FILED
AUG 30 1983
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF MARILYN CATHRINE BICKAL AND MICHAEL LYON BICKAL

UPON THE PETITION OF MARILYN CATHRINE BICKAL,	)	
Petitioner-Appellant,	)	Filed August 30, 1983
AND CONCERNING MICHAEL LEON BICKAL,	)	3-103 3-69020
Respondent-Appellee.	)	

Appeal from Linn District Court, Warren J. Rees, Senior Judge.

Petitioner-wife appeals from the decree dissolving the parties' marriage.

AFFIRMED.

Jon M. McCright, Cedar Rapids, for petitioner-appellant.

James W. Affeldt, Cedar Rapids, for respondent-appellee.

Heard by Oxberger, C.J., and Donielson, Snell, Schlegel, and Hayden, JJ.

OXBERGER, C.J.

Petitioner-wife appeals from the decree dissolving the parties' marriage, asserting (1) that she can more effectively minister to the long-range best interests of the parties' two children, and the trial court thus should have awarded her custody; and (2) that the trial court's division of the parties' assets and liabilities was inequitable. Petitioner-wife also requests attorney fees and costs on appeal. We affirm.

I. Scope of Review

As in all cases involving a challenge to a trial court's decree in a dissolution of marriage, our review is de novo. Iowa R. App. P. 4. The responsibility of the court is to review the facts as well as the law and to determine rights anew from credible evidence on properly presented and preserved issues. In re Marriage of Full, 255 N.W.2d 153, 158 (Iowa 1977). Weight is to be given to the findings of the trial court, especially where credibility of witnesses is involved, but this court is not bound by them. Iowa R. App. P. 14(f)(7). Case precedent is of little value and the decision must ultimately depend on the particular facts of each case. In re Marriage of Kehrli, 241 N.W.2d 923, 926 (Iowa 1976).

II. Custody

The issue of child custody is ultimately decided by determining on the record which parent can minister most effectively to the long-range best interests of the children, In re Marriage of Winter, 223 N.W.2d 165, 166 (Iowa 1974), and is addressed to the sound discretion of the trial court, Andresen v. Andresen, 252 Iowa 1152, 100 N.W.2d 275 (1961).

The trial court in this case took the factors enumerated in Winter into account, and found that the best interests of the children required that they be given into the custody of Michael, subject to visitation by Marilyn.

The evidence establishes that while Marilyn had custody of the children, their physical care was in fact turned over to Marilyn's fifteen-year-old daughter, Teresa. Marilyn was frequently out of the home for very long periods of time, woke up late in the morning, and left the children during the late hours of the night without adequate supervision. It was not an uncommon occurrence for these young children to wander around and across streets on their own while Marilyn slept.

The trial court found, on the other hand, that Michael is a responsible parent. He has a good work record and a good reputation among those who know him.

Both parties have been involved in sexual relationships with other persons. We see nothing in these relationships that would weight the scale in one direction or the other in this case. We conclude that on the record the best interests of the children would be served by allowing them to remain with their father, Michael, who has been caring for them for some time now and who established at trial not only that he is a fit custodian for these children, but that he is devoted to them and capable of providing a sound and healthful environment for them.

III. Property Division

The factors we consider in reviewing property divisions need not be rehearsed here. See Iowa Code § 598.21(1)(1983); Schantz v. Schantz, 163 N.W.2d 398, 405 (Iowa 1968), as modified to exclude fault, In re Marriage of Williams, 199 N.W.2d 339, 345 (Iowa 1972).

These parties were married a relatively short time—two years. At the time of their marriage, Michael owned a furnished home that was then worth at least $23,000, while Marilyn had property valued at $175.00. Although Michael worked

throughout the marriage, Marilyn did not. Moreover, there is evidence that she contributed relatively little by way of homemaking services during the course of the marriage.

Marilyn removed practically all of the household goods, furnishings, and appliances from Michael's home when she moved out, and sold a substantial part of his gun collection, which he claimed was worth $2000.00.

On the other hand, Marilyn contends that she is entitled to a forty-percent interest in the equity of the residence because she spent $2,250 of a lump sum property settlement on home improvements. Michael denies that she even contributed to such improvements. In any event, we find that it would be grossly inequitable to award her any interest in the equity of the home in view of the fact that it was owned by Michael prior to the marriage, taken together with the fact that this marriage lasted only two years.

We find that the assets awarded to Michael, reduced by the liabilities imposed upon him, are reasonably balanced by the award to Marilyn, and that the court's division of the marital property was equitable.

We therefore affirm.

AFFIRMED.