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FILED
DEC 28 1977
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF REBECCA FERNE INMAN AND CHARLES LEROY INMAN

UPON THE PETITION OF	)	
REBECCA FERNE INMAN,	)	Filed December 28, 1977
Appellee,	)	
AND CONCERNING	)	
CHARLES LEROY INMAN,	)	351 3-60343
Appellant.	)	

Appeal from Wapello District Court - Ira F. Morrison, Judge.

Respondent appeals trial court's determination of child custody.

AFFIRMED.

William R. Dew, of Griffin & Dew, of Ottumwa, counsel for appellant.

C. K. Pettit, of Harris & Pettit, of Bloomfield, counsel for appellee.

Submitted to Allbee, C. J., Donielson, Snell, Oxberger and Carter, JJ.

DONIELSON, J.

Respondent, Charles Leroy Inman, appeals from the provision of a marriage dissolution decree which awarded to petitioner, Rebecca Ferne Inman, the custody of their three minor children, Diane Lee, Bryon Thomas and Christopher Michael. At the time the petition for dissolution was filed, the ages of these children were 8, 5 and 4 years, respectively.

The issue in this case is whether the award of custody made by the trial court is in the best interests of the children. Rule 14(f)(15), Rules of Appellate Procedure. Our review in this matter is de novo. Rule 4, R. App. P. The principles applicable to the resolution of custody questions are summarized in In re Marriage of Winter, 223 N.W.2d 165, 166-167 (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, 733 (Iowa 1976); In re Marriage of Callahan, 214 N.W.2d 133, 136 (Iowa 1974).

After making an examination of the entire record in light of the principles enunciated in **Winter**, we conclude that the trial court was correct in awarding custody of the three children to Rebecca. Although the record reflects marital infidelity by both parties, we do not wish to belabor the morality aspects of this case. Nonetheless, we share the trial court's concern in this respect. The salient facts in this regard are well-known to the parties and need not be repeated here.

In reaching our decision, we are aware that moral misconduct is a valid and serious consideration in determining the fitness of a parent to have custody, Hagen v. Hagen, 226 N.W.2d 13, 15 (Iowa 1975), but is only one of several factors to be considered. In re Marriage of Ballinger, 222 N.W.2d 738, 739 (Iowa 1974); In re Marriage of Dawson, 214 N.W.2d 131, 132 (Iowa 1974). We have no doubt that both Charles and Rebecca love these children very much. However, on the basis of the entire record, we must conclude that the best interests of the children will be served under the custody arrangement ordered by the district court. In so ruling, we do not mean to imply that we condone Rebecca's past conduct. On the contrary, we would trust that she might exercise better judgment in her personal life in the future. However, we do not believe that her infidelity is sufficient in and of itself to justify an award of custody to Charles. With the exception of these indiscretions, there is ample evidence in the record to indicate that Rebecca is fit to be the custodial parent. Consequently, we agree with the determination of the district court and also find that Rebecca is entitled to an award of $500 for attorneys fees on this appeal. In re Marriage of McBee, 244 N.W.2d 327, 329 (Iowa 1976).

AFFIRMED.