NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

MICHAEL PATRICK ROHRBAUGH	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
JACQUELINE WEVODAU ROHRBAUGH	:	
Appellant	:	No. 525 MDA 2025

Appeal from the Order Entered March 26, 2025
In the Court of Common Pleas of Dauphin County Domestic Relations at No(s): 00557-DR-22,
PACSES No. 645301518

BEFORE: KUNSELMAN, J., LANE, J., and FORD ELLIOTT, P.J.E.*

MEMORANDUM BY KUNSELMAN, J.: **FILED: SEPTEMBER 8, 2026**

Jacqueline Wevodau Rohrbaugh (Mother) appeals from the order requiring her to pay $1,165.00 in monthly child support to Michael Patrick Rohrbaugh (Father) for two of the parties' children. Mother challenges the trial court's finding that she has a yearly earning capacity of $80,000.00. She also challenges the trial judge's partiality. We affirm.

The parties have a protracted history of contentious litigation involving custody and child support matters. This Court has decided four prior appeals involving custody and contempt orders, but this is the first appeal involving a child support order. Because the litigation of these issues is interdependent

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* Retired Senior Judge assigned to the Superior Court.

and necessary to understand how the trial court established Mother's current earning capacity, we detail the following facts and procedural history, which we obtained from the prior appeals as well as from the certified support record.

Mother and Father were married on September 2, 2000. On June 19, 2015, Mother filed a complaint in divorce against Father seeking, among other things, primary custody of the parties' two minor children, a daughter, P.R., and a son, G.R. (the Children).[1] For several years, Mother exercised primary custody and Father exercised partial custody in Dauphin County, Pennsylvania. During that time, Father paid child support to Mother at a separate docket. Prior to COVID, Father was a successful sales executive; after COVID he had a period of unemployment. As a result, his support obligation to Mother was in substantial arrears. Father later secured another job in the insurance industry and has had continued success.

From 2001 to 2020, Mother worked as a patient care physician's assistant. In 2020, Mother married her current husband, Nathan. In September 2021, Mother filed petitions to modify custody and relocate with the Children to California. Without permission, Mother moved to California with the Children.[2]

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[1] The parties have to older sons who are now adults. The parties were divorced in November 2016.

[2] Mother's husband Nathan initially remained in Pennsylvania but later joined Mother in California. He still lives in California.

Following hearings, the court denied Mother's relocation request. On March 4, 2022, the court entered a final order giving the parties shared legal and physical custody of the Children if "Mother's physical residence [was] within a 25-mile radius of [] Harrisburg." If, however, Mother's physical residence was outside of that 25-mile radius, Father [had] primary physical custody and Mother [had] partial physical custody of the Children during the summer break. At that time, Mother resided in California, outside the Harrisburg radius, which meant Father had primary physical custody. Mother exercised her partial custody in California during the summer of 2022.

On May 26, 2022, Father filed his initial complaint for child support. On August 4, 2022, following a Domestic Relations Conference, a final order was entered by the Honorable Jeffrey B. Engle obligating Mother to pay $1,585.00 in monthly child support and $160.00 toward arrears. Although not clear from the record, it appears Mother was assigned a yearly earning capacity based on her employment in California.

When Mother failed to return the Children at the end of the summer of 2022, the court found her in contempt of court and ordered her to pay Father's costs and attorneys' fees.[3] In August 2022, Mother left her job in California and returned to Pennsylvania.

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[3] Mother appealed the contempt finding and this Court affirmed. ***See Rohrbaugh v. Rohrbaugh***, 331 A.3d 633 (Pa. Super. 2024) (non-precedential decision).

On August 19, 2022, Mother filed a counseled petition for *de novo* review of the August 4 support order. In addition, that same day Mother filed a *pro se* petition for modification of this support order in which she asserted that she was earning significantly less money in Pennsylvania. Before the *de novo* hearing could occur, however, a conference on Mother's modification petition was held on November 28, 2022. Father appeared with counsel, and Mother appeared *pro se*. Following the hearing, Mother's monthly support obligation was reduced by $69, to $1,516.00 and $160.00 toward arrears.

