FILED
SEP 2 8 1988
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF LOREN K. TOP AND SHARON L. TOP

Upon the Petition of)
LOREN K. TOP,) 433
Petitioner-Appellant,)
And Concerning)
SHARON L. TOP,) 8-405 / 88-260
Respondent-Appellee.)

Appeal from the Iowa District Court for Lyon County (C 11296), Charles H. Barlow, Judge.

Petitioner husband appeals from the provision of a dissolution decree awarding the respondent wife physical custody of the parties' two minor children. **AFFIRMED.**

Joseph M. Feller of Koopman, Kennedy & Feller, Sibley, for petitioner-appellant.

Randy L. Waagmeester of DeWaay & Waagmeester, Rock Rapids, for respondent-appellee.

James D. Scott of McGill & Scott, Rock Valley, guardian ad litem for the children.

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

PER CURIAM

The appellant, Loren, and the appellee, Sharon, were married in 1977 and are the parents of two minor children, Jennifer, born July 19, 1979, and Jonathon, born May 16, 1982. The appellant is director of engineering for Sudenga Industries in Rock Rapids, where he has worked since 1978. The appellee has moved to Vermillion, South Dakota, where she is enrolled in college. During the sixteen months of the couple's separation, the children lived with appellant husband, Loren, in Rock Rapids. A dissolution decree was filed in January 1988. Legal custody of the two children was placed jointly with their parents. The physical care was placed with the appellee.

Appellant appeals that part of the decree that placed physical care of the children with appellee. It is the sole issue on appeal. Appellant contends that the appellee is emotionally unstable and has an alcohol dependency problem that was not cured by her 30-day stay at the Keystone Treatment Center in Canton, South Dakota. Appellant also states that one of the children has expressed a preference to continue living in Rock Rapids and that a court-appointed attorney for the children recommended awarding custody to appellant. He further urges that he proved his parenting skills during the sixteen months when he had sole care of the children.

Appellee responds that the district court properly determined that she can minister more effectively to the long-term best interests of the children. In support of that position she cites appellant's acknowledged physical and verbal abuse of her, his authoritarian parenting style, and his intention of continuing to share his home with another woman and her family. She contends that this living arrangement creates an environment unwholesome for the children.

Our review of the custody provision in this case is de novo. We are not bound by the findings of the trial court, however, when considering the credibility of witnesses, it is appropriate to afford substantial weight to the findings of the trial court. The issue that is before us is ultimately decided by determining under the whole record which parent can minister more effectively to the long-range best interests of the children. In re Marriage of Winter, 223 N.W.2d 165, 166 (Iowa 1974).

In addition to the above-cited law, we must take into consideration a number of factors which are set out in In re Marriage of Winter. These factors include:

1. The characteristics of each child, including age, maturity, mental and physical health.

2. The emotional, social, moral, material, and educational needs of the child.

3. The characteristics of each parent, including age, character, stability, mental and physical health.

4. The capacity and interest of each parent to provide for the emotional, social, moral, material, and educational needs of the child.

5. The interpersonal relationship between the child and each parent.

6. The interpersonal relationship between the child and its siblings.

7. The effect on the child of continuing or disrupting an existing custodial status.

8. The nature of each proposed environment, including its stability and wholesomeness.

9. The preference of the child, if the child is of sufficient age and maturity.

10. The report and recommendation of the attorney for the child or other independent investigator.

11. Available alternatives.

12. Any other relevant matter the evidence in a particular case may disclose.

Id.

Turning to the record, we find that both parents are sincere in their efforts to obtain physical care of the children and, although each have many good personality traits, each have had some problems which effect his or her parenting capabilities. All entities involved in this proceeding agree that both parents love their children and both have the ability to perform homemaking services.

We note that the attorney for the children recommended that the custody of the children remain with the appellant. This recommendation was partly based on the preference of Jennifer, the daughter. However, the reason for Jennifer's preference was brought out at trial:

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THE COURT: If there was a preference expressed by Jennifer, it was to the effect that she would prefer to be in Rock Rapids, mainly because of her friends and school?

MR. SCOTT: Yes.

THE COURT: She didn't seem to appear to prefer one parent over the other?

MR. SCOTT: No, Your Honor. And I should add to that, it was her friends and school.

On our de novo review, when we apply the factors of In re Marriage of Winter to the facts contained in this record, we find, as the trial court did, that the appellee would be the parent who can minister more effectively to the long-range best interests of the children and that she has demonstrated a superior capacity to provide for the emotional, social, moral, material and educational needs of the children, and a superior proposed environment for them. Accordingly, we affirm the trial court.

AFFIRMED.