

BACKGROUND: John and Alicia had a 4-year-old daughter. Frank represented John at trial and on appeal. John was a full-time factory worker who lived with another woman, Tracy, who also worked at the factory. Alicia lived with Dean. Dean worked full-time and Alicia worked part-time for Dean's father's business. John and Alicia's four-year-old daughter had a new baby sister, daughter of Alicia and Dean. Both John and Alicia used illegal drugs at the time they met and continued to do so after they began living together. John and Alicia had a volatile relationship. Alicia alleged that John physically abused her throughout their relationship and that this abuse drove her from their home.

TRIAL COURT'S DECISION: The trial court granted John custody of his 4-year-old daughter and granted Alicia visitation every other weekend and Wednesday afternoons along with summer visitation. The trial court also ordered Alicia to pay John child support based on full-time employment even though she only worked part-time.

APPELLATE COURT'S DECISION. Alicia appealed, arguing that she should have been granted custody of the parties' daughter and that the trial court failed to adequately consider the relationship between the parties' daughter and her sister. Alicia also argued that the trial court failed to consider the physical and emotional abuse she claims John inflicted on her. Frank represented John and argued that John is the more stable parent and better able to provide for his daughter.

IN THE IOWA DISTRICT COURT OF THE STATE OF IOWA
IN AND FOR ██████ COUNTY

2000.05.24 10:17:03
JUDGE: J. DIA

FATHER)	No. ██████
Petitioner,)	
)	FINDINGS,
)	CONCLUSIONS AND
vs.)	DECRETAL ORDERS
)	
MOTHER)	
)	
Respondent.)	

Trial was held on March 22 and 23, 2000. The Petitioner was present with his counsel, Frank J. Nidey and the Respondent was present with her counsel, James L. Benz. Proposed findings, conclusions and decrees were submitted by both sides.

Each parties' proposed findings of fact, conclusions of law and orders, the financial affidavits, exhibits and the child support worksheets are all made a part of the trial record.

FINDINGS

Petitioner, FATHER was born ██████
1972. Respondent, MOTHER was born ██████ 1975.

FATHER & MOTHER are not and never have been married but are the parents of M.R.T. ██████ who was born on ██████, 1996.

MAY 24 2000
cc: Client

FATHER is employed at [REDACTED] where he has worked for the last four years.

FATHER is presently a group leader, helping to supervise 34 people on his line. FATHER earns \$14.82 per hour. He contends that he expects little overtime in the future because the company is in the process of further automating its operations. FATHER lives with T.R. [REDACTED] who is also employed at [REDACTED]. FATHER AND T.R. live in a large, well furnished townhouse which has a bedroom for M.R.T.

MOTHER is employed by [REDACTED] as a secretary making \$8.00 an hour.

MOTHER has been working there part-time since the birth of MOTHER'S second daughter, M.H.

born on January, 27, 2000. M.H.'s father is D.H. MOTHER resides with D.H. He also works for [REDACTED], owned by D.H.'s father. D.H.

testified that MOTHER could work full-time at \$8.00 an hour if she wished and that, while MOTHER is working, she can care for her children. This rate for a 40-hour week equals \$16,640 per year which is what FATHER should have imputed and did impute to her as income. MOTHER and

D.H. live in a large, well furnished mobile home which has a bedroom M.R.T. shares with D.H.'s son, C.H., from a previous relationship.

FATHER AND MOTHER first met in the summer of 1995 and started to live together shortly