

**IN THE COURT OF APPEALS OF IOWA**

No. 1-974 / 11-1407  
Filed January 19, 2012

**Upon the Petition of**  
**STACY LEA STERRETT,**  
Petitioner-Appellant/Cross-Appellee,

**And Concerning**  
**GEOFFREY SCOTT RICHARDS,**  
Respondent-Appellee/Cross-Appellant.

---

Appeal from the Iowa District Court for Polk County, Donna L. Paulsen,  
Judge.

Stacy Sterrett appeals and Geoffrey Richards cross-appeals from the  
district court's ruling modifying the physical care provisions of the parties' custody  
decree. **AFFIRMED.**

Pamela A. Vandel, Des Moines, for appellant.

Eric Borseth and Judy Johnson of Borseth Law Office, Altoona, for  
appellee.

Considered by Vaitheswaran, P.J., and Potterfield and Doyle, JJ.

**DOYLE, J.**

Stacy Sterrett appeals and Geoffrey Richards cross-appeals from the district court's ruling modifying the physical care and visitation provisions of the parties' custody decree. Stacy challenges the district court's ruling transferring primary physical care<sup>1</sup> of the couple's four-year-old son from her to Geoffrey. Geoffrey contends portions of the visitation schedule created by the district court are unworkable and require amendment. Our review of this modification proceeding is de novo. Iowa R. App. P. 6.907; *In re Marriage of Neff*, 675 N.W.2d 573, 577 (Iowa 2004).

**I. STACY'S APPEAL.** After thoroughly reviewing the record and the parties' arguments, we find the district court's modification order of August 18, 2011, placing primary physical care of the child with Geoffrey, to be well-reasoned and correct. The district court's order identifies and considers all the issues presented concerning the physical care placement, and we approve of the reasons and conclusions in the order. We accordingly affirm the district court's ruling concerning the physical care placement without opinion. See Iowa R. App. P. 6.1203(a). We decline to award Stacy appellate attorney fees. See *In re Marriage of Okland*, 699 N.W.2d 260, 270 (Iowa 2005) ("Appellate attorney fees are not a matter of right, but rather rest in [the appellate] court's discretion.").

**II. GEOFFREY'S CROSS-APPEAL.** On cross-appeal, Geoffrey contends the transportation provision in the ruling requiring Geoffrey to pick the child up after Stacy's visitation and drive the child home two hours is not in the child's

---

<sup>1</sup> "Primary physical care" is not defined in Iowa Code chapter 598 (2011); nevertheless, we recognize the term is commonly used by parties, their counsel, and the courts.

best interests because the child will arrive home at 8:00 p.m. on Sunday nights. Stacy acknowledged in her reply brief the 8:00 p.m. return time for the child was a bit late and agreed to shorten her visitation time by a half-hour so the child would arrive home by 7:30 p.m.

Additionally, Geoffrey argues the visitation schedule granting Stacy overnight visitation with the child on Sundays and Wednesdays is “unworkable given the child’s school schedule.” He asserts that given the distance between the parties, the child “would be forced to wake up at an extremely early time in order to make it to preschool on Mondays and Thursdays.” Further he speculates “[i]t would seem that the intention of the court may have been to only be granting the Sunday and Wednesday overnights if [the child] was not in some form of school the following day.” Geoffrey’s solution is to simply strike from the court’s order the last sentence of each of the above provisions, thus eliminating extended overnight Sunday and Wednesday visitations when the child has preschool on Monday and Thursday. Should Stacy’s overnight visitations be decreased, Geoffrey further requests her child support obligation be revisited due to a decrease in her time with the child.

Stacy counters that the mid-week and extended weekend visitation is not unworkable and workability of the visitation schedule is dependent upon which weekdays the child attends preschool. Stacy asserts “[s]ince [the child] attends preschool three days per week, the overnight visitation schedule could be modified to accommodate [the child’s] preschool schedule without decreasing Stacy’s visitation time as proposed” by Geoffrey. She suggests rather than

omitting the extended overnight visitation, the visitation could occur on nights when the child does not attend preschool the following morning.

Upon our de novo review, we conclude the transportation provision and visitation schedule ordered by the district court are equitable and affirm on these issues. Furthermore, we note these issues raised are precisely the issues the parents need to be able to resolve on their own and for which the district court was critical of both parents. We, like the district court, encourage the parties to work together regarding visitation so their son may enjoy the benefit of being with each parent. Costs are assessed one-half to each party.

**AFFIRMED.**