

IN THE COURT OF APPEALS OF IOWA

No. 6-484 / 95-2214

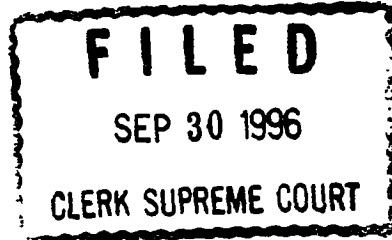
**IN RE THE MARRIAGE OF JAMES PATRICK
COX AND ANGELA NICOLE COX**

**Upon the Petition of
JAMES PATRICK COX,**

Petitioner-Appellee,

**And Concerning
ANGELA NICOLE COX,**

Respondent-Appellant.



Appeal from the Iowa District Court for Harrison County, James R.
Richardson, Judge.

Angela Cox appeals the custody provision in the decree dissolving her
marriage to James Cox. **AFFIRMED.**

Kimberly Wahl-Taylor, Council Bluffs, for appellant.

Susan Larson Christensen of Larson, Childs, Hall & Christensen, P.C., Harlan,
for appellee.

Heard by Sackett, C.J., and Huitink and Streit, JJ.

SACKETT, C.J.

The question in this appeal from an order dissolving a short-term marriage is whether the trial court was correct in awarding primary care of the parties' only child to petitioner-appellee James Patrick Cox. We affirm.

James and respondent-appellant Angela Nicole Cox both sought physical care of Nicholas Cox, born in 1990. At the time of trial, James was twenty-seven years of age and Angela was twenty-three. Both parents have used alcohol and drugs, and both contend they have corrected their deficiency in this area. While both parties love their son and want what is best for him, there have been times when each has been less than mature in his or her behavior.

James argues Angela has abused drugs and alcohol since she was twelve years old and she has been through a number of treatment programs. He admits he has used illegal drugs, but contends his use has been casual. He has been gainfully employed and has no criminal record.

Angela contends the record supports a finding she is drug free. She relies on a number of negative drug tests, while she points out James has only had two negative drug tests.

We review de novo. Iowa R. App. P. 4. It is clear Nicholas will receive adequate care in the home of either James or Angela. There is no evidence James and Angela are currently using illegal drugs.

We focus on the interests of Nicholas. *See In re Marriage of Brauer*, 511 N.W.2d 645, 647 (Iowa App. 1993). The question is which parent is better able to do a better job raising Nicholas. *Id.* The gender of the parent is not relevant and each parent has the same burden in attempting to gain physical care. *See id.* at 647.

We are concerned by Angela's attempt to hide Nicholas and not deliver him to James, in violation of a custody order. Interference of one parent with another's custodial or visitation rights impacts adversely on the interfering parent's claim for physical care. *See In re Marriage of Wedemeyer*, 475 N.W.2d 657, 659 (Iowa App. 1991).

James has exhibited maturity and stability. We find no valid reason to depart from the decision of the trial court.

AFFIRMED.