In the months that followed, Mother filed a series of *pro se* petitions to modify her support obligation, as well as requests for *de novo* hearings. During these hearings, Mother contended that the parties' custody arrangement would be changing and that she was earning significantly less money in Pennsylvania. As a result, Mother's monthly support obligations fluctuated based on the parties' testimony at each proceeding.

On March 30, 2023, Mother filed a *pro se* modification petition in which she asserted that the parties' custody arrangement had changed to shared custody as of March 29, 2023. Mother alleged that she was unemployed, was still trying to secure full-time employment, but was unable to earn more than $17.00 an hour.

Judge Engle held a support review hearing on May 1, 2023. Father appeared with counsel, and Mother appeared *pro se.* At this hearing, the Domestic Relations Officer informed the court that an interim custody order

was entered on March 31, 2023. According to this order, the parties were to resume the March 4, 2022 order of shared custody. The officer then stated that, based on 50/50 shared custody and using the parties' net incomes from a prior hearing, Mother would be obligated to pay $112.00 in monthly support to Father.

At this hearing, Mother testified that she was studying to become certified as a patient care physician assistant and that her certification would take at least two months. Judge Engle concluded the hearing by stating that he would hold another review hearing in ninety days. On May 1, 2023, Judge Engle entered an order directing Mother to pay $112.00 in monthly support and $12.00 in arrears.

On August 7, 2023, Judge Engle held a review hearing to update Mother's employment status. Mother appeared *pro se*, and Father appeared with his counsel participating by phone. Mother testified that she passed her certification test and that she was "officially employed as a physician assistant [at Active Integrated Medical Center] . . . making $38 an hour." N.T., 8/7/23, at 16. According to Mother, her training would take twelve months and then she would be reviewed after that. ***Id.*** Father testified that Mother should be able to earn more than that as a physician's assistant. Mother responded by stating that, after she was trained, the job she held at Integrated would "become more and be more lucrative." ***Id.*** at 22. Mother testified more about her job at Integrated:

> [MOTHER]: This is completely in line with the other physician assistant jobs I've had here in Pennsylvania. This is direct patient care. This is not teaching in California . . . . This is in line with what I can do here in Pennsylvania. And I'm investing my time as they are in me and this will get better. And they offer research and teaching opportunities. So if I may ask, I would like that to be part of my personal goals in my advanced career. I'm older. And, like, I want to give back. I want to publish journal articles. I want to teach again. And this place allows for all that.

Id. at 31.

On August 14, 2023, Judge Engle entered a support order requiring Mother to pay $1,231.00 per month for the support of the Children and $124.00 per month toward arrears.

After August 2023, Mother remained in Pennsylvania and the parties shared custody under the March 4, 2022 custody order. Sometime in June of 2024, Mother again took the Children to California without notice to Father. Again, litigation ensued which required Mother to return the Children to Pennsylvania. Ultimately, Mother returned the Children on July 2, 2024. Mother was arrested and criminally charged with two counts of interference with the custody of children. On September 19, 2024, following a hearing, the trial court entered an order holding Mother in contempt of custody, and sentencing her to six months of supervised probation and a $200.00 fine, and ordering her to pay Father $2,500.00 in counsel fees. That same day, the

court entered a final custody order, granting Father sole legal and primary physical custody and Mother partial physical custody of Children.[4]

Meanwhile, on July 30, 2024, Father filed the child support complaint that is the subject of this appeal. A support conference was held, and the Conference Officer listed Father's net monthly income as $8,080.04 ($96,960.48 yearly) based upon his year-to-date pay stubs. Mother's income was set at $7,167.17 ($86,006.04 yearly) based upon a previously assigned earning capacity. A support order was entered on September 30, 2024, effective July 30, 2024, requiring Mother to pay $1,758.00 per month for support of the Children. Mother requested a *de novo* hearing.

