IN THE COURT OF APPEALS OF IOWA

No. 0-151 / 99-0357
Filed May 10, 2000

IN RE THE MARRIAGE OF LISA J. CAWIEZELL AND WILLIAM S. CAWIEZELL

Upon the Petition of
LISA J. CAWIEZELL,
Appellee,

And Concerning
WILLIAM S. CAWIEZELL,
Appellant.

FILED
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CLERK SUPREME CT.

Appeal from the Iowa District Court for Muscatine County, Charles H. Pelton, Judge.

Respondent-appellant appeals a district court order granting petitioner-appellee's request for a change in respondent's visitation rights, and failing to abate his child support payments during summer visitation. **AFFIRMED.**

John E. Wunder, Muscatine, for appellant.

Eric M. Knoernschild of Hintermeister, Knoernschild & Eichelberger, Muscatine, for appellee.

Considered by Vogel, P.J., and Mahan and Miller, JJ.

VOGEL, P.J.

William Cawiezell appeals a district court order granting former spouse, Lisa Cawiezell, a change in his visitation rights, denying his request for the children's physical care, and failing to abate his child support payments during summer visitation. Because we find the visitation schedule established by the trial court to be appropriate under the attendant circumstances, we affirm.

Background facts. The marriage of Bill and Lisa Cawiezell was dissolved in September 1994, after producing two daughters, Abby and Chloe, into the union. In ordering the dissolution, the trial court granted joint legal custody with physical care of the two girls to Lisa. Although the trial court found both parents to be fit and capable of physically providing care for the children, it was determined that Lisa would be better able to promote their long-term best interests. After the marriage was dissolved, Lisa, in attempting to establish her career as a nurse-midwife, made several relocations with the girls. However, these moves were always within a reasonable driving distance so Bill had access to visit and participate in a meaningful way in the children's lives. In the spring of 1998, Lisa accepted a very attractive job offer within her career field in Waynesboro, Virginia. After visitation negotiations broke down between the parties, Lisa filed for a visitation modification based on a material and substantial change in circumstances. Bill counterclaimed, seeking physical care of the girls. The trial court retained physical care in Lisa and modified Bill's visitation schedule to accommodate the long distance between the parties. Bill now appeals, alleging the trial court erred in not granting a longer summer visitation

[redacted] abate his child support obligation during the extended summer visitation period.

Scope of review. Our standard of review is de novo. Iowa R. App. P. 4. We review the facts and the law to determine anew the rights of the parties where issues have been properly presented and preserved. *In re Marriage of Phipps,* 379 N.W.2d 26, 27 (Iowa App. 1985). Although we give weight to the findings of the trial court, especially concerning the credibility of the witnesses, we are not bound by them. *In re Marriage of Bornstein,* 359 N.W.2d 500, 502 (Iowa App. 1984); Iowa R. App. P. 14(f)(7).

Additional summer visitation. Lisa has held several different employment positions since the finalization of the dissolution. As a midwife, she has a very specialized field of practice and has been actively searching for the best career move to advance her goals and objectives. Opportunities in this field, however, often depend upon the reception given this type of practice by the local medical profession. A career as a midwife may depend on such things as physician referrals, hospital privileges, and overseeing physician care. Although Lisa attempted to establish a practice in Iowa, the reception at the time was not conducive to the success of her efforts. Therefore, she was forced to look further afield for opportunities. She accepted an advantageous position in Virginia that is well suited to her skills. She relocated herself and her daughters to a new home in Waynesboro, Virginia.

Bill, as a dedicated father, is concerned about his continuing relationship with his daughters over the 900-mile distance now between them. He asserts

the trial court's revised visitation schedule is inadequate to allow him meaningful time with his daughters. According to the modified decree and the 179(b) ruling, Bill's visitation schedule allows one-half plus one week of the girls' summer vacation, one-half of the Christmas vacation, all of the spring break, and additional time if he is in the girls' locale. Because Lisa relocated with the girls and the increased distance has curtailed his usual visitation, Bill contends his summer visitation should be extended to all but two weeks of the school vacation period. In its ruling, the trial court stated:

> This case is heartrending for the parties and their children. The decision is especially difficult for Bill and the children. This is the unfortunate consequence of a dissolved family.

There simply is no perfect solution to long distance parenting but the trial court set up what we find to be appropriate visitation opportunities under the circumstances.

Abatement of child support during summer visitation. Bill claims the trial court erred in failing to reduce his child support obligation during his summer visitation period. He contends his parental obligations are greater during this period while Lisa's are decreased. This issue, however, has already been decided by the court. "Because some form of shared physical care is the norm, our guidelines incorporate the reasonable living expenses of the noncustodial parent and need no further adjustment." *In re Marriage of Fox,* 559 N.W.2d 26, 28-29 (Iowa 1997). In addition, we consider that Lisa will be responsible for the costs of two roundtrips each year for the girls to visit Bill.

Since we find the visitation schedule established by the trial court is appropriate in this case and the child support guidelines have already factored in Bill's abatement argument, we affirm.

AFFIRMED.