IN THE COURT OF APPEALS OF IOWA

No. 2-1038 / 12-1191
Filed January 9, 2013

IN RE THE MARRIAGE OF SARA COFFMAN AND JAMES COFFMAN

Upon the Petition of

SARA COFFMAN,
Petitioner-Appellant,

And Concerning

JAMES COFFMAN,
Respondent-Appellee.

Appeal from the Iowa District Court for Scott County, John D. Telleen, Judge.

Sara Coffman challenges the child custody and support provisions of the parties' dissolution decree. **AFFIRMED.**

M. Leanne Tyler of Tyler & Associates, P.C., Davenport, for appellant.

Catherine Zamora Cartee and Jennifer Hall DeKock of Cartee Law Firm, P.C., Davenport, for appellee.

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

DANILSON, J.

Sara Coffman challenges the child custody and support provisions of the parties' dissolution decree. The district court awarded the parties joint legal custody of their two children, with James (Jim) Coffman being awarded physical care, ordered Sara to pay child support in accordance with the child support guidelines, and did not award Sara alimony. Upon our de novo review, and giving proper deference to the court's credibility findings, we affirm.

I. Background Facts and Proceedings.

Sara and Jim were married in May 1994. Each has worked for the United States government for many years: Sara is employed as an equipment specialist for the Rock Island Arsenal for the Department of the Army and earns in excess of $89,000 per year; Jim is the Director of Logistics at the arsenal and earns approximately $155,000 per year. The parties separated in May 2010. They have two children: a daughter, age three at the time of trial; and a son, age fifteen.

At the time of trial in January and February 2012, the parties agreed that their son would live with Jim, but disagreed as to the daughter's physical care. Following a five-day trial, the court ruled:

> It is clear to the Court from the evidence . . . that shared care of the [daughter] is inappropriate because of the extraordinary degree of conflict between the parties and the almost total lack of effective communication which is primarily due to Sara's behavior. This leaves the Court with the task of awarding one of the parties primary care, with liberal visitation to the other.
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> . . . .
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> The Court did not find Sara Coffman to be a credible witness, both by her demeanor and the content of her testimony. She was frequently evasive in answering direct questions and

> instead tended to use questions to tell the Court what she wanted to say. She was also impeached on a number of occasions.
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> The evidence in this case clearly demonstrates Sara to be a woman who became so enraged or hurt over learning of an alleged affair by her husband that she engaged in a campaign to seek revenge against Jim including attempting to cut off Jim's access to the children, making false domestic abuse allegations, frequently calling the police with unfounded claims and in general attempting to disrupt and poison Jim's relationship with both children. Her behavior abundantly demonstrates her willingness to put her own misguided need for revenge above the best interests of her children and engage in almost appalling acts in order to do so.
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> . . . .
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> The bottom line is that both parents were doing a good job of raising their children prior to the breakdown of the marital relationship. Where the parties drastically diverge in their parenting ability is their capacity to work with the other and support the other's relationship with the children.

The district court awarded physical care of the daughter to James, concluding that

> Sara's behavior has been extreme and damaging to the children and shown her ready willingness to place her own desire for revenge and her own bitterness above the best interests of their children. The Court thinks the pervasiveness of her behavior is such that it was not simply situational, related to the breakup of the marriage, but is likely to be repeated in the future and raises questions as to her mental health stability. The Court concludes that Jim is better able to provide for the emotional, social, moral, material, and educational needs of the children. The interpersonal relationship between [mother and son] is currently nonexistent. The son has a very deep bond with his [sister] and it would be disrupting and damaging for the children to separate them. . . . Both parties and Dr. McEchron and Anne McDonald testified that there was an extraordinary bond between [siblings]. While [the boy] is considerably older than [his sister], the Court has considered this factor and concludes it is outweighed by the bond between [the siblings].

The parties stipulated Sara's annual income was $89,450 and Jim's annual income was $155,156. The court ordered Jim to carry health insurance for the children and, pursuant to child support guidelines, ordered Sara to pay

child support in the amount of $1025.14 per month ($751.04 when one child eligible).

