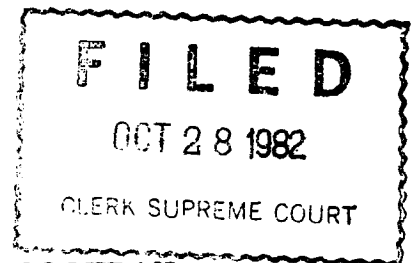


IN THE COURT OF APPEALS OF IOWA



IN RE THE MARRIAGE OF CINDY L. COCHRAN AND JAMES M. COCHRAN

UPON THE PETITION OF
CINDY L. COCHRAN,

Petitioner-Appellant,

AND CONCERNING
JAMES M. COCHRAN,

Respondent-Appellee.

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Filed October 28, 1982

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3-67452

Appeal from Scott District Court, Margaret S. Briles, Judge.

Petitioner-wife appeals from the decree dissolving the parties' marriage, asserting (1) that she should have been awarded custody of the parties' son, and (2) that if the custody award was proper, she should have been allowed some visitation during the week in addition to her weekend visitation. AFFIRMED.

Theresa M. Bremer and Michael W. Liebbe of Raben, Liebbe, Shinkle & Bremer, Davenport, for petitioner-appellant.

Douglas C. Scovil of Winstein, Kavensky, Wallace & Doughty, Rock Island, Illinois, for respondent-appellee.

Heard by Oxberger, C.J., and Donielson, Snell, and Johnson, JJ.

Appellant, Cindy L. Cochran, appeals from a decree of dissolution of marriage awarding custody of Shane Michael Cochran, born December 9, 1978, to appellee, James R. Cochran. Cindy also appeals a visitation schedule ordered by the court.

I. Custody

Cindy contends that the trial court abused its discretion by making the custody award based on findings of fact that were derived from mistaken, misconstrued, and insufficient evidence. She argues further that the trial court impermissibly rewarded the husband and punished the wife by awarding custody to James. Finally, she argues that if custody is awarded to her, she is in a better position to facilitate substantial contact between the child and both parents, and that under de novo review, we should consider giving greater weight to the report and recommendation of a social worker which were favorable to Cindy.

After reviewing the record, we conclude that the court properly applied the criteria enumerated in In re Marriage of Winter, 223 N.W.2d 165, 166 (Iowa 1974). The record demonstrates that Shane and James have an affectionate and close relationship. James is able to spend ample time with his son, and spends that time in constructive ways with him. When James is at work, Shane is cared for by James's sister, together with her two children, who are suitable playmates for Shane. On the other hand, Cindy has a record of erratic behavior, including behavior that was clearly not in the best interest of Shane.

We therefore conclude that the custody award was justified by the evidence in the record, and that it was not punitive as to the wife.

II. Visitation

On de novo review, we find that the visitation privileges provided the wife in the decree are in the best interests of the child.

We therefore affirm the decree of the trial court.

AFFIRMED.