FILED
FEB 28 1976
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF JULIE ANN HODGE AND MALCOLM BRUCE HODGE

UPON THE PETITION OF	)	
JULIE ANN HODGE,	)	Filed February 28, 1976
Appellant,	)	
AND CONCERNING	)	
MALCOLM BRUCE HODGE,	)	422 3-60833
Appellee.	)	

Appeal from Union District Court - Thomas S. Bown, Judge.

Petitioner appeals from child custody provision of dissolution decree. AFFIRMED.

Arvid D. Oliver, of Baird, Bowers & Oliver, of Des Moines, counsel for appellant.

Arnold O. Kenyon, of Creston, counsel for appellee.

Submitted to Allbee, C. J., Donielson, Snell, Oxberger and Carter, JJ.

PER CURIAM

Petitioner-Julie Ann Hodge appeals the child custody provisions of a decree dissolving her four year marriage to respondent-Malcolm Bruce Hodge. That decree granted custody of the parties' only child, David, age 3, to Malcolm.

Our review in custody matters is de novo. Rule 4, Rules of Appellate Procedure. In resolving such disputes we are guided by the criteria established in In re Marriage of Winter, 223 N.W.2d 165, 166-167 (Iowa 1974). Our primary concern is the best interests of the child. Rule 14(f)(15), R. App. P. Accordingly, we give weight to the trial court's findings of fact but are not bound by them. Rule 14(f)(7), R. App. P.

The record reflects that David is a happy, well-adjusted three-year-old who is loved by both parents, each of whom desires custody. After reviewing the evidence adduced at trial, the district court awarded custody to Malcolm. In so ruling, the court found that neither party was unfit to have custody of David. However, the judge noted that Julie had violated the court's order regarding temporary custody and visitation rights.

The trial court found that the testimony demonstrated some signs of immaturity on the part of petitioner. Finally, the court indicated that it was impressed by the solidarity of support given to respondent by his family and, similarly, could not overlook the fact that two of petitioner's sisters had testified that, in their opinion, respondent would be the more suitable custodial parent for the minor child. Although not specifically mentioned by the trial court, the attorney for the child also stated that, in his opinion, Malcolm would be the better party to have custody of David.

While this issue is close, we agree with the trial court that it is in David's best interests to be placed with Malcolm. Respondent's parents, two sisters and brother stated that they would be willing to help Malcolm raise and care for the child.

In matters such as this, the trial court is in the best position to assess the credibility and demeanor of the witnesses and evaluate the situation. Norenberg v. Norenberg, 168 N.W.2d 794, 797 (Iowa 1969). After a review of the entire record, we conclude that there is ample support for the difficult choice the trial court was required to make. See In re Marriage of Sherwood, 240 N.W.2d 669, 670 (Iowa 1976). The judgment of the district court is affirmed.

AFFIRMED.