

**IN THE COURT OF APPEALS OF IOWA**

No. 9-566 / 09-0268  
Filed September 17, 2009

**MATTHEW J. CLINTON,**  
Petitioner-Appellant,

**vs.**

**RACHEL ANN MORROW,**  
Respondent-Appellee.

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Appeal from the Iowa District Court for Tama County, Thomas L. Koehler,  
Judge.

Matthew Clinton appeals from the district court order granting physical  
care of the parties' child to Rachel Ann Morrow. **AFFIRMED.**

Reyne L. See of Johnson, Sudenga, Latham, Peglow & O'Hare, P.L.C.,  
Marshalltown, for appellant.

Jennifer Steffens of Bennett, Steffens & Grife, P.C., Marshalltown, for  
appellee.

Considered by Sackett, C.J., and Eisenhauer and Doyle, JJ.

**EISENHAUER, J.**

Matthew Clinton appeals from the district court order granting physical care of the parties' son to Rachel Morrow. Matthew contends the child's long-term best interests dictate the child be placed with him. Our review is de novo. Iowa R. App. P. 6.4.

Matthew and Rachel are the parents of six-year-old Colton. On February 21, 2007, Matthew filed his "Petition to Establish Custody, Primary Care, Visitation, and Child Support." Rachel filed her response on March 21, 2007, and on the same day Rachel was awarded temporary physical care of Colton. A trial was held in January 2009.

At the time of the trial, Matthew was twenty-five years of age and married to Felicia, with whom he has a four-month-old daughter. Matthew is employed fulltime by Direct TV, where he earns \$12.50 per hour and receives health, vision, and dental insurance. Matthew was ordered to pay \$128 in temporary child support. He missed the January 2009 payment.

Rachel was twenty-four years of age at the time of trial. She is engaged to be married and has a four-year-old child from another relationship. Rachel is employed as a Resident Treatment Worker by the Iowa Veteran's Home. She is a certified nursing assistant, and at the time of trial was in the process of becoming a licensed practical nurse. She hopes to obtain her registered nurse license in the future.

The evidence presented at trial shows Colton is a healthy, happy, and well-adjusted child. He does well in school and has had only minor behavioral

problems typical of young children. Despite the conflicting and, often times, contentious evidence presented by the parties at trial, there is no question that both Matthew and Rachel love Colton and either would be a suitable parent for the child. However, our concern is not which parent would be suitable as a physical caretaker for Colton; rather, the critical issue is which parent will do a better job raising the child. See *In re Marriage of Ullerich*, 367 N.W.2d 297, 299 (Iowa Ct. App. 1985). Our concern is the best interest of the child and the objective is to place the child in the environment most likely to bring her to healthy physical, mental, and social maturity. *In re Marriage of Harris*, 499 N.W.2d 329, 332 (Iowa Ct. App. 1993).

We conclude it is in Colton's best interest to grant Rachel physical care. In reaching this conclusion, we again note that both parents would be capable caretakers for the child. However, the district court made very strong credibility findings in favor of Rachel. We are not bound by these findings, but given that this is a "close case," we defer to the court's findings because it had a chance to observe and evaluate the parties as custodians when they were before it. See *In re Marriage of Roberts*, 545 N.W.2d 340, 343 (Iowa Ct. App. 1996). Like the district court, we share concerns about Matthew informing Colton about aspects of this case, his temper, and his ability to communicate with Rachel about Colton.

Because the district court acted equitably in granting Rachel physical care of Colton, we affirm.

**AFFIRMED.**