

IN THE COURT OF APPEALS OF IOWA

No. 7-709 / 97-0737

000301

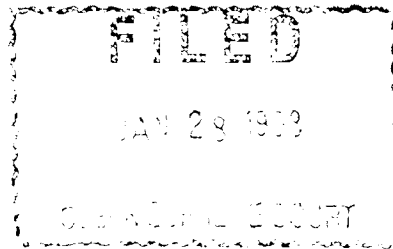
IN RE THE MARRIAGE OF DIANE PRATT
AND RONALD PRATT

Upon the Petition of
DIANE PRATT,

Petitioner-Appellant,

And Concerning
RONALD PRATT,

Respondent-Appellee.



Appeal from the Iowa District Court for Linn County, William R. Eads, Judge.

Petitioner appeals the child custody provisions of the parties' dissolution decree. **AFFIRMED.**

Kenneth F. Dolezal of Dolezal, Lindeman & Davison, Cedar Rapids, for appellant.

Stephen B. Jackson and Stephen B. Jackson, Jr. of Jackson Law Office, Cedar Rapids, for appellee.

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

SACKETT, J.

Petitioner-appellant Diane Pratt appeals from that portion of the decree dissolving her marriage to respondent-appellee Ronald Pratt placing physical care of their daughter, Kerry, born August 31, 1991, with Ronald. Diane contends she, not Ronald, should have physical care. We affirm.

This was a seven-year marriage. Diane is forty years old and Ronald is thirty-eight years old. Diane has two children, Ben and Daniel, from a prior marriage.

Diane and Ronald both love Kerry and either will make an adequate custodian. Both parties put primary focus on the shortcomings of the other. The trial court heard the evidence and met with Kerry. He made careful findings and determined both Ronald and Diane assumed substantial household and child care chores during the marriage.

The trial court found it was not in Kerry's best interest to grow up in what he characterized as a hostile environment in Diane's home. The trial court found Ronald's discipline methods with Kerry superior to Diane's.

The trial court faulted Diane because when the parties separated she took Kerry without telling Ronald. Diane took Kerry from a long-term child care provider and did not seek Ronald's input before enrolling Kerry in kindergarten and obtaining a new child care provider. Additionally, the trial court found Diane limited Kerry's contact with her father after the separation and failed to use Ronald for child care purposes.

The trial court voiced concern about the abusive treatment Kerry received from her half-brother, Daniel, and though because of behavioral problems Daniel was in his father's custody, the trial court found the evidence did not reflect the permanency of the arrangement or any security for Kerry when Daniel visited in his mother's home.

The trial court also found evidence of Ronald's positive parenting qualities. The trial court concluded Ronald would do the better job of facilitating Kerry's relationship with her non-custodial parent.

Diane challenges certain of the trial court's findings and contends she is the better parent.

We review de novo. *In re Marriage of Will*, 489 N.W.2d 394, 397 (Iowa 1992). We look to the child's long-term interest. *In re Marriage of Vrban*, 359 N.W.2d 420, 424 (Iowa 1984). Neither parent has a heavier burden. *In re Marriage of Manson*, 503 N.W.2d 427, 429 (Iowa App. 1993). We look to the environment where the child is more likely to thrive. *In re Marriage of Engler*, 503 N.W.2d 623, 625 (Iowa App. 1993).

It serves no useful purpose for us to expand this opinion by commenting on the negative evidence concerning both parents. We have carefully reviewed it and all other evidence. This review convinces us the trial court was correct in finding Ronald is the better custodial parent. We affirm.

AFFIRMED.

Cady, C.J., concurs; Streit, J., specially concurs.

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STREIT, J. (concurring specially)

I concur in the result.