

IN THE COURT OF APPEALS OF IOWA

No. 2-672 / 92-680

IN RE THE MARRIAGE OF GARY D. ADDY AND MELANIE A. ADDY

Upon the Petition of

GARY D. ADDY,

Petitioner-Appellant,

And Concerning

MELANIE A. ADDY,

Appellee.

Appeal from the Iowa District Court for Marshall
County, Carl D. Baker, Judge.

The petitioner husband appeals the child custody
provisions of the parties' dissolution decree awarding
physical custody to the respondent wife. **AFFIRMED.**

Patrick L. Wilson of Wilson Law Office, Marshalltown,
for appellant.

Douglas R. Smalley of Riemenschneider, Rydell &
Smalley, Des Moines, for appellee.

Heard by Oxberger, C.J., and Sackett and Habhab, JJ.

PER CURIAM

This is an appeal from a dissolution decree entered March 20, 1992, awarding physical care of the parties' two children to the mother, respondent-appellee Melanie A. Addy. Petitioner-appellant Gary D. Addy appeals contending the trial court should have awarded him physical custody of the parties' two minor children. Affirmed.

This case began with a petition for dissolution of marriage being filed on June 28, 1991 by Gary. Melanie was awarded temporary physical custody of the two children.

The marriage of Gary and Melanie was dissolved in March 1992. They were granted joint custody of the children born in 1986 and 1988. The trial court awarded Melanie physical care of the children. Gary appeals.

Gary joined the military service in 1983, and when he returned from basic training, Melanie quit high school to marry Gary. The parties were married on September 12, 1984. Gary and Melanie lived in various locations during Gary's term of military service. After Gary's discharge from the service, he was employed in Newton, Iowa.

During the parties' marriage, Melanie was the primary caretaker of the children. She worked outside the home for a very short period of time.

Gary challenges the child custody provision of the parties' dissolution decree.

The issue we must decide in our de novo review is whether Gary or Melanie is the superior parent better able to provide care for the children over the long term. See In re Marriage of Weidner, 338 N.W.2d 351, 356 (Iowa 1983); In re Marriage of Winter, 223 N.W.2d 163, 166-67 (Iowa 1974).

Gary contends he is more mature than Melanie and he was denied primary custody because he was the wage earner in the family.

The initial temporary custody decision relied in large part on the fact that Melanie had had primary care of the children because Gary was the wage earner. The temporary hearing judge said it had to reach its decision based on limited evidence. The findings of the dissolution court indicated it relied in part on the fact that Melanie had had primary care both before and after the filing of the dissolution.

The trial court found the children to be in good physical and mental health, however, the trial court was concerned Gary and Melanie would have trouble working together for the benefit of their children. The trial court determined under the whole record Melanie was the better parent to minister most effectively to the children.

Our review is de novo. Iowa R. App. P. 4; In re Marriage of Vrbán, 359 N.W.2d 420, 423 (Iowa 1984). This court must examine the entire record and adjudicate anew

the issues properly presented. In re Marriage of Steenhoek, 305 N.W.2d 448, 452 (Iowa 1981). This court gives weight to the fact-findings of the trial court, especially when considering the credibility of witnesses, but are not bound by them. Iowa R. App. P. 14(f)(7).

Determining what custodial arrangement will best serve the long-range interests of a child frequently becomes a matter of choosing the least detrimental available alternative for safeguarding the child's growth and development. Winter, 223 N.W.2d at 167. The critical issue in determining the best interests of the child is which parent will do better in raising the child; gender is irrelevant, and neither parent should have a greater burden than the other in attempting to gain custody in a dissolution proceeding. In re Marriage of Ullerich, 367 N.W.2d 297, 299 (Iowa App. 1985).

A parent's moral misconduct is a serious consideration in custody determinations, but courts do not consider this factor alone. See Hagen v. Hagen, 226 N.W.2d 13, 16 (Iowa 1975).

The parties have had a difficult marriage. It is clear from the record they both are loving, concerned, and adequate parents and either parent would be a suitable custodian.

Unfortunately, the evidence introduced by both Gary and Melanie focused on the negative aspect of the other's

life. We recognize both parents have shortcomings, but to elaborate them in this opinion would serve no useful purpose.

We will not disturb the trial court decision

Melanie requests attorney fees on appeal. We award her \$750 toward attorney fees.

AFFIRMED.