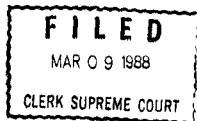


IN THE COURT OF APPEALS OF IOWA



DONALD A DODSON,)

Petitioner-Appellee,)

vs)

PAMELA JEAN MAURER,)

Respondent-Appellant.)

Filed March 9, 1988

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7-580
87-995

Appeal from the Iowa District Court for Lee County (No. CE735(N)0587),
William S Cahill, Judge.

Respondent appeals from a decision of the district court which awarded
custody of the parties' minor child to the petitioner. **AFFIRMED AND
REMANDED.**

Kent Hutcheson, Fort Madison, for respondent-appellant.

Robert N Johnson III of Saunders, Humphrey, Johnson & Hoyer, Fort
Madison, for petitioner-appellee.

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

DONIELSON, J.

Respondent appeals from a decision of the district court which awarded custody of the parties' minor child to the petitioner. We affirm.

Respondent Pamela Jean Maurer and petitioner Donald A. Dodson are the parents of Jerrod Dodson, born January 1, 1985. Pamela and Donald never married, but cohabited for more than two years. Donald has four children by a previous marriage, and he has physical custody of the oldest boy. Pamela has two other children, Heather, age eight, and Roberta (Renae), age five, who were also born out of wedlock. In July 1985 Donald engaged in conduct with Roberta which resulted in criminal charges being filed against him. Donald pled guilty to a charge of indecent contact with a child. He received psychiatric care and has been discharged. Donald has had the care of Jerrod since May 1986. Both parties admitted to using illegal drugs in the past, but only Pamela stated that she still smokes marijuana when it is available to her. Donald's net average take-home pay from E. I. Dupont Company is \$375 per week. Pamela earns about \$169 a week as a housekeeper.

The district court found that there was no evidence that Donald has ever had a tendency to molest a male child. Pamela admitted that Donald was generally a good father. The district court concluded that Donald should have the permanent care, custody, and control of Jerrod and that Pamela was entitled to visitation. Pamela appeals.

Our scope of review is de novo. Iowa R. App. P. 4. Our first and governing consideration is the best interest of the child. Iowa R. App. P. 14(f)(15). We must determine which parent is capable of administering more effectively to the long-term interests of the child. In re Marriage of Welbes, 327 N.W.2d 756, 758 (Iowa 1982). Iowa Code section 598.41(3) enumerates those factors to aid us in this decision.

parties will offer the least and most stability and security; which of the parties will be the most and least likely to recognize the physical, moral, educational and social needs of the child and will take the appropriate measures to meet those needs, and who has the most and least strength, determination, and ability to meet the challenges which will confront them in a successful effort to rear the child.

We give weight to the fact findings of the district court, especially when considering the *credibility of witnesses, but we are not bound by them.* Iowa R. App. P. 14(f)(7). The district court in this case had the opportunity to view the parties. Since both parents possess qualities which present a risk to Jerrod's long-term interests, the district court apparently assessed the credibility of both parents in making its determination. We defer to the district court's assessment of the parties' credibility and affirm the judgment awarding physical care of Jerrod to Donald.

Pamela's second argument on appeal is that the district court should have made a determination regarding joint custody. Pamela's three-sentence argument on this issue contains no authority; hence, pursuant to Iowa Rule of Appellate Procedure 14(a)(3), we may consider the issue waived. In addition, the district court noted that at trial, Pamela did not want joint custody because she did not think it would be a workable arrangement due to the distance between the parties. Two factors set forth in Iowa Code section 598.41(3) relevant to a joint custody determination are: (1) whether one or both the parents agree or are opposed to joint custody; and (2) the geographic proximity of the parents. *We affirm the district court's decision in awarding custody of Jerrod to Donald.*

Furthermore, due to the particular circumstances in this case, and considering Jerrod's long-term best interests, we remand the case to the district court, juvenile division, with orders that an investigation be done by the Department of Human Services to determine if Jerrod is a child in need of assistance and to assure Jerrod's well-being is continuing to be provided for adequately.

AFFIRMED AND REMANDED.

OXBERGER, C J. (dissenting)

I would affirm the trial court without a remand