On February 26, 2025, Mother appeared with counsel, and Father appeared *pro se* for the *de novo* hearing. Mother testified regarding her educational background, which includes a medical license she has held in Pennsylvania since 2006. According to Mother, however, her "medical license is currently being in a rebound process because of [the criminal] charges that were [filed] in June 2024. That takes several months for it to come off the record." N.T., 2/26/25, at 5.

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[4] Mother appealed both orders. On November 18, 2025, we affirmed the trial court's custody order. ***See Rohrbaugh v. Rohrbaugh***, 351 A.3d 223 (Pa. Super. 2025) (non-precedential decision). On December 16, 2025, this Court affirmed the trial court's order holding Mother in contempt of its custody orders. ***See Rohrbaugh v. Rohrbaugh***, 352 A.3d 983 (Pa. Super. 2025) (non-precedential decision).

Regarding her employment history from 2022 through 2024, Mother acknowledged that, in 2022, she was living in California and employed as an assistant professor at AT Still University from January through the middle of August 2022. For this period she was paid at an annual salary rate of $120,000.00. She then returned with Children to Pennsylvania in August 2022 and worked at various jobs at an hourly rate of between $13.00 to $17.00. ***See id.*** at 16-17.

According to Mother, upon returning to Pennsylvania in 2022, she immediately sought positions in academia but there were none, "and definitely not comparable to the level of pay I was at in California". ***Id.*** at 19. She continues to look for assistant professor positions but that, based on her own online research, the job would pay only $60,000 yearly. ***See id.***

In August 2023, Mother began working with Active Integrated Medical Center in Hershey, Pennsylvania. According to Mother, she entered their training program as a technician, received $38.00 per hour, and grossed $3,000.00 a month. Mother testified that she was progressing into full-time employment at this job, but her employer knew she was charged with indirect criminal contempt in May 2023, and, as a result, she "was not allowed to progress through the training." ***Id.*** at 21-22.

Regarding 2024, Mother testified that at the beginning of the year she was still living in Pennsylvania and working at Integrated in Hershey. In June 2024, Mother went to California and did not work. Since returning to

Pennsylvania, Mother testified that in August 2024, she started a medical sales business, Healthy Mind and Body, LLC. She explained that she sells regenerative medicine for a company called Factor Medical. Mother stated that she works remotely and devotes at least forty hours a week to this endeavor. She receives a monthly paycheck, as well as commissions, and grosses about $2,000.00 a month. ***See id.*** at 6-10. Mother testified that she wanted to supplement her income "by substitute teaching in the district, but I had my driver's license suspended, so I was not able to continue that process of that." ***Id.*** at 11.[5]

When her Counsel asked Mother when she stopped working for Integrated, Mother explained her second attempt to relocate with the Children:

> Q. And at some point did you cease working for Integrated?
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> A. June, the beginning of June.
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> Q. And why was that?
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> A. We had changes in our custody situation and because of the lack of progress in my position and there were no benefits and wanting to [reenter] the university in California and rekindle my marriage with my husband Nathan, [there] were also unfortunately dangers that the [C]hildren were exposed to and nothing being done about that to appropriately handle that. And I spoke with [my counsel] about following the [custody] order as written to exercise the custody in there and to take custody in

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[5] The record reflects that Mother's driver's license was restored by order entered March 14, 2025, after the *de novo* hearing.

there and to take partial custody which allowed me the summer period [if she moved outside the 25-mile radius].

