IN THE COURT OF APPEALS OF IOWA

No. 8-492 / 97-2164

IN RE THE MARRIAGE OF JOHN B. GREENLEE AND JULIE A GREENLEE

Upon the Petition of JOHN B. GREENLEE,

Petitioner-Appellee/Cross-Appellant,

And Concerning JULIE A. GREENLEE,

Respondent-Appellant/Cross-Appellee.

FILED
NOV 30 1998
CLERK SUPREME COURT

Appeal from the Iowa District Court for Guthrie County, Peter A. Keller, Judge.

Respondent appeals, and petitioner cross-appeals, from the child custody and economic provisions of the parties' dissolution decree. **AFFIRMED AS MODIFIED.**

Martin L. Fisher of Fisher, Fisher, & Fisher, P.C., Adair, for appellant.

Ann M. Nielsen of Nielsen & Nielsen, P.C., Corning, for appellee.

Heard by Sackett, C.J., Huitink, J., and Perkins, S.J.,* but considered by Sackett, C.J., and Huitink, Streit, Vogel, and Mahan, JJ.

* Senior Judge assigned by order pursuant to Iowa Code § 602.9206 (1997).

SACKETT, C.J.

Respondent-appellant Julie A. Greenlee appeals, and petitioner-appellee John B. Greenlee cross-appeals, from the custodial and economic provisions of their dissolution decree. We affirm as modified.

John and Julie married in 1982. They have four children: Tonielle, Dustin, Michelle and Jamie. Julie left the family home in Guthrie Center, leaving John and the children there in 1992. At the time, the children were nine, six, four, and two years old.

In January of 1996, John filed a petition for dissolution. Following a hearing, the district court placed the children in joint custody and awarded John primary physical care finding he had been the children's primary caretaker after Julie's departure from the family home in 1992. Julie was ordered to pay child support. The district court also made a nearly equal division of the parties' net worth.

Julie first contends she, not John, should have been named the primary physical custodian. During the pendency of the dissolution in June of 1997, John moved with the children from Guthrie Center to Corning, Iowa. The move was generated by his plans to marry a woman with four sons aged eight to eighteen who lived in that community. Julie, employed in Des Moines, contends she will remain in Guthrie Center. She contends the children should stay in the Guthrie Center school system. Julie advances the fact the children, in staying with their father, will be required to change public school systems supports her contention she is the better

physical custodian. She further contends John's plan to move with the children into a five-bedroom home with a new wife will create problems for the children.

We review the evidence de novo. Iowa R. App. P. 4.

The court-appointed investigators, Roslyn E. Feierstein and Steven J. Feierstein, found the children would be well-served in either John or Julie's care. They recommended John have primary physical care of the children as long as he continued to reside in Guthrie Center. They found the children very involved in activities and determined this involvement should not be disrupted by either parent. Thomas Haley, a child custody evaluator hired by Julie, was also of the opinion the children should be left in Guthrie Center.

We give consideration to the recommendations, though the recommendations are not controlling. *In re Marriage of Riddle*, 500 N.W.2d 718, 720 (Iowa App. 1993). Nor are their conclusions binding on the court. *Nicolou v. Clements*, 516 N.W.2d 905, 909 (Iowa App. 1994) (Sackett, P.J., and Peterson, S.J., specially concurring). Furthermore, we give an evaluation arranged for by one parent less weight than an evaluation ordered by the court or hired subject to the agreement of both parties. *See In re Marriage of Pothast*, 539 N.W.2d 199, 202 (Iowa App. 1995).

Relocation within a short geographical distance alone is not reason to change a custodial arrangement. *In re Marriage of Witzenburg*, 489 N.W.2d 34, 36 (Iowa App. 1992). Stability can be nurtured as much or more by leaving children with the same parent as leaving them in the same town or neighborhood. *In re Marriage of Smith*, 491 N.W.2d 538, 540 (Iowa App. 1992).

The children appear to be happy and well-adjusted. This has to be in large part because of their father's care. Stability in a child's life is important. We have not been willing to determine one school district to be better than another. *In re Marriage of Spears*, 529 N.W.2d 299, 302 (Iowa App. 1994); *In re Marriage of Smith*, 491 N.W.2d at 540.

We recognize children can experience problems in blending families. John has been the children's primary caretaker since 1992. He has cared for their daily needs and has taken an active role in their education. He has provided them a stable home life while cooperating with Julie in visitation and decision-making for the children.

While Julie lives in Guthrie Center, she lives in an apartment. Her current boyfriend, who she has lived with since leaving the family home, has not had stability in employment and there is little in the record as to his relationship with the children. There is no guarantee Julie will remain in Guthrie Center to allow the children to finish school there.

We find no valid reason to disagree with the trial court's decision on this issue and affirm.

Corning and Guthrie Center are sixty miles apart. Under a temporary order, John and Julie share the transportation equally. John contends the decree should be modified to require the sharing of transportation for visitation.

We give the district court certain latitude in deciding this issue and find no valid reason to modify this provision on appeal. *See In re Marriage of Spiegel*, 553 N.W.2d 309, 319 (Iowa 1996).

The district court ordered Julie to pay monthly child support of $777.53 for the four children. The court refused John's request to make the support retroactive to the day John filed the petition for dissolution.

John, on cross-appeal, contends the support should have been retroactive. He advances until he filed a dissolution petition Julie made very minimal contributions to the children's support. He also contends her failure to provide support should have been given consideration in dividing the property of the parties. He advances the court should consider Julie's dissipation of assets prior to the dissolution. John contends his pension and profit-sharing increased after the parties' separation while Julie's decreased.

Julie contends the allocation of assets and the district court's decision on child support is fair. She advances assets should be valued at the time of the dissolution, and we agree. *Locke v. Locke*, 246 N.W.2d 246, 252 (Iowa 1976).

Valuation does not determine what is an equitable distribution. When there have been long separations before a dissolution, this may well result in a less than equal division. *See In re Marriage of Tzortzoudakis*, 507 N.W.2d 183, 186 (Iowa App. 1993); *In re Marriage of Driscoll*, 563 N.W.2d 640, 642 (Iowa App. 1997).

The district court valued the parties' property as of the date of trial and allocated net assets of $41,191.62 to John and -$3054.50 for Julie. John was ordered to pay Julie $22,123.06 to provide for a nearly equal division. The district court ordered that amount be paid by a Qualified Domestic Relations Order from John's profit-sharing plan at Iowa Spring Manufacturing.

In assessing the economic provisions, we strongly consider (1) the parties' long separation prior to the dissolution; (2) Julie's minimal financial support for the children during this period; and (3) Julie's dissipation of assets near the time of hearing. We affirm the trial court in all respects, except we modify to strike the provision John pay Julie $22,123.06 from his pension.

We award no appellate attorney fees. Costs on appeal are taxed one-half to each party.

AFFIRMED AS MODIFIED.