IN THE COURT OF APPEALS OF IOWA

No. 7-376 / 96-1738

000353

IN RE THE MARRIAGE OF LANCE A. WOODYARD AND ANGEL MARIE WOODYARD

Upon the Petition of
LANCE A. WOODYARD,

Petitioner-Appellee,

And Concerning
ANGEL MARIE WOODYARD,

Respondent-Appellant.

FILED
SEP 24 1997
CLERK SUPREME COURT

Appeal from the Iowa District Court for Bremer County, John S. Mackey, Judge.

Respondent appeals from the court's order awarding petitioner physical placement of the parties' minor child. **AFFIRMED.**

Donna Lesyshen of Tyler & Lesyshen, Waterloo, for appellant.

Lawrence A. Stumme, Jr. of the Stumme Law Office, Denver, for appellee.

Heard by Sackett, Streit, and Habhab*, JJ.

*Senior judge assigned by order pursuant to Iowa Code § 602.9206 (1997).

SACKETT, J.

Respondent-appellant Angel Marie Woodyard challenges a modification of her dissolution decree terminating split custody and awarding physical care of Reid, the child of her and her former husband, petitioner-appellee Lance A. Woodyard, to him. She contends the trial court failed to specifically detail the criteria used in making the physical care decision and Reid should not have been separated from his half-sister in her care. We affirm.

Lance and Angel were married in May 1992. Angel's daughter Kaylee lived with the parties. Reid was born in January 1993. The marriage was dissolved in November 1994 and the trial court approved a joint custody arrangement whereby each parent had Reid alternating weeks. The parties had agreed the arrangement would continue until Reid entered school.

In January 1996, Lance asked the court to award physical care of Reid to one parent. The court awarded Lance physical care and granted Angel visitation and ordered she pay child support. This appeal follows.

We review de novo. Iowa R. App. P. 4; *In re Marriage of Feustel*, 467 N.W.2d 261, 263 (Iowa 1991). The trial court made substantial factual findings focusing on Angel's depression and unsuccessful suicide attempts, and finding Lance was more emotionally stable and had a history of substantial involvement in Reid's life. Our review of the evidence causes us to agree with these findings. Yet, even if

the trial court had not made detailed findings, the absence of detailed factual findings does not support a reversal of the custodial award.

Both parties shared physical care under the original decree so there is a presumption both are adequate parents. *See In re Marriage of Leyda*, 355 N.W.2d 862, 864 (Iowa 1984); *In re Marriage of Burham*, 283 N.W.2d 269, 274 (Iowa 1979). The standard of review is therefore as in an original custody determination; that is, which parent will provide the better care.

There is evidence Angel has had problems with the abuse of alcohol and at times has become violent. She has attempted suicide. She frequently leaves her children in child care for overnight when it is neither expected nor planned. Reid was burned on the forehead by Angel's current husband's cigarette.

Lance's life is family based. He has satisfactory and long-term child care arrangements. His child care provider cared for both Kaylee and Reid when the parties were married. The child care provider is bonded with Reid and Reid has the benefit of his father's extended family

Angel argues she should benefit in the custody determination because she has Kaylee, Reid's half-sister, in her care. We recognize, as Angel argues, there is a presumption that siblings, including half-siblings, should remain together. *See In re Marriage of Orte*, 389 N.W.2d 373 (Iowa 1986); *Yarolem v. Ledford*, 529 N.W.2d 297 (Iowa App. 1994).

Kaylee is six and one-half years older than her half-brother. At the time of trial, Kaylee was not living with her mother, but was enjoying an extended stay with her grandmother. The bond Reid has with his father is more substantial than the one he shares with his half-sister. Reid will gain more from being a part of his father's loving and stable home than he will being in a home with a half-sister who is six and one-half years his senior and gives him limited attention.

Giving weight to the credibility assessments made by the trial court, we find no valid reason to disagree with the trial court's final decision. *See In re Marriage of Rosenfeld*, 524 N.W.2d 212, 214 (Iowa App. 1994). We affirm.

AFFIRMED.