

IN THE COURT OF APPEALS OF IOWA

No. 2-1170 / 12-1193
Filed February 27, 2013

**IN RE THE MARRIAGE OF CHAD SCHWANZ
AND CRISTINA M. SCHWANZ**

**Upon the Petition of
CHAD SCHWANZ,**
Petitioner-Appellant,

**And Concerning
CRISTINA M. SCHWANZ,**
Respondent-Appellee.

Appeal from the Iowa District Court for Sac County, Gary L. McMinimee,
Judge.

Chad Schwanz appeals from the dissolution decree providing for joint
physical care of the parties' three children. **AFFIRMED.**

James Van Dyke of Eich, Van Dyke & Werden, P.C., Carroll, for appellant.

David Jennett of Dave Jennett, P.C., Storm Lake, for appellee.

Considered by Eisenhauer, C.J., and Vogel and Vaitheswaran, JJ.

EISENHAUER, C.J.

Chad Schwanz appeals from the dissolution decree providing for joint physical care of the parties' three children. He contends the court erred in finding joint physical care was in the children's best interests. On de novo review, *In re Marriage of Hynick*, 727 N.W.2d 575, 577 (Iowa 2007), we affirm.

Chad and Cristina married in 2005. Their first child was born in 2007. Twins were born in 2008. In March 2011 Chad petitioned for dissolution of the marriage.

Following trial on the petition in March 2012, the district court entered its decree in May dissolving Chad and Cristina's marriage. The decree provided, in relevant part, for joint legal custody and shared physical care of the parties' children. On appeal, Chad challenges the shared physical care, contending it is not in the children's best interests and seeking physical placement of the children with him.

On our de novo review, we find the district court decree identified and considered the relevant issues presented concerning shared physical care. The district court considered the appropriate factors when it made its physical care determination, and we approve of the findings and conclusions stated in the decree. Accordingly, we affirm without opinion. See Iowa R. App. P. 6.1203(a), (d).

Cristina seeks an award of appellate attorney fees. Appellate attorney fees are not a matter of right, but rest in the appellate court's discretion. See *In re Marriage of Okland*, 699 N.W.2d 260, 270 (Iowa 2005). Given the financial situation of the parties and that Cristina was obligated to defend the decree on

appeal, we award her \$1000 in appellate attorney fees. See *In re Marriage of Hankenson*, 503 N.W.2d 431, 434 (Iowa Ct. App. 1993). Costs on appeal are taxed to Chad.

AFFIRMED.