

FILED

AUG 23 1989

CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF TAMARA KAY STEGGALL
AND JOHN GERALD STEGGALL

Upon the Petition of)

TAMARA KAY STEGGALL,)

Petitioner-Appellee,)

And Concerning)

JOHN GERALD STEGGALL,)

Respondent-Appellant.)

622

9-246
88-1698

Appeal from the Iowa District Court for Linn County (DM 15568), Kristin L. Hibbs, Judge.

Respondent appeals a dissolution of marriage decree.

AFFIRMED.

Walter J. Steggall of Holden, Steggall & Heckel, Cedar Rapids, for respondent-appellant.

Jacqueline Miller of Dolezal, Miller & Lewis, Cedar Rapids, for petitioner-appellee.

Christine Crilley of Crilley & Stokke, Cedar Rapids, guardian ad litem for the children.

Considered by Oxberger, C.J., and Hayden and Habhab, JJ.

PER CURIAM

John and Tamara have been married eight years. At the time of the decree their two sons were six and four years old.

John claims on appeal he should have been granted primary physical care of the two children. In the alternative he claims he should be given increased visitation and he should be granted state and federal tax exemptions because Tamara is on ADC.

In our de novo review we find both parents are interested in their children. We find, as did the trial court, the children will be well cared for in the custody of either parent. The issue is who is the better parent. In re Marriage of Weidner, 338 N.W.2d 351, 359 (Iowa 1983).

The principles we follow are well defined. See In re Marriage of Winter, 223 N.W.2d 165, 166-67 (Iowa 1974). We find no reason to disagree with the decree of the trial court on this issue.

The trial court acknowledged the stipulation of the parties and awarded John liberal visitation rights to the children as follows:

John shall have visitation with the children very other weekend from 6 p.m. on Friday to 6 p.m. on Sunday, one week night per week from 6 p.m. to 8 p.m., and six weeks each summer vacation during which time Tammy shall have visitation every other weekend. The parties shall alternate holidays with John having the children on the following holidays in even-numbered years: New Years, Fourth of July, Thanksgiving, Christmas Eve. John shall have the children on the following holidays in the odd-numbered years: Easter, Memorial Day, Labor Day, Christmas Day.

We determine the trial court's order satisfies the liberal visitation provision of Iowa Code section 598.41(1) (1987). We do not disturb the visitation provision of the decree.

John was ordered to pay child support in the amount of \$380 per month. The decree was silent on which party was entitled to the income tax deductions or exemptions for the dependent children. This amounts to approximately \$2,280 per year per child. Tammi testified she intends to become gainfully employed in the future. In the event she becomes employed, she will benefit by receiving the income tax deduction. We do not disturb or modify the child support provisions of the decree.

John shall pay \$500 toward Tamara's appellate attorney fees. Costs of appeal are assessed against John.

AFFIRMED.