Q. At some point did you return to California?

A. Yes.

Q. When was the last month in 2024, that you worked for Integrated?

A. Through May. So January through May of 2024, and then I was unemployed June, July, and August of 2024.

Q. And did your return to Pennsylvania at some point?

A. Yes. I returned back July 2nd to turn myself in, and then I returned to California to try to rekindle my relationship and my entry into the university, which I was not allowed to because of the charges that were placed on me in June. And so that is when I entered in a new career realm of medical sales. I had to do something that didn't require my credentials. The university would have wanted me to get a California medical license, which I was not able to even apply for because of the charges, and they were not allowing it because they knew about the charges.

Id. at 24-25. Mother then testified that her business has been her sole source of income since August 2024.

When asked whether from August 2024 to February 2025 she had tried to obtain other positions to receive additional income, Mother responded:

A. Yes. I wanted to start substitute teaching in the area. The house I'm renting is in Central Dauphin School District, so I can be in [Children's] school district and be physically here for them. [Children] are my priority; that's why I'm here. And I'm rebuilding my medical career in a sales realm, which also allows me to teach. So it's a nice combination and it always requires, you know, cutting edge research. And these are things that I've always wanted to do as I was old and gray and had some experience in my field.

It is going to take time, though, to build my business. I just started it in August. I'm happy with it. I can add other lines of products, and I'm trying to get more and more established in the

> area. In the interim, I thought what would be helpful is substitute teaching to interact with children. And I really enjoy that, the teaching skills and just, you know, becoming more a part of the community, but my license was suspended in January and that's when I had started. There's an online process to do that.

Id. at 26-27.

Counsel asked Mother if she was currently looking for additional employment and the following exchange occurred:

> A. Yes. I always - - I always do look for things like research and teaching. The closest that I can find is Philadelphia. I cannot commute to that. I'm here for [the Children] and that's why I'm choosing to do something I can work remotely so I can re-establish and be present for them physically in their school district.
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> Q. If you're ever offered a job that pays you more money, would you take it?
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> A. I would highly consider it. It would have to be, you know, conducive to the [Children's] schedules. I want to continue to build my business. I'm older in my career. I'm 50. I would like to - - I always wanted to have more of an independent thing with the experience that I've learned and experienced.
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> So having my own medical business is exciting for me. I'd like that opportunity to expand on it. And I'm not trying to avoid anything. I'm not willfully avoiding paying Father child support. This is not a spur-of-the-moment thing for me. This is a long term, over two years income-stunted journey. I don't know how else you want to describe it. But I'm not sitting around unemployed. I'm trying. I'm motivated. I'm a professional woman trying to get back on my feet and get established.
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> I have things on my record that are clearing up and I'm hopeful that the future is brighter for my financial profile that I just shared.

Id. at 29-30.

Regarding her expenses, Mother testified that since October 1, 2024, she has leased a house in Harrisburg for $2,500, but she was behind in rent. Mother then testified about her other expenses, including her child support obligation. Because her expenses totaled more than her gross monthly income, Mother stated that she received assistance from her family and her church. ***See id.*** at 11-16.

On cross-examination, Father asked Mother if she was currently licensed as a physician assistant, and Mother responded that it "can be" active but under review. ***Id.*** at 30-31. Mother then explained that she has "not practiced as a patient care physician assistant since 2020." ***Id.*** at 35. Mother blamed COVID for leaving this position:

> [MOTHER]: . . . COVID happened in 2020ish, and the clinic I was working at in Philadelphia, they closed down, like a lot of places did. And the doctors took over the telemedicine, and the mid levels, they called us, or advanced clinicians, we took over research, and that was where I fell in love with research, and that's where I took my first step into the realm of academia, research, and sales.
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> ***
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> I've been in that trio for almost five years and loving it. And I've been a PA for 24 years, so I have experience and I've been able to do more of a give back, and I want to write articles. I want to have things published. I love front-line research and neurology. These are all things that I am doing, so the role of a patient care physician assistant does not apply to me. That applied to me from 2001 to 2020.

