FILED
DEC 21 1978
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF DEBORA ANN CORTEZ-MERRIFIELD AND JUAN CORTEZ-MERRIFIELD

Upon the Petition of)

DEBORA ANN CORTEZ-MERRIFIELD,)

Appellee,)

And Concerning)

JUAN CORTEZ-MERRIFIELD,)

Appellant.)

693
3-61519

Appeal from Linn District Court - August F. Honsell, Jr., Judge.

Father appeals from the trial court's award of custody of his son jointly to the parties in a dissolution of marriage decree seeking sole custody. - Affirmed.

Michael H. Irvine, of Shea, Jackson & Irvine, Cedar Rapids, for Appellant.

Michael Fay, Springville, for Appellee.

Heard by Oxberger, C. J., and Snell and Johnson, JJ. Donielson and Carter, JJ., take no part.

PER CURIAM

This appeal from a dissolution of marriage decree is brought by respondent Juan Jose Cortez-Merrifield seeking sole custody of his son Ariel, age three, at trial time. The trial court awarded custody of Ariel jointly to Juan and his wife Debora. Debora was granted actual custody the majority of the time. Juan was granted actual custody two months each summer and during various holiday periods.

Our review of custody matters is de novo. Rule 4, Rules of Appellate Procedure. The first and governing consideration is the best interest of the child. Rule 14(f)(15), R. App. P. The principles applied to the resolution of custody questions are summarized in In re Marriage of Winter, 223 N.W.2d 165, 166-67 (Iowa 1974). While we accord weight to the trial court's findings of fact, we are not bound by them. Rule 14(f)(7), R. App. P. In re Marriage of Snyder, 241 N.W.2d 733 (Iowa 1976).

Juan and Debora were ages 32 and 29 at time of trial. Debora is a black, is active in the black moslem movement, and has a primary goal for Ariel that he develope a healthy, self-identity as a black male. She lives in Cedar Rapids, graduated from Kirkland Community College with a production-agricultural major and has part-time employment as a soil surveyor.

Juan is a black, a college graduate, presently living in Waukesha, Wisconsin. He is employed by Digital Equipment Corporation as a salesman and earns approximately $1950 per month.

The trial court found both parties to be in excellent physical and mental health and have the capacity and interest to provide for the emotional, social, moral, material and educational needs of Ariel. Ariel is in good health and is well-adjusted considering the impact of the dissolution. Since the parties' separation he has resided with Debora 23 of the 29 months involved. He has a close relationship with Ann Tanya, age eight, Debora's daughter by a prior marriage.

The trial court found it is in the long-range best interests of Ariel that his care, custody and control be awarded to the parties jointly. Authority for joint custody derives from § 598.21, The Code, as amended by Acts 1977 (67th G.A.) chapter 138, section 1. In our de novo review we have arrived at the same conclusion.

Costs shall be assessed to appellant.

AFFIRMED.