


**IN THE COURT OF APPEALS OF IOWA**

No. 4-230 / 93-1604

**IN RE THE MARRIAGE OF GRETCHEN J. BRINGLE AND DANIEL L. BRINGLE**

Upon the Petition of
**GRETCHEN J. BRINGLE,**

Appellee,

And Concerning
**DANIEL L. BRINGLE,**

Appellant.

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Appeal from the Iowa District Court for Clay County, Frank B. Nelson, Judge.

David Bringle appeals from the custody provisions of the parties' dissolution decree. **AFFIRMED.**

Daniel L. Bringle, Spencer, pro se.

David J. Grace of Dickinson, Mackaman, Tyler & Hagen, P.C., Des Moines, and David A. Scott of Cornwall, Avery, Bjornstad & Scott, Spencer, for appellee.

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

**PER CURIAM**

Daniel and Gretchen Bringle's two-year marriage was dissolved in October 1993. The parties have one child, Seth, born May 25, 1992. Daniel has a child from a previous relationship whom he supports and occasionally visits.

Daniel is twenty-three years of age, works as a machine operator, and earns a net monthly income of $1022. Gretchen is twenty-two years of age, works as a telephone sales representative, and earns a net monthly income of $689.40. She receives WIC (women, infants and children) benefits, food stamps, and is covered by Title 19.

Among other things, the parties' dissolution decree awarded primary care of Seth to Gretchen and ordered Daniel to pay $243 per month in child support. The district court stated both parties were capable of caring for Seth but that Daniel had created a questionable home environment by living with a married woman and her two children.

Daniel appeals. He contends it is in Seth's best interest he be awarded primary physical care. Among other things, he asserts Gretchen is an unstable and immoral person who lacks proper parenting skills. For example, Daniel claims Gretchen has been convicted of third-degree theft in the past and her parenting has been investigated by DHS who found evidence of neglect and improper parenting. Daniel claims the district court denied him a fair trial and reached its decision based upon gender.

Our review in this matter is de novo. Iowa R. App. P. 4. In child custody cases, the best interests of the child is the first and governing consideration. The factors the court considers in awarding custody are enumerated in Iowa Code section 598.41(3), in In re Marriage of Weidner, 338 N.W.2d 351, 355-56 (Iowa 1983), and in In re Marriage of Winter, 223 N.W.2d 165, 166-67 (Iowa 1974). All factors bear on the "first and governing consideration," the court's determination of what will be in the long-term best interests of the child. In re Marriage of Vrban, 359 N.W.2d 420, 424 (Iowa 1984). The critical issue in determining the best interests of the child is which parent will do better in raising the child; gender is irrelevant, and neither parent should have a greater burden than the other in attempting to gain custody in a dissolution proceeding. In re Marriage of Ullerich, 367 N.W.2d 297, 299 (Iowa App. 1985).

In his brief Daniel fails to support his claim the court erred in granting physical custody to Gretchen. The trial court recognized both individuals as adequate parents but determined from the evidence Gretchen could better provide for the needs of Seth. Nothing in the court's opinion suggests gender played a part in the decision. The evidence indicates Gretchen would support the relationship between Seth and his father. To the contrary, the evidence suggests Daniel was not supporting a relationship between Seth and his mother. Additionally, the district court, after hearing the evidence, was skeptical of the

environment Seth would be raised in should he be placed with Daniel.

We agree with the trial court. The evidence indicates Seth's best interest will be served if is he placed in the physical care of his mother. We will not disturb this ruling on appeal.

**AFFIRMED.**