

IN THE COURT OF APPEALS OF IOWA

No. 0-409 / 09-1875

Filed July 14, 2010

**IN RE THE MARRIAGE OF RONALD N.
ARMSTRONG, JR. AND ANGELA F. THUNE,**

**Upon the Petition of
RONALD N. ARMSTRONG, JR.,**
Petitioner-Appellee,

**And Concerning
ANGELA F. THUNE,**
Respondent-Appellant.

Appeal from the Iowa District Court for Clinton County, David H. Sivright,
Judge.

A mother appeals the district court decision placing physical care of the
parties' two children with the father. **AFFIRMED.**

Stephen Newport of Newport & Newport, P.L.C., Davenport, for appellant.

Mary Wolfe, Clinton, for appellee.

Considered by Vogel, P.J., and Potterfield and Danilson, JJ.

VOGEL, P.J.

Angela Thune appeals the district court decision placing physical care of the parties' two children with her former husband, Ronald Armstrong. We have reviewed the testimony and exhibits presented at trial. See *In re Marriage of Hansen*, 733 N.W.2d 683, 690 (Iowa 2007) (reviewing a child custody decision de novo). As the district court found, this is a close case and both parents are capable of providing a loving and safe home for the children. Nonetheless, because of the distance (eighty miles) between the two parents' homes, it was necessary to grant one parent physical care of the children. The district court considered the appropriate factors and determined the children's best interests would be served by placing them in the physical care of Ronald. See Iowa Code § 598.41(3) (2007); *Hansen*, 733 N.W.2d at 698 (holding that although Iowa Code section 598.41(3) does not directly apply to physical care decisions, "the factors listed [in this code section] as well as other facts and circumstances are relevant in determining whether joint physical care is in the best interest of the child"); *In re Marriage of Winter*, 233 N.W.2d 165, 166-67 (Iowa 1974). We defer to the district court to make firsthand, credibility findings, which we are unable to make on appellate review. *In re Marriage of Forbes*, 570 N.W.2d 757, 759 (Iowa 1997); *In re Marriage of Vrban*, 359 N.W.2d 420, 423 (Iowa 1984). Given that deference, and finding nothing in the record which would alter the district court's decision, we affirm. See Iowa Ct. R. 21.29(1)(a), (b), (d), (e).

AFFIRMED.