The court rejected Sara's request for alimony noting "both parties have the education [and] potential and are presently making a very adequate living." The court found rehabilitative alimony inappropriate because Sara's "income provides her with more than sufficient capacity to support herself," and reimbursement alimony was not called for as the evidence "does not support a claim that Sara made economic sacrifices during the marriage that enhanced [Jim's] earning capacity."

Sara appeals asking that we award physical care of the parties' daughter to her, recalculate child support, and order alimony.

II. Scope and Standard of Review.

We review equitable proceedings de novo. Iowa R. App. P. 6.907; *In re Marriage of Hansen*, 733 N.W.2d 683, 690 (Iowa 2007). We give weight to the district court's factual findings, especially as to witness credibility. Iowa R. App. P. 6.904(3)(g). This is because the district court has a firsthand opportunity to view the witnesses and hear the evidence. *In re Marriage of Brown*, 778 N.W.2d 47, 50 (Iowa Ct. App. 2009).

III. Discussion.

A. Physical care. The primary consideration in determining the placement of a child is the child's long-term best interests. *In re Marriage of Murphy*, 592 N.W.2d 681, 683 (Iowa 1999). The court is guided by the factors set forth in Iowa Code section 598.41(3) (2011), *see Hansen*, 733 N.W.2d at 696, as well as

those identified in *In re Marriage of Winter*, 223 N.W.2d 165, 166–67 (Iowa 1974).

We find no need to repeat the numerous factual findings the court made with respect to Sara and Jim. The record fully supports the court's finding that the parties cannot communicate sufficiently to allow joint physical care. *See Hansen*, 733 N.W.2d at 698 (noting "a stormy marriage and divorce presents a significant risk factor that must be considered in determining whether joint physical care is in the best interest of the children"). The district court properly considered and discussed all pertinent factors, and the court's findings are supported by the record before us. We also conclude that the circumstances identified by the district court outweigh the approximation principle that focuses on historic patterns of caregiving. *See id.* at 697 (noting there may be circumstances that outweigh stability, continuity, and approximation in the award of physical care). Giving the appropriate deference to the district court's superior opportunity to observe the witnesses and to assess credibility, and especially considering the closeness of the bond between the children, *see In re Marriage of Quirk-Edwards*, 509 N.W.2d 476, 480 (Iowa 1993) ("Siblings in dissolution actions should be separated only for compelling reasons."), we agree with the trial court's conclusion that physical care of the parties' daughter should be awarded to Jim.

B. Child support. Though Sara asks us to "review the district court's calculation of child support," she does not state the calculation is in error, nor

does she argue any reason exists to deviate for the guideline amount. We affirm the district court as to child support.

C. Alimony. Sara argues that rehabilitative alimony is appropriate here because the parties moved three times during their seventeen-year marriage due to Jim's employment resulting in his salary increasing, while she was "forced . . . to accept whatever position was available with the government when being moved to new locations." Rehabilitative alimony provides support for "an economically dependent spouse through a limited period of re-education or retraining following divorce, thereby creating incentive and opportunity for that spouse to become self-supporting." *In re Marriage of Francis,* 442 N.W.2d 59, 63 (Iowa 1989). Sara is self-supporting and is not seeking re-education or retraining. Consequently, we conclude rehabilitative alimony is not warranted.

We presume Sara meant to argue for reimbursement alimony. *See In re Marriage of Anliker*, 694 N.W.2d 535, 541 (Iowa 2005) ("Reimbursement alimony 'is predicated upon economic sacrifices made by one spouse during the marriage that directly enhance the future earning capacity of the other.'" (citation omitted)). Here, notwithstanding Sara's claim, and the fact that the parties moved on several occasions to benefit Jim's employment, there is insufficient evidence to conclude that Sara economically sacrificed from the moves. Sara presented no evidence of her likely income or professional status if she had not made the moves.[1] We therefore affirm.

AFFIRMED.

[1] We also observe that Sara's retirement account has a slightly greater value than Jim's account, suggesting that she incurred no significant sacrifices in that financial respect.