

IN THE COURT OF APPEALS OF IOWA

No. 6-628 / 95-2148

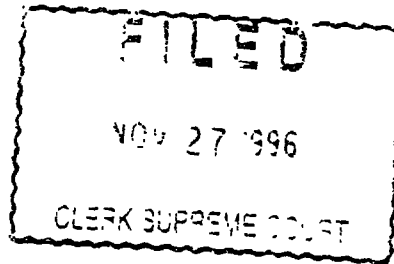
**IN RE THE MARRIAGE OF LYLE G. VAN ANTWERP
AND PAMELA K. VAN ANTWERP**

**Upon the Petition of
LYLE G. VAN ANTWERP,**

Petitioner-Appellant,

**And Concerning
PAMELA K. VAN ANTWERP,**

Respondent-Appellee.



Appeal from the Iowa District Court for Wapello County, Daniel P. Wilson,
Judge.

Father appeals decision of district court awarding physical care of parties' four
children to the mother. **AFFIRMED.**

Thomas M. Walter of Johnson, Hester, Walter & Harrison, L.L.P., Ottumwa,
for appellant.

Lloyd E. Keith of Keith Law Firm, P.C., Ottumwa, for appellee.

Considered by Sackett, C.J., and Cady and Streit, JJ.

PER CURIAM

This is an appeal by a father claiming the district court should have awarded him primary physical care of the parties' four children in the parties' dissolution decree. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

Lyle and Pamela Van Antwerp were married in 1975. They have four children: Jason, born in 1978; Dylan, born in 1984; Kelsey, born in 1987; and Graham, born in 1991. Lyle worked the evening shift at Rockwell North American Truck Systems. He also worked some days and weekends fixing cars. Pamela was not employed outside the home during the marriage. The parties separated in December 1994. Pamela was granted temporary custody of the children.

The district court issued a dissolution decree for the parties on October 16, 1995. The court awarded the parties joint legal custody of the children, with Pamela having primary physical care. Lyle was ordered to pay child support and was granted liberal visitation. Lyle appeals the custody provision of the dissolution decree.

Lyle asks to be awarded primary physical care of the children. He states he had consistent problems with visitation while the case was pending. He also believes Pamela has undermined his relationship with the children. He blames Pamela because the oldest child, Jason, no longer wants to speak to him. Lyle points out that Pamela is planning to return to school full-time, and he asserts she will not have enough time to spend with the children.

In custody cases, our primary concern is the best interests of the children. *In re Marriage of Brainard*, 523 N.W.2d 611, 614 (Iowa App. 1994). The court's objective is to place the children in the environment most likely to bring the children to a healthy physical, mental, and social maturity. *In re Marriage of Rodgers*, 470 N.W.2d 43, 45 (Iowa App. 1991).

In our de novo review, we agree with the district court's decision placing the children in Pamela's care. We find each of the parents would be well able to care for the children. However, by the parties' agreement, during the marriage Pamela devoted her time to caring for the children, while Lyle spent most of his time working. We also note that while the dissolution was pending, there was a founded report of child abuse against Lyle concerning Jason. Lyle and Jason got into a fight concerning whether Jason would participate in visitation. We find the incident showed poor judgment on the part of Lyle.

We affirm the decision of the district court placing the children in the physical care of Pamela. Costs of this appeal are assessed to Lyle.

AFFIRMED.