IN THE COURT OF APPEALS OF IOWA

No. 1-691 / 01-0143
Filed December 12, 2001

IN RE THE MARRIAGE OF DAWN MARIE BUSER AND DANIEL GLEN BUSER

Upon the Petition of
DAWN MARIE BUSER,
Petitioner-Appellant,

FILED
DEC 12 2001
CLERK SUPREME COURT

And Concerning
DANIEL GLEN BUSER,
Respondent-Appellee.

Appeal from the Iowa District Court for Johnson County, Patrick R. Grady, Judge.

Dawn Buser appeals from the custody provisions of the decree dissolving the parties' marriage. **AFFIRMED.**

Gregory J. Epping of Terpstra, Epping & Willett, Cedar Rapids, for appellant.

Sharon A. Mellon of Mellon & Spies, Iowa City, for appellee.

Considered by Vogel, P.J., and Miller and Eisenhauer, JJ.

EISENHAUER, J.

Dawn Buser appeals from the custody provisions of the decree dissolving the parties' marriage. She contends the district court erred in awarding shared care of the parties' minor daughter. Daniel Buser requests an award of appellate attorney fees. We affirm by memorandum opinion pursuant to Supreme Court Rule 9.

Dawn and Daniel Buser were married in 1992. They have one child, Kennedi, born in 1994. Dawn filed a dissolution petition in 1999. Following trial, the court entered its decree awarding joint legal custody and shared physical care of Kennedi. Dawn appeals, challenging the award of shared physical care. We review the court's order de novo. *In re Marriage of Murphy,* 592 N.W.2d 681, 683 (Iowa 1999).

The primary consideration in determining an award of child custody is the best interests of the child. Iowa R. App. P. 14(f)(15). The court's objective is to place a child in the environment most likely to bring them to healthy physical, mental, and social maturity. *Murphy,* 592 N.W.2d at 683. Although joint physical care was once strongly disfavored by the courts, the Iowa legislature has proclaimed it a viable disposition of a custody dispute. *In re Marriage of Swenka,* 576 N.W.2d 615, 616 (Iowa Ct. App. 1998). An award of joint physical care is appropriate where "such action would be in the best interest of the child and would preserve the relationship between each parent and child . . . ." Iowa Code § 598.41(5) (1999).

The trial court carefully weighed the evidence before it and found both parties provide Kennedi with a high level of competent caregiving. We find the trial court considered the appropriate factors in awarding the parties shared physical care of Kennedi. We also agree that such an arrangement would be in Kennedi's best interest. Although Dawn objects to the award of shared care, the court correctly observed, "neither Iowa Code section 598.41 nor the case law give one parent an absolute veto over an award of shared care." While Dawn argues the parties are unable to cooperate to make the shared care arrangement work, the record reveals and the trial court noted that the parties had been generally cooperative under a shared care arrangement during the pendency of this action.

Upon de novo review of the record, we find no error in awarding the parties shared physical care of Kennedi. Accordingly, we affirm. We decline Daniel's request for appellate attorney fees. Costs of this appeal are taxed to Dawn.

AFFIRMED.