FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF PAT STEVEN CONRAD AND CYNTHIA CONRAD

Upon the Petition of)
PAT STEVEN CONRAD,)
Petitioner-Appellant,)
And Concerning)
CYNTHIA CONRAD,)
Respondent-Appellee.)

8-446
88-550

Appeal from the Iowa District Court for Lee County (No. CD 1081(N)0787), R. David Fahey, Judge.

Petitioner appeals from the provision of the decree of dissolution entered by the district court in this case which granted respondent primary physical care of the parties' minor child. **AFFIRMED.**

Kent Hutcheson, Fort Madison, for petitioner-appellant.

Gary L. Hoyer of Saunders, Humphrey, Johnson & Hoyer, Fort Madison, for respondent-appellee.

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

PER CURIAM

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The father appeals the district court's provision in its dissolution decree awarding primary physical care of his son, Shawn, to the mother. He asserts he will better be able to provide for Shawn's physical, emotional, and educational needs than the mother. We disagree and affirm the district court's well-written and reasoned decree.

We review de novo. Iowa R. App. P. 4. We give weight to the factual findings of the trial court, especially where the credibility of the witnesses is concerned, but we are not bound by them. Iowa R. App. P. 14(f)(7).

The parties were married December 13, 1981. Shortly thereafter Shawn was born. He is the only child of this marriage. Cynthia Conrad has a second son, Shane, who was born of her first marriage. A strong relationship has developed between these two children amid a very tumultuous period of their lives.

The best interests of the child is our primary consideration in determining custodial rights. Iowa Code § 598.41. The district court correctly considered and laid out in its opinion all factors as specified in Iowa Code section 598.41(3). We see no reason to overturn this opinion.

The father asserts he is better able to care for Shawn because Shawn's paternal grandmother would have more contact with the boy if primary physical care is awarded to

him. We certainly encourage the parties to foster a strong relationship between Shawn and his extended family. However, the paternal grandmother's custodial status is not in issue here. We must determine which parent will be best suited to provide for Shawn's care and growth. While both parents are not ideal models of parenting skills, a careful review of the entire record enables us to determine that Shawn's mother has taken the greater initiative towards her own rehabilitation. No amount of education opportunities can replace the effects a stable environment will have on Shawn.

Cynthia requests appellate attorney fees. An award of such fees is not a matter of right, but rests within the court's discretion and the parties' financial positions. In re Marriage of Kern, 408 N.W.2d 387, 390 (Iowa App. 1987). Cynthia is presently unemployed. Pat earns approximately $400 monthly as a hired hand on his father's farm. He pays no rent. His child support payments are $90 monthly. We therefore order Pat to pay $500 towards Cynthia's appellate attorney fees.

Costs are taxed to the appellant.

AFFIRMED.