FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE MARRIAGE OF NANCY CAROL RASMUSSEN & DARYL EUGENE RASMUSSEN

Upon the Petition of)
NANCY CAROL RASMUSSEN,) Filed December 21, 1978
Appellee,)
And Concerning)
DARYL EUGENE RASMUSSEN,) 641 / 3-61740
Appellant.)

Appeal from Butler District Court - B. C. Sullivan, Judge

Respondent appeals dissolution decree granting custody of three children to petitioner and awarding her $100 per month permanent alimony. - Affirmed as modified.

D. Quinn Martin, Waterloo, for Appellant.

Habbo Fokkena, Clarksville, for Children.

Paul W. Riffel, Waverly, for Appellee.

Heard by Oxberger, C. J., and Donielson, Snell, Carter and Johnson, JJ.

PER CURIAM

Respondent Daryl Rasmussen appeals trial court's dissolution decree granting custody of three children to petitioner Nancy Rasmussen and awarding $100 per month permanent alimony to her. We affirm with modification.

On the date of the decree, Daryl and Nancy had been married 14 years and had three sons; Curt, age 13, Craig, age eight, and Chad, age four. It is evident that both parents love the children very much and sincerely desire to be responsible for their custody. In making our decision, we are guided by the long-range best interests of the children and are not bound by the findings of the trial court. Willey v. Willey, 253 Iowa 1294, 115 N.W.2d 833 (1962).

We recognize that the mental illness of a parent is a factor to be considered in making a custody determination. Andreesen v. Andreesen, 252 Iowa 1152, 110 N.W.2d 275 (1961). There was extensive evidence adduced at trial concerning Nancy's psychiatric problems. Nevertheless, Nancy's family physician and her psychiatrist were optimistic about her parenting capabilities. We are concerned, however, with Nancy's father's demonstrated interference in the children's relationship with Daryl. Continued interference on his part could furnish grounds for modification of the custodial arrangement. See Spotts v. Spotts, 197 N.W.2d 370, 372 (Iowa 1972). Based on our consideration of all the evidence, we find the long-range best interests of the children will be served by affirming trial court's decision to grant custody to Nancy.

Trial court also awarded $100 per month permanent alimony to Nancy. She and Daryl were married soon after their high school graduation. During the 14 years of the marriage, Nancy was never employed outside of the home. Daryl has held various jobs but has been continuously employed for the past six years at the John Deere Tractor Works. His weekly net earnings at the time of trial approximated $273. Trial court divided the property of the parties equally with a net value to each of between $32,500 and $33,500. Given Nancy's limited earning capacity and Daryl's relatively secure financial situation, we believe the property division and alimony award were correct except that alimony payments should terminate after 10 years unless Nancy dies or remarries in the interim. Nancy

requests that Daryl be ordered to pay her attorney fees in defending this appeal. We do not fix the amount to be charged by the attorney for Nancy. In re Marriage of Beard, 243 N.W.2d 565, 567 (Iowa 1976). We hold that Daryl shall pay $750 toward Nancy's attorney fees on appeal.

Finally, we are asked to decide who shall pay the fees of the children's attorney for services rendered at trial. By prior order of the supreme court application for allowance of fees for the children's attorney was submitted with this appeal. We hold that Daryl shall pay $1000 and Nancy shall pay $500. See In re Marriage of Blessing, 220 N.W.2d 599, 606 (Iowa 1974).

Affirmed as modified.

All judges concur, except Donielson, J., who dissents.

DONIELSON, J. (dissenting)

I cannot agree that the long-range best interests of the children are served by affirming the trial court's decision to grant custody to Nancy. Nancy's illness may not presently interfere with her parenting abilities, but any relapses will result in her parents being responsible for the primary care of the children. I find this unacceptable. Nancy's father has already accomplished alienation of the children from their father through bribery and threats. To say that any further conduct of this sort might offer grounds to modify the custody award ignores the fact that the purpose of such conduct has been achieved. Daryl is a hard working, capable parent with no apparent psychiatric problems. He would allow the children a normal relationship with their mother. Considering all the evidence, I believe the long-range best interests of the children will be served by granting custody to Daryl.