IN THE COURT OF APPEALS OF IOWA

No. 0-194 / 99-1687
Filed April 28, 2000

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CLERK SUPREME COURT

IN RE THE MARRIAGE OF ANGELA RUTH CRAMPTON and DALE MATTHEW CRAMPTON

Upon the Petition of
ANGELA RUTH CRAMPTON,
Petitioner-Appellee,

And Concerning
DALE MATTHEW CRAMPTON,
Respondent-Appellant.

Appeal from the Iowa District Court for Crawford County, Richard J. Vipond, Judge.

Respondent appeals from the child custody provisions of the parties' dissolution decree. **AFFIRMED.**

Julie A. Schumacher of Mundt, Franck & Schumacher, Denison, for appellant.

Robert Brink of Eller, Brink & Sextro, Denison, for appellee.

Heard by Streit, P.J., and Zimmer and Hecht, JJ.

STREIT, P.J.

When parents ask the courts to determine which parent should have primary physical care of their children, we must rely on numerous statutorily and judicially-fashioned factors that evidence those children's best interests. Dale Crampton alleges the trial court failed to properly employ these factors in determining his wife, Angela, should have primary physical care of their three children. After reviewing the record and weighing all appropriate factors, we find the court properly granted Angela primary physical care.

I. Background Facts & Proceedings.

Dale and Angela Crampton married on July 20, 1990. They have three children: Luke, born June 11, 1991; Jenna, born September 25, 1993; and Jesse, born December 22, 1996. In January of 1999 Angela filed a petition for dissolution of marriage. The chief issue at trial was the primary physical care of the children. The district court awarded joint legal custody and gave primary care to Angela. The court recognized that both parents have made their share of mistakes, but found Angela to be more stable, credible, and better capable of providing for the children's long-term needs. The court found Dale to be somewhat evasive regarding certain explanations and to react rather excessively at the smallest of problems. The court granted Dale liberal visitation and ordered him to pay child support. Dale appeals, challenging the court's primary care determination.

II. Standard of Review.

We review primary physical care determinations de novo. Iowa R. App. P. 4; *see In re Marriage of Miller,* 532 N.W.2d 160, 162 (Iowa App. 1995). We are not bound by the district court's findings, but give them deference because it had an opportunity to view, firsthand, the demeanor of the parties and evaluate them as custodians. *In re Marriage of Daniels*, 568 N.W.2d 51, 53 (Iowa App. 1997).

III. Primary Physical Care.

In determining primary physical care, the children's best interests are our governing consideration. *In re Marriage of Courtade*, 560 N.W.2d 36, 37-38 (Iowa App. 1996). Determining which parent will do better in raising the children is the critical issue. *In re Marriage of Ullerich*, 367 N.W.2d 297, 299 (Iowa App. 1985). The objective is to place the children in the environment most likely to bring them to healthy physical, mental, and social maturity. *In re Marriage of Harris*, 499 N.W.2d 329, 332 (Iowa App. 1993).

There are a number of statutorily and judicially-recognized factors designed to assist in determining the primary caregiver. *See* Iowa Code § 598.41 (1997); *In re Marriage of Winter*, 223 N.W.2d 165, 166 (Iowa 1974). Those applicable to this case include: (1) the traits of each parent, including age, stability, and character; (2) the capacity of the parent "to provide for the emotional, social, moral, material, and educational needs of the child"; (3) the stability of each proposed environment, including wholesomeness; and (4) the parent with greater primary physical care experience. *In re Marriage of Winter*, 223 N.W.2d at 166; *In re Marriage of Wilson*, 532 N.W.2d 493, 495 (Iowa 1995).

