IN THE COURT OF APPEALS OF IOWA

FILED
MAY 28 1987
CLERK SUPREME COURT

IN RE THE MARRIAGE OF DEBRA LOUISE KIRCHNER
AND LARRY WILLIS KIRCHNER

Upon the Petition of
DEBRA LOUISE KIRCHNER,

Petitioner-Appellant,

And Concerning
LARRY WILLIS KIRCHNER,

Respondent-Appellee,

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Filed May 28, 1987

7-70
86-592

Appeal from the Iowa District Court for Polk County (No. CD50-29828) Rodney Ryan, Judge.

Debra L. Kirchner appeals from the trial court's order in her dissolution decree. She challenges the custody and property awards. **AFFIRMED.**

Thomas D. Hanson, of Hanson, Bjork & Russell, Des Moines, for appellant.

David L. Brown, of Hansen, McClintock & Riley, Des Moines, for appellee.

Heard by Snell, P.J., and Schlegel, and Sackett, JJ.

PER CURIAM

Petitioner Debra *Louise Kirchner and* Respondent Larry *Willis Kirchner* were married in 1970. They have two children; Heather, born in 1976, and Carl, born in 1978. Both parties are employed outside the home and have been employed outside the home during the majority of the marriage. They both sought physical care of the children.

In its dissolution decree, the trial court set up a joint custody arrangement with Larry having physical care of the children. The trial court awarded certain property to each party. On appeal, Debra asserts (1) the trial court should have given her physical care of the parties' children in the joint custody arrangement, and (2) the property division is inequitable.

Our review is de novo. Iowa R. App. P. 4. We give weight to the fact finding of the trial court, especially when considering the credibility of witnesses, but are not bound by them. Iowa R. App. P. 14(f)(7). The first and governing consideration is the best interests of the children. Iowa R. App. P. 14(f)(15).

We have assessed the custody issue in accordance with Iowa Code §598.41 (1987) and applicable Iowa case law. See In re Marriage of Burnham, 283 N.W.2d 269, 275-76 (Iowa 1979); In re Marriage of Winter, 223 N.W.2d 165, 166-67 (Iowa 1974). We determine physical care should have been awarded to Larry and affirm the custody award made by the trial court.

Debra next challenges the property award. A justified property division is one that is equitable under the circumstances. In re Marriage of Stewart and Wilson, 356 N.W.2d 611, 613 (Iowa App. 1984). There is no mechanical rule which dictates an equal division. Id.

The trial court made a nearly equal division of the parties' property, except little value was attributed to Larry's pension fund. We agree with Debra that

Larry's pension fund should be considered in framing the financial clause of this decree See In re Marriage of Voss, 396 N.W.2d 801, 803 (Iowa App. 1986); In re Marriage of Yates, 365 N.W.2d 49, 51 (Iowa App. 1985).

At the time of dissolution Larry's annual net income was $33,588 and Debra's was $16,477. Debra was not ordered to pay child support. Both parents have an obligation to support their children, not necessarily equally but in accordance with their ability to pay. In re Marriage of Anderson, 400 N.W.2d 84, 86 (Iowa App. 1986); In re Marriage of Byall, 353 N.W.2d 103, 108 (Iowa App. 1984) Reviewing the parties' financial situation, including the fact Larry bears the support obligation for the children, we affirm the property award.

AFFIRMED.