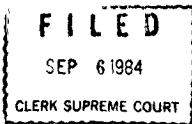


IN THE COURT OF APPEALS OF IOWA



N RE THE MARRIAGE OF DEBORAH N. CROWTHER AND JAMES W. CROWTHER

Upon the Petition of	)	44
DEBORAH N. CROWTHER,	)	
Petitioner-Appellee,	)	Filed September 6, 1984
and Concerning	)	
JAMES W. CROWTHER,	)	<u>4-273</u>
Respondent-Appellant.	)	<u>84-149</u>

Appeal from the Iowa District Court for Page County - Keith E. Burgett,
Judge.

Respondent husband appeals from the decree dissolving the parties'
marriage. **AFFIRMED**

Vicki R. Danley, Sidney, for respondent-appellant.

Stephen P. O'Meara of Turner, Jones, Bitting & O'Meara, Clarinda, for
petitioner-appellee

Considered by Oxberger, C.J., and Donielson and Schlegel, JJ.

DONIELSON, J.

Respondent husband appeals from the decree dissolving the parties' marriage. He asserts that the trial court should have awarded him physical care of the parties' two children in the joint custody arrangement. We affirm.

Deborah and James Crowther were married in 1972. They have two children: Benjamin, born in 1976; and Andrew, born in 1978. Deborah is a teacher and earns approximately \$905 per month. She is currently working toward obtaining a Master's Degree in education. James is an accountant earning approximately \$1,290 per month.

The trial court found that a joint custody arrangement was appropriate and awarded physical care to Deborah, reasoning that "evidence indicates that respondent is unable to rationally cope with stress and has displayed some irrational behavior during the course of the marriage." The court rejected respondent's complaints about Deborah's ability to discipline the children noting that "there was no evidence that the children were not properly developing or suffering from whatever methods have been employed."

With respect to visitation rights, the court held that James was to have visitation of the children two weekends and two weekday evenings per month during the school year, as well as on alternate holidays. During the summer months, the respondent was awarded visitation of the children for 30 days following the termination of the school year, after which the children would be returned to the petitioner for 30 days. The court directed the parties to alternate weeks for the remaining period until the school year commenced. James has appealed.

In a case of this nature, the primary concern is always the best interests of the children. Iowa R. App. P. 14(f)(15). Our review is de novo. Iowa R. App. P. 4. While we give weight to the findings of the trial court, especially when the credibility of a witness is involved, we are not bound by them. Iowa R. App.

P.14(f)(7). In this particular case, neither party contests the joint custody arrangement. Only the issue of physical care is involved. The supreme court has indicated that an award of physical care should be based upon the same factors that are considered in determining an award of child custody. In re Marriage of Bolin, 336 N.W.2d 441, 447 (Iowa 1983). We have applied those factors in this case. See In re Marriage of Winter, 223 N.W.2d 165, 166-67 (Iowa 1974).

We believe the trial court was justified in giving Deborah physical care of the children. The record indicates that both Deborah and James can adequately look after the children's best interests. The record, however, also sustains the conclusion that Deborah will provide more stability in the children's lives. Evidence presented supports the trial court's determination that James has some difficulty coping with stress. Moreover, we cannot agree with respondent's suggestion that Deborah is incapable of effectively disciplining the children. Certainly, the record reflects some disagreement between the parties about the extent and methods of discipline. Yet, as the trial court indicated, evidence does not support the conclusion that Deborah's methods of discipline were having adverse effects on the children.

In affirming the court's decision regarding physical care of the children, we do not suggest that James does not love his children or that he would not be a competent parent. Yet even when there are two competent parents and the operative facts under the Winter criteria are equal, the scales are tipped in Deborah's favor by the rule that we give weight to the findings of the trial court. See In re Marriage of McDowell, 244 N.W.2d 238, 239 (Iowa 1976). We recognize that the best interests of the children will require a continuing association with James. The trial court adequately provided for this continuing relationship with liberal and alternative custody arrangements.

We strongly urge Deborah and James to make every effort to set aside their personal differences in order to ensure the success of the joint custody

arrangement. The conduct or misconduct of parents obviously has a very significant impact on the lives of their children. We are confident the parties to this action will work together to provide a suitable environment for Andrew and Benjamin.

We affirm in all respects

AFFIRMED