Each factor, however, does not necessarily impact the decision with equal force. *In re Marriage of Wilson*, 532 N.W.2d at 495. To the contrary, some factors are given greater weight than others, and the weight ultimately assigned to each factor depends on the particular facts of each case. *Id.*

The actions of *both* parties in the course of this marriage and separation betray poor judgment. However, the award of primary physical custody is not to be used as a punishment for bad decisions or a reward for good ones; rather, the absolute best interests of the children must predominate. *In re Marriage of Brogden*, 344 N.W.2d 271, 273 (Iowa App. 1983). Pursuant to that goal, we will not mire our present determination by stacking the iniquities of each party and then assessing who has the smaller stack. Such an exercise is not contemplated by the overarching goal of the best interests of the children and would only serve to lower the parties. Our discussion will be to utilize those factors salient in reaching a just adjudication of which parent should be the primary caregiver.

A. The Traits of Each Parent. The stability and character of each parent will play a large role in the healthy maturation of the children. Although neither parent is sound in both these areas, Angela's stability and character appears better suited to meet the children's long-term needs. Dale attempts to paint Angela as unstable, unfaithful, and a hard-drinker. With regard to stability, it is true Angela moved from Vail to a town thirty-five miles away without giving Dale the requisite number-of-days' notice as directed by the court, but Angela made this move to work in her field of education as a guidance counselor and to ensure her family's financial well being. The nature and number of Angela's extramarital

relationships are of minor concern, as there was no evidence they had a detrimental impact of the children. Furthermore, the district court made specific credibility findings regarding Angela's truthfulness and honesty. Dale's character and stability is more troubling. As the trial court noted, Dale's responses to minor problems were routinely excessive given the situation and were otherwise inappropriate. He threw Angela's clothes into the snow after the separation, publicly made lewd remarks about Angela's sexual preferences, made obscene gestures towards Angela when the children's heads were turned, made inappropriate contact with Angela during the separation for purposes of what he called lightening up the situation, and he would tell the children he must leave or their mother would call the police. We also concur with the trial court in finding some of Dale's explanations were rather difficult to believe and reflected poorly on his credibility. We acknowledge Angela too displayed inappropriate behaviors, but in balancing both character and stability the scale tips in Angela's favor.

B. Providing for the Children's Needs. Children rely on their parents for all of their core needs. A parent's ability and willingness to supply these needs are of utmost importance. Angela's education, training, and profession make her better suited to care for the children's emotional, social, and educational needs. Angela is an elementary school guidance counselor with specific training regarding the emotional and social needs of children. Throughout the marriage Angela was primarily responsible for disciplining the children and providing their medical care. Conversely, if the children were sick

during Dale's visitation, he would ask Angela to make the necessary medical appointments and rely on her to care for whichever child was ill. Angela is simply better suited to provide for the children's needs.

C. The Proposed Environments. A child's environment is not limited to the four walls of the immediate home. Rather, a child's environment consists of a series of concentric circles, including the immediate family, extended family, the immediate neighborhood, and the larger community. Each of these spheres of influence does not impact a child's life with equal force, but each sphere does play a role in the healthy maturation of the child.

The immediate environments provided by both parents are adequate. The extended family environment of Angela, however, is somewhat more troubling. The fact her father was convicted of manslaughter thirty-five years ago is of little importance. What is of greater importance, however, was her stepmother's display at trial. While on the stand she became extremely belligerent, called Dale numerous explicative-laced names, and then stormed off the stand in the middle of cross-examination. Such a clear lack of control calls into question the appropriateness of exposing the children to the grandparents. Dale's family, on the other hand, is extremely supportive and did not display such troubling baggage. The environment which Dale can provide is marginally better.

D. The Parent with Greater Primary Care Experience. The record indicates Angela has greater primary care experience. We do not disregard Dale's significant contribution to the children's upbringing, but Angela did most of the meal preparation, was more heavily involved in the children's academic

endeavors, provided the discipline, and was primarily responsible for the children's medical needs.

E. Conclusion. The best interests of the children require their placement with Angela. We give deference to the trial court's credibility findings and its decision as it had the opportunity to view firsthand the parties' demeanor and character. The district court is affirmed.

AFFIRMED.