

FILED

APR 27 1982

CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF RODNEY G. MEINDERS AND CLARISA Y. MEINDERS

Upon the Petition of)

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RODNEY G. MEINDERS,)

Petitioner-Appellee,)

Filed April 27, 1982

And Concerning)

CLARISA Y. MEINDERS,)

2-123
3-67434

Respondent-Appellant.)

Appeal from Mills District Court - Leo Connolly, Judge.

Respondent wife appeals from the child custody provisions of a supplemental dissolution of marriage decree, asserting that the best interests of the parties' three children would be served if custody were awarded to her. **AFFIRMED.**

Richard D. Crotty, Council Bluffs, for respondent-appellant.

Ronald L. Comes of Kraschel & Comes, Council Bluffs, for petitioner-appellee.

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

DONIELSON, J.

Respondent wife appeals from the child custody provisions of a supplemental dissolution of marriage decree, asserting that the best interests of the parties' three children would be served if custody were awarded to her. We disagree and affirm.

Our review of this equitable proceeding is de novo. Iowa R. App. P. 4. Our responsibility is to review the facts as well as the law and to determine rights anew from the credible evidence on properly presented and preserved issues. In re Marriage of Full, 255 N.W.2d 153, 156 (Iowa 1977). While we give weight to the findings of the trial court, especially where credibility of witnesses is involved, we are not bound by them. In re Marriage of Novak, 220 N.W.2d 592, 597 (Iowa 1974); Iowa R. App. P. 14(f)(7). As in all cases of this type, precedent is of little value and our decision must ultimately depend on the particular facts of this case. In re Marriage of Kehrli, 241 N.W.2d 923, 926 (Iowa 1976).

Both parties essentially contend they are morally superior to the other. However, the record in this case clearly shows that neither the petitioner nor the respondent is a model parent. In a case such as this, where much of the decision below was naturally based upon the credibility of witnesses, we believe the trial court's findings are especially relevant. Our review of the record indicates there is no reason for this court to change the trial court's award of custody to the petitioner.

AFFIRMED.