

**IN THE COURT OF APPEALS OF IOWA**

No. 3-614 / 12-1647  
Filed July 24, 2013

**PATRICK J. ELSENER,**  
Plaintiff-Appellee,

**vs.**

**ALEXIA COCHRAN,**  
Defendant-Appellant.

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Appeal from the Iowa District Court for Pottawattamie County, Timothy O'Grady, Judge.

A mother appeals a district court ruling awarding joint physical care of the parties' child, contending she should have been awarded physical care.

**AFFIRMED.**

Christopher J. Tinley of Christopher J. Tinley P.C., Council Bluffs, for appellant.

Te'ya T. O'Bannon and Helen M. Broadway-Savage, Council Bluffs, for appellee.

Considered by Vogel, P.J., and Vaitheswaran and Bower, JJ.

**VAITHESWARAN, J.**

Alexia Cochran and Patrick Elsener are the parents of a child, born in 2008. When the child was close to four years of age, Patrick filed a petition to establish custody.

The district court granted Alexia temporary physical care of the child, subject to liberal visitation with Patrick. The parents subsequently executed a mediated parenting plan finalizing the school that the child would attend and instituting a right of first refusal that would afford the parents priority in caring for the child over babysitters or other daycare services.

Following trial, the district court granted the parents joint physical care on an alternating-week basis. The court reasoned that both were “good parents” and “good people” who “actively cared for [the child]” and “established a significant bond with [the child].” The court also stated the child would “suffer emotionally or psychologically from a lack of active contact with both of her parents.” The court found that the parents showed an ability to communicate, “worked well together to share parenting time,” and lived close enough to each other that distance was “not an obstacle to [joint] physical [care].” Following the denial of her post-trial motion, Alexia appealed, contending she should have been awarded physical care of the child.

The goal of a physical care arrangement is to assure the child “the opportunity for the maximum continuing physical and emotional contact with both parents after the parents have separated.” See Iowa Code § 598.41(1)(a) (2011). As the district court found, that goal was served by a joint physical care arrangement. See *In re Marriage of Hansen*, 733 N.W.2d 683, 700 (Iowa 2007)

(setting forth factors for consideration, including (1) stability and continuity, (2) the degree of communication and mutual respect between the parties, (3) the degree of discord and conflict, and (4) the extent to which the parties agree on matters involving routine care); see also Iowa Code § 598.41(3) (2009).

Alexia and Patrick had their child's best interests at heart from the outset. The child was born while the two were in college. Even though the parents were no longer a couple at the time of her birth, they elected to continue cohabiting to facilitate caring for the child. After they graduated from college, Alexia turned down employment in Minneapolis because the city was too far away from Patrick. Patrick, in turn, said he would move to Minneapolis to be closer to the child, if Alexia decided to take the job.

In the ensuing years, communication continued to be civil. Patrick mentioned only two points of disagreement, one relating to the type of car seat that was best for the child and the other relating to the school system the child would attend, a dispute the parents essentially resolved in mediation.<sup>1</sup>

Alexia agrees the parents shared a willingness to communicate and act in the child's best interests. She focuses on the past division of care between the parents and her estimate that she provided eighty percent of that care. The district court accurately summarized the record on this question. The court found "Patrick worked a little more outside the home and Alexia provided more of the care for the child, but they essentially shared parenting duties during [the child]'s

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<sup>1</sup> At trial, Alexia testified that she wished to send the child to a parochial school but she acknowledged her agreement to have the child attend one of two public school districts. The district court encouraged the parents to communicate and reach a final agreement on the issue, but gave Alexia "final say" in the matter.

first eighteen months,” and “Alexia has been primary caretaker for [the child] since she and Patrick stopped cohabitating in May 2009.”

Alexia also suggests the child’s routine would be disrupted by the alternating-week schedule. She cites the child’s increased fatigue, and decreased “control and confidence.” We are not persuaded that these disruptions warrant reversal. Given the parents’ consistent attentiveness to the child’s needs, we are confident they will make adjustments as needed to resolve these issues.

This is a textbook case for joint physical care. We affirm the district court’s reasoned findings and conclusion on the subject.

**AFFIRMED.**