

IN THE COURT OF APPEALS OF IOWA

No. 6-680 / 96-0718

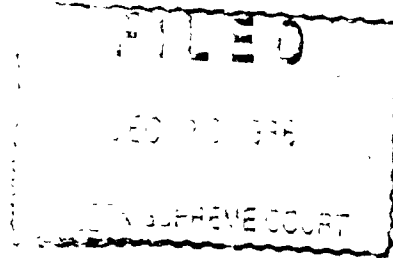
KELLI KAI MORGAN,

Petitioner-Appellee,

vs.

JAMES ELDON FRISCH,

Respondent-Appellant.



Appeal from the Iowa District Court for Fayette County, Margaret L. Lingreen,
Judge.

Father appeals decision of district court awarding mother the physical care of
parties' child. **AFFIRMED.**

Gary J. Boveia of Boveia Law Firm, Waverly, for appellant.

Jeffrey E. Clements, West Union, for appellee.

Considered by Habhab, P.J., and Huitink and Vogel, JJ.

PER CURIAM

This is an appeal by a father claiming the district court should have granted him primary physical care of the parties' child. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

Kelli Morgan and James Frisch are the parents of Whitney Frisch, who was born on May 15, 1988. Kelli and James lived together for several years, but did not marry. Kelli has had the sole care of Whitney since she moved out of James' house in 1990.

Kelli presently lives with Glen Wood, Jr., who she plans to marry. They have a child who was born in 1994. She does not work outside the home. James married Sherry Britt in 1994 and adopted her two children from a previous marriage. He owns an automotive repair shop and has a farming operation.

On April 10, 1995, Kelli filed a petition asking the court to make a custody determination and requesting that James pay child support. In his answer, James sought primary physical care of Whitney. In May 1995, James agreed to pay child support of \$208 per month.

The district court issued a decision on March 28, 1996. The court granted the parties joint legal custody of Whitney, with Kelli having primary physical care. The court noted James had engaged in aggressive and sometimes violent behavior in his relationships with women. Additionally, the court found James placed Whitney in the middle of the parties' arguments. James now appeals.

In child custody cases, our first and governing consideration is the best interests of the child. *In re Marriage of Buttrey*, 538 N.W.2d 322, 324 (Iowa App. 1995). The court's objective is to place the child in the environment most likely to bring the child to a healthy physical, mental, and social maturity. *In re Marriage of Rodgers*, 470 N.W.2d 43, 45 (Iowa App. 1991).

James claims that placing Whitney with Kelli is not in the child's best interests. He states he is more stable than Kelli because he has had the same job for many years and is now married. He points out Kelli has criminal convictions for supplying beer to minors, fifth-degree theft, and simple assault.

We agree with the district court that Kelli should have primary physical care of Whitney. James' history of domestic abuse does not bode well for his future as a custodial parent. James ignores the implications the abuse could cause for Whitney. Furthermore, James' actions of placing Whitney in the middle of the parties' arguments is detrimental to Whitney's relationships with her parents. We also note Kelli has been the primary care giver for a majority of Whitney's life.

We affirm the decision of the district court. Costs of this appeal are assessed to James.

AFFIRMED.

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