FILED
AUG 2 4 1988
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE MARRIAGE OF LARRY KALVIG AND DEBRA KALVIG

Upon the Petition of
LARRY KALVIG,

Petitioner-Appellant,

And Concerning
DEBRA KALVIG,

Respondent-Appellee.

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8-286
87-1144

Appeal from the Iowa District Court for Polk County (No. CD 52-30736) - Rodney Ryan, Judge.

Husband appeals the provision of a dissolution decree awarding physical care of the parties' three minor children to the wife. **AFFIRMED AS MODIFIED.**

Eric Borseth, of Wright, Wright & Borseth, Des Moines, for petitioner-appellant.

Ronald A. Baybayan, Des Moines, for the respondent-appellee.

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

SACKETT, J.

We examine Petitioner-Appellant Larry Kalvig's challenge to the custody, child support and visitation provisions of his dissolution decree. We affirm as modified.

Larry and Respondent-Appellee Debra Kalvig were married in 1979. They have three children, a girl born in 1979, a boy born in 1981 and a boy born in 1984. The parties separated in 1985. Larry, pursuant to an agreement of the parties, assumed custody of the children. The case was tried to the court and in August 1987 a decree was entered awarding physical care to Debra.

Our review is de novo. Iowa R. App. P. 4. We give weight to the fact findings of the trial court, especially the credibility of witnesses, but are not bound by them. Iowa R. App. P. 14(f)(7)

From our review of the record we find both parties to be loving and caring parents able to assume the responsibility for the children's physical care. The question therefore is who will render superior care. In re Marriage of Bowen, 219 N.W.2d 683, 687 (Iowa 1983).

During several separations Larry assumed the children's custodial care. He has exhibited stability. He has put the children's needs ahead of other relationships. He assumed nearly all financial responsibility for the children during the separation period. He has cooperated in making the children available to Debra when she wants to be with them. Debra, on the other hand, has put a high priority of developing relationships with other parties.

We determine Larry has shown the ability to render superior care. See In re Marriage of Ellerbrock, 377 N.W.2d 257, 258-60 (Iowa App. 1985); In re Marriage of Grandinetti, 342 N.W.2d 876, 879-80 (Iowa App. 1983). We modify the decree to provide custody be with Larry. We order Debra to pay child support of $30 per week per child. Visitation is set as

1. every other weekend from Friday after work to Sunday at 7:00 p.m.;

2. every Tuesday evening after work to 8:00 p.m.;

3. three (3) weeks during the summer with a thirty (30) days notice requirement.

4. every other holiday including New Years (December 26th at 1:00 p.m. to January 1st at 7 00 p.m.), Easter, Memorial Day, Fourth of July, Labor Day, Thanksgiving (Day and weekend), Christmas (the day of school vacation to December 26th at 1:00 p.m.).

5. The Petitioner will have the children every Father's Day and the Respondent will have the children every Mother's Day.

6. Holiday visitation will also include the children's birthdays.

We tax court costs one-half to each party. Neither party is awarded attorney fees.

AFFIRMED AS MODIFIED.

Hayden, P.J., concurs; Habhab, J., dissents.

HABHAB, J. (dissenting)

I would affirm the trial court. I agree with the majority that both parties are loving and caring parents and each is able to assume the responsibility for the children's physical care. However, I agree with the trial court when it determined that Debra has shown the ability to render superior care for the children