FILED
MAY 22 1984
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF LANA JEAN KURTH AND JAMES IVAN KURTH

Upon the Petition of	)	
LANA JEAN KURTH,	)	
Petitioner-Appellant,	)	Filed May 22, 1984
And Concerning	)	
JAMES IVAN KURTH,	)	4-138 / 83-624
Respondent-Appellee.	)	

Appeal from the Iowa District Court for Greene County - M. D. Seiser, Judge.

Petitioner wife appeals from various provisions in the parties' dissolution decree. AFFIRMED.

James R. Cook of Cook & Waters, Des Moines, for petitioner-appellant.

Thomas W. Polking of Wilcox, Polking, Gerken & Schwarzkopf, Jefferson, for respondent-appellee.

Heard by Oxberger, C.J., and Donielson and Hayden, JJ.

Petitioner wife appeals from various provisions in the parties' dissolution decree. She claims that: 1) the trial court should have given physical care of the children to her in this joint custody arrangement, and 2) if the physical care provision is affirmed, she should be allowed more visitation and her child support obligation should be reduced. We affirm.

Lana and James Kurth were married in 1970. They have two children—Cory, born in 1970, and Christopher, born in 1978. Lana is a nurse, and she commutes from Jefferson to Iowa Methodist Hospital in Des Moines where she earns $22,000 a year. James is superintendent of a lumber company in Jefferson and earns $19,500 a year.

The trial court found that a joint custody arrangement was appropriate, and awarded physical care to James, stating: "The professional child custody investigator recommended joint custody. . . . Mr. Kurth has provided greater stability in the lives of the children. If [he] has the primary physical care, the children are more likely to continue in the community where they are well-established and well-adjusted and have a good relationship with their extended family as well as with their mother."

The court also held that Lana was to have "generous reasonable rights of visitation," including two weekends and two weekday evenings a month, alternate holidays, and four to six weeks in the summer. Finally, the court directed Lana to pay child support of $175 per month. Lana has appealed.

I.

The primary dispute in this case concerns who should have primary care of Cory and Christopher. Our primary concern, as always in cases of this nature, is the best interests of the children. Iowa R. App. P. 14(f)(15). Our review is de novo. Iowa R. App. P. 4. Neither party contests the joint custody arrangement; rather, the separate issue of physical care is involved. See In re Marriage of

Bolin, 336 N.W.2d 441, 446 (Iowa 1983). In that case, the supreme court indicated that an award of physical care should be based upon the same factors as employed in determining an award of child custody. Id. at 447; see In re Marriage of Winter, 223 N.W.2d 165, 166-67 (Iowa 1974). We have applied those factors in this case.

We believe the trial court was justified in giving James physical care of the children. The record clearly indicates that both James and Lana can adequately look after the children's best interests. We also believe, however, that the record sustains the court's conclusion that James has provided more stability in the children's lives and that he will continue to do so. The trial court concluded, after hearing all the witnesses, that Lana was a very determined person who put her own concerns and desires first. Although we are not bound by them, we give special weight to the trial court's findings regarding witness credibility. Iowa R. App. P. 14(f)(7). The children have strong attachments to their home in Jefferson since their friends and grandparents live there as well. We are not inclined to disrupt their present environment which has served them well in favor of Lana who may possibly move to Des Moines to be closer to her place of employment. The award of physical care to James is affirmed.

II.

Lana also argues that, in the event we affirm the physical care provision, the visitation and child support award should be modified. We find no reason to disturb these provisions. Upon considering her child support obligation of $350 per month ($175 per month per child) in light of the factors listed in Iowa Code section 598.21(4), we find it to be equitable. Lana's income is greater than is James's; and while he may have been awarded more of the marital property, he was also made responsible for the greater share of their debts. We also adopt the trial court's visitation provisions. We must admit to being concerned that the four to six-week summer visitation may unduly disrupt the children's summertime activities in Jefferson, especially if Lana has in fact moved to Des Moines. However, where

the parties are able to communicate meaningfully with each other regarding the children and are able to arrive at a mutually agreeable visitation schedule that best suits the children's interest (keeping in mind their various athletic and other recreational pursuits), then we do not see a need to change the visitation provisions. We are confident that both James and Lana will make the appropriate sacrifices on visitation so as to minimize the disruption of the children's summer schedules.

The trial court's decree is affirmed.

AFFIRMED.