

IN THE COURT OF APPEALS OF IOWA

FILED

JUN 29 1988

CLERK SUPREME COURT

IN RE THE MARRIAGE OF KEITH G. MAIDEN AND MARY L. MAIDEN

Upon the Petition of	)	166
KEITH G. MAIDEN,	)	
Petitioner-Appellee,	)	Filed June 29, 1988
And Concerning	)	
MARY L. MAIDEN,	)	<u>8-252</u>
Respondent-Appellant.	)	87-1602

Appeal from the Iowa District Court for Dubuque County (DM 5824), John Bauercamper, Judge.

Respondent appeals from the decree of dissolution entered in the district court awarding physical custody of the parties' children to petitioner and ordering her to pay child support. **AFFIRMED.**

Russel A. Neuwoehner of Kaufman, Lange, Hodge & Neuwoehner, Dubuque, for respondent-appellant.

Charles A. Kintzinger and Arnold J. Van Etten of Kintzinger, Van Etten, Setter, Pearce & Scott, Dubuque, for petitioner-appellee.

Considered by Donielson, P.J., and Schlegel and Hayden, JJ.

DONIELSON, P.J.

Respondent appeals from the decree of dissolution entered in the district court awarding physical custody of the parties' children to petitioner and ordering her to pay child support. We affirm.

Petitioner Keith G. Maiden and respondent Mary L. Maiden were married in 1971. Two children were born of the marriage: Ty, born November 29, 1977, and Tara, born April 23, 1985. Keith works in a packing plant and earns \$9.30 per hour. Mary is a computer operator and earns \$8.75 per hour. Both parties work forty hours per week and sometimes work overtime. Mary had previously been more involved with the care of the children, but beginning in 1986 Keith was the primary caretaker of the children. The trial court awarded joint legal custody of Ty and Tara to the parties. Keith was granted physical care of the children and Mary was given visitation rights. Mary was ordered to pay \$150 per month per child in child support. Mary has appealed the district court decision.

Our scope of review is de novo. Iowa R. App. P. 4.

Mary claims the trial court erred in placing the sole physical care of the minor children with Keith. Keith had testified that Mary often came home late in the evening and that she had been out drinking. Mary claims that there was no evidence to support this contention. Mary states that Keith's increased involvement with the children did not occur until about the time he filed the petition for dissolution. Mary asks that she be awarded custody as the primary parent of the children.

Our pivotal consideration in resolving questions of child custody is the best interests of the children involved. Iowa R. App. P. 14(f)(15). The factors we look to in making this determination are set forth in Iowa Code section 598.41(3). We must determine who can minister more effectively to the

long-range best interests of the children. In re Marriage of Bowen, 219 N.W.2d 683, 687-88 (Iowa 1974).

Our review of the record indicates both parents are caring, loving, and capable. The trial court observed the parties and assessed the credibility of the witnesses. We give weight to the fact findings of the trial court, especially when considering the credibility of witnesses, but we are not bound by them. Iowa R. App. P. 14(f)(7). We agree with the trial court that Keith can minister more effectively to the long-range best interests of Ty and Tara. Keith has demonstrated he can handle the responsibility of taking care of these two children. Both children have a good relationship with their father. Mary's mother testified she felt Mary had a drinking problem and that Keith would be the most suitable caretaker of the children. We find no reason to disturb the trial court's award of physical custody of the children to Keith.

Mary also claims the trial court erred in ordering her to pay \$150 per month per child in child support when Keith only requested child support of \$75 per month per child. She further asks that the payments end when the children reach age 18.

The trial court may order reasonable and necessary support in accordance with those factors set forth in Iowa Code section 598.21(4). "The obligation to support should be apportioned according to the ability of each parent to contribute." In re Marriage of Bornstein, 359 N.W.2d 500, 504 (Iowa App. 1985). Iowa Code section 598.1(2) states that support may include support for a child who is between the ages of 18 and 22 years of age and who is in good faith a full-time student in a college or school.

We affirm the trial court's award of child support both as to amount and duration. We do not find the award to be excessive.

AFFIRMED.