining under the whole record which parent can minister more effectively to the long-range best interests of Rick and Chris. In re Marriage of Bowen, 219 N.W.2d 683, 687-88 (Iowa 1974). In reaching our decision, we take into account the factors enumerated in In re Marriage of Winter, 223 N.W.2d 165 (Iowa 1974), as follows:

1. The characteristics of each child, including age, maturity, mental and physical health.

2. The emotional, social, moral, material, and educational needs of the child.

3. The characteristics of each parent, including age, character, stability, mental and physical health.

4. The capacity and interest of each parent to provide for the emotional, social, moral, material, and educational needs of the child.

5. The interpersonal relationship between the child and each parent.

6. The interpersonal relationship between the child and its siblings.

7. The effect on the child of continuing or disrupting an existing custodial status.

8. The nature of each proposed environment, including its stability and wholesomeness.

9. The preference of the child, if the child is of sufficient age and maturity.

10. The report and recommendation of the attorney for the child or other independent investigator.

11. Available alternatives.

12. Any other relevant matter the evidence in a particular case may disclose.

Id at 166-67.

Our review of the record in light of these factors leads us to conclude the trial court erred in granting physical care of Rick and Chris to Nancy. Each party has been shown to be a caring, loving parent. Each party has also been shown to occasionally exhibit personality flaws. We are persuaded, however, Pete can minister more effectively to the long-range best interests of the children. During the parties' marriage, Pete was the primary caretaker of the boys, as well as the provider of the majority of the family's funds. On balance, we believe he is more stable and mature than Nancy. He has a secure job and has proven himself to be a hard worker. Nancy's life is less settled.

We therefore modify the decree rendered by the trial court and grant physical care of the children to Pete. We remand to the trial court for the purpose of fixing a liberal visitation schedule for Nancy.

II. **Debt.** Pete also asserts the trial court erred by ordering him to pay a $3,500 debt to Nancy's mother. He contends this was a loan to Nancy to pay attorney's fees and, since he was also ordered to pay $2,000 to Nancy for attorney's fees, it was inequitable for this debt to be assigned to him. Nancy

agrees the loan was for attorney's fees and other expenses, but she contends the allocation of the parties' property and debts was equitable

We find it unreasonable to require Rick to, in effect, pay Nancy's attorney's fees twice We conclude, therefore, Nancy shall be responsible for the debt to her mother

III **Attorney's fees** Nancy requests appellate attorney's fees. We order Pete to pay her $500 to apply to these fees

AFFIRMED AS MODIFIED AND REMANDED