IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF DEAN L. MADSEN
AND DIANE L. MADSEN

FILED
MAR 3 1 1987
CLERK SUPREME COURT

Upon the Petition of)

DEAN L. MADSEN,)

Petitioner/Appellant/)
Cross-Appellee,

)

And Concerning

)

DIANE L. MADSEN,

)

Respondent/Appellee/)
Cross-Appellant.

Filed March 31, 1987

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Appeal from the Iowa District Court for Madison County (No. 3-754) -Michael J. Streit, Judge.

Petitioner husband appeals from the decree dissolving the parties' marriage.

AFFIRMED.

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

Wendell J. Harms of Smith & Harms, Des Moines, for appellee.

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

PER CURIAM 237

In this appeal, petitioner Dean Madsen challenges the trial court's decree in the underlying dissolution proceeding. He asserts that the court erred: (1) in granting respondent Diane Madsen physical care in the joint custody arrangement concerning the parties' two minor children; and (2) in refusing to award him alimony.[1] We affirm.

Although the record is somewhat contradictory as to which parent was the primary caretaker, the trial court found that, "[Dean] may have been a baby-sitter but the more responsible and caring parent was [Diane]." We think that the record supports this conclusion. The record discloses that Diane was responsible for performing most of the household chores and that she spent her evenings caring for the children. In addition, it is significant to note that Diane took several months off work when each of the children was born. Furthermore, the record reflects that Diane has secured a loan and purchased a house; Dean resides with his parents. Finally, the record reveals that Dean voluntarily terminated the shared custody arrangement that the parties established during their separation, thereby allowing Diane full custody. These findings convince us that Diane is more capable of providing the children a suitable and stable environment which will serve their long-range best interests.

Dean argues that Diane's testimony is contradictory to that of several witnesses at trial and that, accordingly, her credibility is significantly lessened. We note, however, that for each such argument Dean has raised, the record discloses equally plausible counter-arguments supporting Diane's testimony. In these circumstances, we are especially inclined to defer to the superior position of the trial court in assessing the credibility of the parties and the witnesses.

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[1]Although Diane filed a notice of cross-appeal, she has raised no contentions challenging the district court's decree.

See In re Marriage of Miller, 390 N.W.2d 596, 600 (Iowa 1986). We conclude that the trial court's decision naming Diane physical custodian should be affirmed.

Dean also asserts that the trial court erred in failing to award him alimony. We have considered this request in light of the factors enumerated in Iowa Code section 598.21(3), and conclude that the district court properly denied Dean's request. In reaching this conclusion, we stress that the parties' marriage lasted only six years, and that Dean has demonstrated his ability to obtain gainful employment if he so chooses. See In re Marriage of Williams, 199 N.W.2d 339, 345 (Iowa 1972) (two primary considerations in determining propriety of alimony are duration of marriage and ability of spouse seeking support to engage in gainful employment). In addition, we note that the trial court required Dean to pay only $75 per month for child support. See Iowa Code § 598.21(3)(e)(1985) (child support obligations of each party are considerations bearing upon propriety of alimony award).

Finally, Dean has requested the recovery of attorney's fees and costs incurred in connection with this appeal. Such an award depends upon the relative financial circumstances of the parties. In re Marriage of Burham, 283 N.W.2d 269, 278 (Iowa 1979). We have examined the parties' relative finances and obligations, and conclude that the parties should pay their individual costs.

AFFIRMED.