FILED
JAN 27 1988
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF DAVID ALAN KING AND RHONDA ARLENE KING

Upon the Petition of	)	125
DAVID ALAN KING,	)	Filed January 27, 1988
Petitioner-Appellee,	)	
And Concerning	)	7-363 87-260
RHONDA ARLENE KING,	)	
Respondent-Appellant.	)	

Appeal from the Muscatine District Court (03714-1085), J.L. Burns, Judge.

Respondent wife appeals the decree of dissolution granted by the district court which awards joint legal custody of the parties' child to both parties and physical custody to the petitioner husband. **AFFIRMED.**

Julie A. Abell, Muscatine Legal Services, Muscatine, for respondent-appellant.

Robert C. Meyer of McFerren, Fair & Meyer, Davenport, for petitioner-appellee.

Considered by Donielson, P.J., and Schlegel and Hayden, JJ.

SCHLEGEL, J.

The respondent wife appeals the decree of dissolution granted by the district court which awards joint legal custody of the parties' child to both parties and physical custody to the petitioner husband. The respondent claims the trial court erred in: (1) placing physical custody of the minor child of the parties with petitioner; and (2) considering a custody investigation update, which was ordered by the court several weeks after the hearing had been concluded and the record closed. Our scope of review is de novo. Iowa R. App. P. 4. We affirm.

The respondent, Rhonda Arlene King, and the petitioner, David Alan King, were married in 1984. Rhonda was sixteen years old at the time and David was twenty. Kara Marie King was born August 7, 1984. Rhonda and David separated in October 1985. David had custody of Kara until December 1985. At a temporary custody hearing in January 1986, both parents agreed Rhonda should have temporary custody of Kara. A custody investigation was done in May 1986 by the Department of Human Services, recommending that David have custody of Kara. The hearing in this case took place in November 1986. After the hearing, the trial judge requested an updated custody investigation. The updated investigation again recommended physical custody be placed with David. The trial court decreed that both parties should have joint custody of Kara and primary physical care of her should be placed with David.

Rhonda first contends that the trial court erred in placing physical custody of Kara with David. Our pivotal consideration in resolving questions of child custody is the best interest of the child involved. Iowa R. App. P. 14(f)(15); In re Marriage of Ullerich, 367 N.W.2d 297, 299 (Iowa App. 1985). The factors upon which this determination is predicated are set forth in section 598.41(3) of the Iowa Code and in In re Marriage of Winter, 223 N.W.2d 165, 167 (Iowa 1974). After examining the record in light of these principles, we conclude

that Kara's best interests will be most adequately served if David is named physical custodian. David has exhibited a greater degree of maturity than Rhonda, and David has taken more responsibility in raising Kara. While David was the primary custodian of Kara, he took care of her basic needs. In contrast, when Rhonda had custody of Kara, it was Rhonda's mother that took the majority of the responsibility in meeting Kara's daily needs. As noted in the custody investigation report, Rhonda has shown that at times she does not possess the maturity and parenting skills necessary to effectively raise Kara. We believe that David is best able to consistently demonstrate the maturity and responsibility needed to serve Kara's best interests. It is our judgment that primary physical custody of Kara should be with David.

Rhonda also contends that the trial court erred in considering the custody investigation update, which was ordered by the court several weeks after the hearing had concluded and the record closed, without giving Rhonda any opportunity to examine the investigator or rebut the report. During the dissolution action, the trial court ordered a custody investigation to be performed. The report of that investigation was completed prior to the custody hearing. At the hearing, there was evidence indicating that Rhonda may have gained maturity since the initial investigation was conducted. Therefore, after the hearing the court ordered an update of the custody investigation. We do not believe the trial court's consideration of the updated report was improper under the circumstances of this case. Upon review of the record, it is clear that both parties were aware that the updated investigation was being done. Rhonda, however, never moved for a hearing or raised any type of objection to the use of the updated report. We believe that ample opportunity existed in which to make objection to the court's use of the updated report. Since no objection

was made nor was a hearing even requested, we hold that Rhonda cannot now complain of the use of the updated report

AFFIRMED