

FILED

SEP 21 1982

CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

41

IN RE THE MARRIAGE OF MIRIAM ATLAS GLOVER AND WAYNE GLOVER

UPON THE PETITION OF
MIRIAM ATLAS GLOVER,

) Filed
September 21, 1982

Petitioner-Appellant,

)
2-262
3-67342

AND CONCERNING
WAYNE GLOVER,

)
)

Respondent-Appellee.

)

Appeal from Johnson District Court, Larry J. Conmey, Judge.

Petitioner-wife appeals from the decree dissolving the parties' marriage asserting that the trial court should have awarded custody of the parties' child to her **AFFIRMED.**

Patricia Kamath, Iowa City, for petitioner-appellant.

Thomas D. Hobart of Meardon, Sueppel, Downer & Hayes, Iowa City, for respondent-appellee.

Considered en banc.

PER CURIAM

Petitioner-wife appeals from the decree dissolving the parties' marriage, asserting that the trial court should have awarded custody of the parties' child to her. We affirm.

Petitioner Miriam Atlas Glover and respondent Wayne Glover are the parents of one child, Benjamin Jacob Glover, who was born on October 23, 1980. The child was conceived during a brief and turbulent premarital relationship. The parties married each other a few weeks after the child's birth, but three months later Miriam filed a petition for dissolution. The trial court granted the petition and awarded custody to Wayne. On appeal, Miriam challenges only the provision of the decree regarding custody.

The Iowa Supreme Court has summarized the general principles applicable to child custody determinations as follows:

Our review is de novo. Although we are not bound by trial court findings we give them weight. The status of children should be quickly fixed and, thereafter, little disturbed. Siblings should usually not be separated. No hard and fast rule governs which parent should have custody. It is not a matter of reward or punishment. The issue is ultimately decided by determining under the whole record which parent can minister more effectively to the long-range best interests of the children.

In re Marriage of Winter, 223 N.W.2d 165, 166 (Iowa 1974)(quoting In re Marriage of Bowen, 219 N.W.2d 683, 687-88 (Iowa 1974)). The Winter court then proceeded to list twelve factors to be considered by the courts in making custody awards. Winter, 223 N.W.2d at 166.

Applying these factors in the instant case, we believe that the trial court properly awarded custody of Benjamin to his father. In so concluding, we particularly consider "the characteristics of each parent," especially their relative stability; "the capacity and interest of each parent to provide for the emotional, social, moral, material, and educational needs of the child," and "the effect on the child of continuing or disrupting an existing custodial status." See 223 N.W.2d at 166.

Whereas both parties have experienced considerable emotional difficulties in the past and have received extensive psychiatric treatment, it appears that Wayne's condition has improved and stabilized more than Miriam's. Furthermore, the trial court's findings of fact indicate that Wayne owns his own home, is self-employed in his own business, and is financially secure. Although we are not bound by these findings, we give them weight. In re Marriage of Winter, 223 N.W.2d 165, 166 (Iowa 1974). We therefore agree with the trial court's determination that the best interests of Benjamin will best be satisfied by placing him in Wayne's custody. We also reiterate the trial court's admonition, and instruct both parties to cooperate in an effort to provide a stable, healthy, and loving atmosphere for Benjamin.

AFFIRMED.