IN THE COURT OF APPEALS OF IOWA

FILED
SEP 2 8 1988
CLERK SUPREME COURT

IN RE MARRIAGE OF CATHERINE ANN SCHIELE AND CHARLES WILLIAM SCHIELE

Upon the Petition of
CATHERINE ANN SCHIELE,

Petitioner-Appellee,

And Concerning
CHARLES WILLIAM SCHIELE,

Respondent-Appellant.

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Appeal from the Iowa District Court for Johnson County (No. 6618) - Larry J. Conmey, Judge.

Respondent-Appellant challenges the property and custody awards of his dissolution decree. **AFFIRMED AS MODIFIED.**

Joseph C. Johnston of the Joe Johnston Law Firm, Iowa City, for respondent-appellant.

John W. Hayek of Hayek, Hayek, Hayek & Holland, Iowa City, for petitioner-appellee.

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

PER CURIAM 273

Respondent-Appellant Charles William Schiele appeals his dissolution decree. He contends he should have been awarded custody of his daughter Robin. He also contends the property division is inequitable. We affirm as modified.

Charles and Petitioner-Appellee, Catherine Ann Schiele, were married in 1966. They have three children. Jennifer was born in 1970 and twins Robin and Scott were born in 1973.

Catherine is a teacher. She has two advanced degrees. During the marriage she assumed primary responsibility for the children. She has gross earnings of $2,680 monthly. Charles has a Masters degree. He is a self-employed sales representative. His net income is less than $1,000 per month. The trial court's decree awarded the parties joint custody of their three children and placed physical care with Catherine. Charles was ordered to pay child support of $75 per week.

The trial court determined the parties had property valued at $230,000 and divided the equities so Charles received property valued at $80,000 and Catherine received property valued at $130,000.

I.

Charles contends physical care of the parties' daughter Robin should be placed with him. He did not seek physical

care of the other two children. Robin has had difficulty communicating with her mother. During the parties separation period, before the dissolution decree was entered, she resided with her father. She and her father have an excellent relationship. During the time with her father her grades improved. However, during that period she was alone and unsupervised for extended periods of time. Catherine is extremely attentive to her children's needs and provided an excellent home for the other children during the separation period.

Siblings should under most circumstances remain together. In attempting to foster the children's best interests, the court ordinarily attempts to keep children of broken homes together. The underlying rationale is that split custody deprives the children of the benefit of constant association with each other which, as innocent victims of marital bankruptcy, they should not be subjected to. In re Marriage of Ellerbroek, 377 N.W.2d 257, 260 (Iowa App. 1985) (citing In re Marriage of Grandinetti, 342 N.W.2d 876, 878-79 (Iowa App. 1983)). "The rule, however, is not ironclad and circumstances may arise which demonstrate separation may better promote the long-range interests of children." In re Marriage of Jones, 309 N.W.2d 457, 461 (Iowa 1981).

Robin has liberal visitation with her father and will have more structure in her mother's home. We find no reason to depart from the trial court's decision on custody. We affirm the custody award.

II.

Charles contends the property division is inequitable. The parties had a net worth of approximately $230,000. Catherine inherited about $30,000 from an aunt and Charles had property at the time of marriage and received money from his parents. The trial court divided the property $150,000 to Catherine and $80,000 to Charles. Catherine contends the award is equitable because her inherited property is identifiable while the property Charles brought to the marriage is not.

While the courts are more prone to set aside gifts which are easily identifiable as opposed to those that have lost their identity in being comingled with other family funds or spent for nontangible items, we do not isolate only identifiable gifts. In re Marriage of Ellerbroek, 377 N.W.2d 257, 260-61 (Iowa App. 1985). Where there is evidence in the record that gifts and concessions were made to the couple, even if these gifts are not specifically documented, we determine it is inequitable to ignore them in their entirety. Id.

Catherine also argues in considering the property settlement we should consider the fact Charles did not pay

support during the eighteen-month separation period. We consider this but also consider the fact Charles had financial responsibility for one child during that period. We assess all factors in accordance with the dictates of Iowa Code section 598.21 and applicable case law. See In re Marriage of Byall, 353 N.W.2d 103, 106 (Iowa App. 1984).

We modify the award to provide Charles shall receive the $29,000 IDS account.

Each party shall pay his or her own attorney fees. Costs on appeal are taxed one-half to each party.

AFFIRMED AS MODIFIED.