FILED
APR 28 1992
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 2-106 / 91-1394

166

IN RE THE MARRIAGE OF DAVID A. CARPENTER AND BRENDA O. CARPENTER

Upon the Petition of
DAVID A. CARPENTER,

Appellant,

And Concerning
BRENDA O. CARPENTER, n/k/a BRENDA O. HANSON,

Appellee.

Appeal from the Iowa District Court for Scott County, J. L. Burns, Judge.

Father appeals from ruling of the district court refusing to transfer the primary physical care of the children to him. **AFFIRMED.**

Eric Borseth, Pleasant Hill, for appellant.

Carol A.H. Freeman of Lane & Waterman, Davenport and Rock Island, for appellee.

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

HAYDEN, J.

David and Brenda Carpenter were awarded joint custody of their two children in a 1989 dissolution decree. The decree placed the children in Brenda's primary physical care. The children are girls born in 1982 and 1986.

After the divorce David and Brenda lived in the Davenport area. In the summer of 1991 Brenda and her new husband, Steve Hanson, decided to move to Las Cruces, New Mexico. This location was chosen because Steve wanted to change his career and enroll at New Mexico State University to obtain a bachelor's degree in business administration with an emphasis in golf course management.

Upon learning of Brenda's proposed move to New Mexico, David filed the present petition for a modification of the dissolution decree. David asked the children be transferred to his primary physical care.

After a hearing the district court denied David's request. The district court modified David's visitation schedule to adjust for Brenda's move to New Mexico.

David appeals, contending the children should be transferred to his primary physical care. Our review in this matter is de novo. Iowa R. App. P. 4.

> To change a custodial provision of a dissolution decree, the applying party must establish by a preponderance of evidence that conditions since the decree was entered have so materially and substantially changed that the children's best interests make it expedient to make the requested change. The changed circumstances must not have been contemplated by the court when the decree was entered, and they must be more or less permanent, not temporary. They must relate to the welfare of

> the children. A parent seeking to take custody from the other must prove an ability to minister more effectively to the children's well being. The heavy burden upon a party seeking to modify custody stems from the principle that once custody of children has been fixed it should be disturbed only for the most cogent reasons.

In re Marriage of Frederici, 338 N.W.2d 156, 158 (Iowa 1983) (citing In re Marriage of Mikelson, 299 N.W.2d 670, 671 (Iowa 1980)).

Our review of the record reveals two parents who have cooperated in exemplary fashion in a joint custody situation. Brenda has been responsible for the children's day-to-day care. She has provided proper care for the children, and David does not contend otherwise. David has exercised liberal visitation and has actively participated in the children's activities. Each parent has supported the other's relationship with the children. Both Brenda and David have remarried. Each stepparent has established a good relationship with the children, and each has been supportive of their spouse's role as a parent to the children. At the time of the hearing Brenda and Steve were expecting twin sons.

David contends the proposed move is detrimental to the children's best interests, in light of the children's ties to schools, friends, and relatives in the Davenport area. He also argues the return to college by Brenda's new husband will impose financial burdens on Brenda's family and will probably require future changes of residence. David also argues his own stability in residence and

employment render him better able than Brenda to care for the children.

> In determining whether removal should be prevented, the trial court must consider all of the surrounding circumstances. They include the reason for removal, location, distance, comparative advantages and disadvantages of the new environment, impact on the children, and impact on the joint custodial and access rights of the other parent.

Id. at 160.

Steve's decision to attend college was to enhance his career opportunities. Although Brenda and Steve have charted a challenging course, they have planned that course carefully and investigated it thoroughly.

Moving 1400 miles from Davenport obviously will be disruptive to the children and will require adjustment by the children. It is also obvious the move necessitates a change in the the children's schools. However, the emotional trauma associated with moving from familiar to unfamiliar surroundings is not alone sufficient to justify shifting physical care to the nonmoving joint custodian. Id. The record contains no evidence indicating the girls will be unable to make the necessary changes or the environment will have a negative impact on the children. In fact, the city of Las Cruces offers many of the same activities as those in which the children participated while living in the Davenport area.

It is also obvious the move will change the children's access to their father. We note, however, David has

sufficient financial means to visit the children frequently and have them visit in Iowa. Brenda and David have cooperated in the past to ensure the children maintain a relationship with David. There is no evidence indicating they will not continue to cooperate in the future.

The record does not support David's assertion Steve's enrollment in college will impose excessive financial burdens on the family and will require future moves. The Hansons have adequate finances through loans and savings to support the family until Steve completes his education. In addition, Steve indicated he will be employed part-time while attending school. Whether additional moves will be necessary in the future is speculation.

We have considered all arguments advanced by David and conclude the trial court did not err in dismissing his application to modify the physical care provisions of the dissolution decree. We affirm.

Costs of this appeal are taxed to David.

AFFIRMED.