FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF PENNI S. SMITH AND BERNARD L. SMITH

Upon the Petition of	)	176
PENNI S. SMITH,	)	
Petitioner-Appellant/ Cross-Appellee,	)	Filed April 20, 1988
And Concerning	)	
BERNARD L. SMITH,	)	8-57 87-1211
Respondent-Appellee/ Cross-Appellant.	)	

Appeal from the Iowa District Court for Union County (No. CD-10398), Michael J. Streit, Judge.

Petitioner wife appeals and respondent husband cross-appeals from the decree dissolving the parties' marriage. **AFFIRMED.**

Emil Trott, Jr. of Barrett & Trott, Des Moines, and James C. Steffes of Law Offices of James C. Steffes, Creston, for appellant.

Ronald D. Bonnett of Wilson, Bonnett & Christensen, P.C., Lenox, for appellee.

Heard by Donielson, P.J., and Schlegel and Hayden, JJ.

DONIELSON, P.J.

Petitioner wife appeals and respondent husband cross-appeals from the decree dissolving the parties' marriage. We affirm.

Petitioner, Penni S. Smith, and respondent, Bernard L. Smith, were married in 1979. They have one child, Cody, a boy, born in 1982. Penni was Cody's primary caretaker during the marriage, but both parties have actively taken care of the child.

Penni has three other children, all of whom are now grown: two sons from a previous marriage and one daughter by a man she lived with. The two sons are convicted felons and the daughter is unemployed and living with Penni. Bernard was also married once before, but no children were born of the marriage.

Penni is forty-three years old. She works as a secretary. Bernard is forty years old. He works as a draftsman. Bernard was seriously injured in two motor vehicle accidents, and he still suffers residual effects from the injuries.

In its dissolution decree, the trial court set up a joint custody arrangement with Bernard having physical care of Cody. Penni was directed to pay Bernard child support of $160 per month. No alimony was awarded. Penni has appealed and Bernard has cross-appealed from the dissolution decree.

Our scope of review is de novo. Iowa R. App. P. 4.

Penni asserts on appeal that the trial court should have given her rather than respondent husband physical care of the parties' child in its joint custody arrangement.

Our pivotal consideration in resolving questions of child custody is the best interests of the children involved. Iowa R. App. P. 14(f)(15). The factors upon which this determination is predicated are set forth in section 598.41(3) of the Iowa Code and In re Marriage of Winter, 223 N.W.2d 165, 167 (Iowa 1974). After examining the record in light of these principles, we conclude that Cody's

best interests will be most adequately served if Bernard remains the physical custodian. Bernard can offer a more stable and nurturing environment for Cody; he can better further Cody's emotional, social, moral, material, and educational needs. The trial court felt that although Penni could be a proper person to have physical care of Cody, Bernard could better meet Cody's needs. The trial court observed the parties. We give weight to the trial court's findings in assessing the parties' credibility and therefore affirm the trial court in awarding custody of Cody to Bernard. We see no other factors that would compel a decision to overturn the trial court.

Bernard does not raise any issues on cross-appeal, and Penni asserts that the cross-appeal should therefore be dismissed for lack of prosecution. Because Bernard failed to state, argue, or cite authority in support of any cross-appeal issues, we consider them waived. Iowa R. App. P. 14(i).

Bernard requests appellate attorney fees. The award of attorney fees is generally based on the parties' respective abilities to pay. In re Marriage of Williams, 303 N.W.2d 160, 167 (Iowa 1981). We decline to order Penni to pay any of Bernard's appellate attorney fees.

Accordingly, we affirm the judgment of the trial court.

AFFIRMED.