

IN THE COURT OF APPEALS OF IOWA

No. 6-733 / 96-0792

**IN RE THE MARRIAGE OF ANDREW CHARLES
CARLSON AND KRISTYNNE MARIE CARLSON**

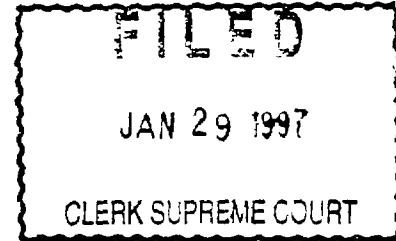
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**Upon the Petition of
ANDREW CHARLES CARLSON,**

Petitioner-Appellee,

**And Concerning
KRISTYNNE MARIE CARLSON,**

Respondent-Appellant.



Appeal from the Iowa District Court for Pottawattamie County, Keith E.
Burgett, Judge.

Kristynne Carlson appeals from the district court's order granting primary
physical care of her daughter to Andrew Carlson. **AFFIRMED.**

Kristynne M. Roth, Papillon, Nebraska, pro se.

Michael J. Winter, Council Bluffs, for appellee.

Considered by Sackett, P.J., and Streit and Vogel, JJ.

SACKETT, P.J.

Respondent-appellant Kristynne Marie Carlson appeals from that portion of the decree dissolving her marriage to petitioner-appellee Andrew Charles Carlson awarding primary physical care of the parties' daughter Jacquelynne, born in September 1994, to Andrew. Kristynne contends the district court (1) ignored the best interest of the child; (2) was biased, applied double standards, and inappropriately considered the fact she had two abortions; and (3) inappropriately determined her witnesses lacked credibility. We affirm.

Kristynne and Andrew were married in 1994. On May 1, 1995, Kristynne filed for relief from domestic abuse and obtained a restraining order. Andrew denied all allegations of abuse. He filed a dissolution petition on May 15, 1995.

At the time of the dissolution trial, Kristynne was twenty-three years old and employed as an apartment manager. Andrew was twenty-nine and employed as a machine operator at American Games. Kristynne lived in the apartment complex she managed. Andrew was living with his father.

There was evidence at trial Andrew is even-tempered, not violent, a devoted father, and an honorable and reliable employee. There was evidence from different witnesses, who the trial court found lacked credibility, that Andrew had been abusive to Kristynne.

There was evidence Kristynne was an excellent parent, but the trial court found this evidence lacked credibility. There was conflicting evidence Kristynne was ill-tempered.

There was testimony Kristynne abuses alcohol. There was evidence Kristynne came to where Jacquelynne was staying with Andrew appearing intoxicated and demanding to see Jacquelynne. Andrew testified he was arrested for OWI in 1987 but he does not abuse alcohol.

The trial court granted physical care to Andrew and ordered Kristynne to pay child support. The court made a finding Jacquelynne's psychological and emotional needs would be better served in Andrew's stable home environment. The trial court found Andrew to be a devoted father, a non-violent person who put Jacquelynne's interests first and foremost, and "never leaves [her] with a babysitter." The trial court found Kristynne a nagger, vulgar, and prone to starting arguments and lacking good judgment.

The trial court was of the opinion Andrew would encourage a continued relationship between mother and daughter, but Kristynne wanted to limit Andrew's visitation to every other weekend. The trial court found the testimony of two witnesses testifying for Kristynne to lack credibility.

The issues Kristynne raise all go to the issue of whether the trial court awarded physical care to the parent better able to care for Jacquelynne. Our de novo review

of the record convinces us that both parents love their daughter and she would have adequate care in either home. The question is which parent after the dissolution will do a better job raising the child. *In re Marriage of Ullerich*, 367 N.W.2d 297, 299 (Iowa App. 1985).

Kristynne contends the trial court exhibited a gender bias towards her in finding she had been an exotic dancer and had two abortions prior to the birth of Jacquelynne. Kristynne contends she was employed as a go-go dancer, not an exotic dancer, and she was covered while dancing and did not allow the customers to touch her body. Kristynne makes a series of other challenges to the trial court's findings which she contends support the charge that the court was gender biased.

The trial court based its decision primarily on a finding that Andrew was more mature, more stable, and offered his daughter the better chance of a healthy environment. Our de novo review convinces us Andrew is mature and stable and offers Jacquelynne the better chance of a healthy environment. We reject Kristynne's claim the trial court was biased.

Kristynne next contends the trial court demonstrated a hostile bias against her in making a determination that her witnesses lacked credibility.

While we review custody cases de novo, Iowa R. App. P. 4, we give deference to the credibility assessments of the trial court who has the opportunity to view the witnesses and their demeanor when testifying. *See In re Marriage of Krone*, 530

N.W.2d 468 (Iowa App. 1995). The trial court did no more than convey to us its impression as to credibility based on seeing the witnesses testifying. As an appellate court viewing the printed evidence, we are instructed to give deference to these credibility assessments but are not bound by them. *Id.* There is no basis for Kristynne's position that the trial court in making these credibility assessments showed bias.

Kristynne contends the trial court did not have good cause or evidence to support the determination it made. We disagree. There is evidence Andrew is stable and trustworthy. He loves his daughter and has put her interest first. Jacquelynne has great affection for her father. We affirm.

AFFIRMED.