FILED
OCT 25 1994
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 4-367 / 94-0131

IN RE THE MARRIAGE OF JERRY ALLEN WOLTHUIZEN AND TRESA R. WOLTHUIZEN

Upon the Petition of
JERRY ALLEN WOLTHUIZEN,

Petitioner-Appellee,

And Concerning
TRESA R. WOLTHUIZEN,

Respondent-Appellant.

Appeal from the Iowa District Court for O'Brien County, Frank B. Nelson, Judge.

Tresa Wolthuizen appeals from a provision in the parties' dissolution decree awarding primary care of the minor child to Jerry Wolthuizen. **AFFIRMED.**

Susan M. Youngers Draftz, Sheldon, for appellant.

M. W. Miller, Jr., of Miller, Miller, Miller, Green & Miller, Cherokee, for appellee.

Heard by Hayden, P.J., and Sackett and Habhab, JJ.

PER CURIAM

The only question in this appeal is whether the trial court correctly fixed physical care of Cassandra Wolthuizen, born December 13, 1989. We affirm.

Respondent-appellant Tresa R. Wolthuizen and petitioner-appellee Jerry Allen Wolthuizen were married on February 3, 1990, and separated after Tresa, while working in a restaurant, became romantically involved with a coworker.

The parties' marriage was dissolved on February 26, 1993, and the financial aspects of the dissolution, other than child support, were fixed in the decree. The district court ordered Jerry and Tresa to attend mediation to resolve the custody and visitation and support issues. When mediation failed, the trial court awarded physical care of Cassandra to Jerry and established liberal visitation rights in Tresa. Tresa appeals contending she should be the custodian.

The trial court found, and we agree, both Jerry and Tresa love Cassandra and they both are qualified to assume physical care. The only question we need address is which parent is more capable of assuming the role of physical custodian. The trial court determined Jerry had displayed more maturity, stability, and family support and should be designated as the primary physical caretaker.

Tresa contends, in reaching its conclusion, the trial court: (1) improperly relied on evidence of Tresa's

ex-boyfriend's criminal record; (2) improperly relied on expert testimony; and (3) did not consider Cassandra's best interests. Jerry and Tresa both request appellate attorney fees.

Our review in this matter is de novo. Iowa R. App. P. 4. The factors the court considers in awarding custody are enumerated in Iowa Code section 598.41(3), in In re Marriage of Weidner, 338 N.W.2d 351, 355-56 (Iowa 1983), and in In re Marriage of Winter, 223 N.W.2d 165, 166-67 (Iowa 1974). All factors bear on the "first and governing consideration," the court's determination of what parent will better serve the long-term interests of the child. See In re Marriage of Vrban, 359 N.W.2d 420, 424 (Iowa 1984). The issue 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).

Tresa first contends the trial court abused its discretion in relying on the testimony of an expert who testified outside his field of expertise. She contends Dr. Simpson, called as a witness for Jerry, testified he was a licensed mental health counselor and certified nationally as a clinical mental health counselor. Tresa contends Simpson was biased and lacked expertise to interpret a certain test.

Tresa does not in her brief advance this objection was made at the time of trial. A report from Simpson was entered as Jerry's exhibit and Simpson testified at trial. A party is required to show how error urged on appeal was preserved. See Iowa R. App. P. 14(a)(5). "The argument . . . shall state how the issue was preserved for review, with references to the places in the record where the issue was raised and decided." Iowa R. App. P. 14(a)(5). We do not find the objection raised on appeal was raised at the time of trial. The court will not search the record for counsel and may deem an argument waived for lack of proper record. Eg., Tratchel v. Essex Group, Inc., 452 N.W.2d 171, 174-75 (Iowa 1990). While not advanced by Tresa in this argument, we do find a 179(b) motion was filed raising three issues, including that the report of Simpson was not appropriate and Tresa should have been given an opportunity to be heard regarding the report. The trial court, in ruling on the motion, said no consideration was given to the report in arriving at the primary care decision. Error, as urged on appeal, not having been preserved, we find it unnecessary to address this issue. Matters not raised in the trial court will not be considered on appeal. See Connor v. State, 362 N.W.2d 449, 457 (Iowa 1985); State v. Lyon, 223 N.W.2d 193, 194 (Iowa 1974).

The second challenge is the trial court should not have admitted evidence, by way of exhibit, of a criminal charge against Randy Lee McKee showing McKee pled guilty to the

crime of assault while displaying a dangerous weapon and driving while suspended. Tresa objected to the admission of the evidence on hearsay and relevancy grounds. Jerry argues the evidence is relevant because McKee had a relationship with Tresa. The matter being tried in equity, the trial court correctly did not rule on the admission of the exhibit. The findings of the trial court do not indicate it considered the criminal charge in arriving at its decision. Because we review de novo, we make our own independent determination on the admissibility of evidence. We find it unnecessary to determine the admissibility of the exhibit because we do not consider it in reaching our decision.

The issue we need address is whether we find Jerry would be the superior custodian. On our de novo review of the records, we find no reason to disagree with the trial court's finding Jerry is the more mature parent.

AFFIRMED.