FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 3-148 / 92-1336

IN RE MARRIAGE OF DARCY E. PALMER AND VICTOR L. PALMER

000457

Upon the Petition of
DARCY E. PALMER,

Petitioner-Appellant,

And Concerning
VICTOR L. PALMER,

Respondent-Appellee.

Appeal from the Iowa District Court for Franklin County, Stephen P. Carroll, Judge.

The mother appeals the district court's judgment awarding physical custody of the parties' two children to the father. **AFFIRMED.**

John G. Sorensen of Stanton & Sorensen, Clear Lake, for appellant.

Lucy J. Gamon of Hagemann, Goeke & Egli, Waverly, for appellee.

Considered by Schlegel, P.J., and Hayden and Sackett, JJ. Donielson, J., takes no part.

SACKETT, J. 000458

The question in this appeal from a decree dissolving a marriage is whether the trial court was correct in making respondent-appellee Victor L. Palmer the primary caretaker. We find the trial court was and affirm.

Victor and petitioner-appellant Darcy E. Palmer were married in 1979. They have two children, Derrick, born in 1981, and Darren, born in 1983. Both children have been classified as developmentally disabled.

Victor is employed as a nurse. Darcy worked at a nursing home, but it was agreed after the older child was born that Darcy would stay home to care for the child. The parties separated in February 1990. Darcy assumed primary care for the children for the two and one-half years between the parties' separation and the entry of a decree of dissolution.

Following the separation, Darcy received a number of services to assist her in caring for the children. The boys attended three different schools in two years. Darcy has a history of suffering serious depression. She was hospitalized several times during the marriage for depression. She has been diagnosed as homicidal, suicidal, and passive-aggressive.

Darcy continued to have problems and was hospitalized four times during the parties' separation.

The trial court found some improvement in her mental condition. The trial court also found she had received a

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number of services without improvement. The trial court determined at time of trial Darcy continued to be indecisive and lacked ambition and motivation. The trial court further found she was not able to manage the children's day-to-day activities and she lacked insight and had poor judgment.

The trial court found Victor, in contrast to Darcy, had some direction in his life. Victor had motivation to become a registered nurse and has stable employment. Victor had left high school in tenth grade and returned to school at a later time. The trial court found he has investigated the educational needs of the children.

We have reviewed de novo and agree with the trial court's findings. See Iowa R. App. P. 4. We have a duty to examine the entire record and adjudicate anew rights on the issues properly presented. In re Marriage of Steenhoek, 305 N.W.2d 448, 452 (Iowa 1981). We give weight to the fact findings of the trial court, especially when considering the credibility of witnesses, but are not bound by them. See In re Marriage of Phares, 500 N.W.2d 76, 79 (Iowa App. 1993); Iowa R. App. P. 14(f)(7).

Darcy has emphasized that Victor is delinquent nearly $3000 in temporary support ordered paid during the separation. The trial court found Victor's failure to pay the support while his family was supported by aid to dependent families spoke negatively of him. We, too, consider Victor's failure to pay child support as a negative.

Victor and Darcy both love their children. They make charges against each other. The family obviously has had serious problems. Deficiencies of both parents have contributed to the problems. This issue is not one of reward or punishment, rather, the important issue is under whose guidance do the children have the better chance. See In re Marriage of Ullerich, 367 N.W.2d 297, 299 (Iowa App. 1985). Darcy has devoted a substantial part of her life to the children. Victor, during the separation period, has exercised his weekly visitation.

The trial court has made careful findings outlining the reason for its decision. The trial court was in a position of viewing the parties and assessing their capabilities.

We agree with the trial court's conclusion that under this record Victor can administer more effectively to the long range best interest of the children.

AFFIRMED.