Id. at 36. When Judge Engle asked Mother, what she last made as a "front-line patent care" physician assistant, Mother responded that the most she

"ever made was like [$]72,000 a year, and that was at Hershey Medical Center." ***Id.*** at 37. She then informed the court that she married her present husband in April 2020, he is employed, but they have "been paying separate households for over two years." ***Id.*** at 37-39.

After ending his cross-examination of Mother, Father then testified as follows:

> [FATHER]: We've been through this for the last hearing we had, Your Honor. You started the hearing by stating that we've been going through this almost nine years, our youngest son's - - almost his entire life. And this testimony that [Mother] has brought forth today stinks of everything that's been - - that she's brought forth throughout this entire nine-year process.
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> Her credibility is zero. All I hear in these statements is I,I,I. I want to do research; I want to do this. Not what do I need to do to take care of my priorities which she states are [Children] and her obligations.
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> When I was in front of you several years ago when the roles were reversed and I was being held to an exorbitant income, I had asked her multiple times for reconsideration, [a] way to reconfigure because I was in sales and the commissions weren't consistent, and never once was she even obligated to consider any of my askings [sic]. I lost my driver's license and you looked me right in the eye and said: Sir, I understand, get another job. Get a part-time job.
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> So there are tons of part-time jobs that she could - - and I did and I went out and got gainful employment. I don't have a master's degree. I didn't even make [it] all the way through college. But I was able to secure a job that . . . averages about a hundred thousand dollars a year.
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> [Mother] has a master's degree. She has a biology degree from Lebanon Valley College. She could have gainful employment at any number - - in any number of areas. She just chooses not to pursue it.

> And I submit to the [c]ourt that if she spent as much time and effort in researching employment and trying to find gainful employment to take care of her obligations - - which should be [the Children], instead of all the litigation - - and the research and the time and effort she puts into that, she would have no problem finding sustainable income, and she'd probably be making tons of money and we wouldn't be having these - - these situations.
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> But she doesn't. She chooses to muddy the waters. She chooses to shirk her responsibilities continuously and at every turn. She does not handle any obligations for the [Children] whatsoever. She doesn't make any effort to abide by the Court's orders, nor any requests of mine. These - - child support payments that she labelled herself, our agreement verbally with those were supposed to pay - - she was held in contempt by you for $2,500 of [which] she's made zero payments for because I guess she has appealed it, but in our conversation she told me those $500 monthly payments were towards that. That's how I understood it and that's why I took [her] through the child support system. So she manipulates every - - every aspect of our scenario. And I have no credibility to trust her to repay me in any capacity.

Id. at 40-42.

Judge Engle asked Father if there was anything else he wanted to say and Father responded:

> [FATHER]: Your Honor, again, I don't believe that her medical license is precluding her from any employment. I think she chooses again not to work purposely. She could be a bartender. She could get a waitressing job. She could have anything to sustain income in order not to have her driver's license suspended. She has family that is well to do. They are - - they have many, many resources. She could borrow money from them to support her obligation. She lets it get out of control and then pleads ignorance and asks for the mercy of the courts, and she's been doing it for ten years. And I just - - I can't sit back - - I mean, [Mother's counsel], how many hours did you spend on just preparing for this case alone? Just this hearing today alone - -
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> [MOTHER]: Is that relevant?

> [FATHER]: - - within calls - - it is relevant, Your Honor. I'm establishing her ability to pay attorneys and absorb the legal fees, because I'm sure [her counsel] does not work for free. But she'd rather spend money doing that than handling her obligations.

Id. at 42-43. Judge Engle asked Mother's counsel whether he had questions for Father, and counsel responded he did not.

Counsel then recalled Mother for some additional questions. Mother testified that she was taking responsibility but she needed time to build her business. Finally, Mother stated that as she "sat here today" she was not able to work as a physician assistant. ***Id.*** at 47-48. Judge Engle then stated that he would take the matter under advisement.[6]

On March 25, 2025, the trial court filed factual findings pursuant to Pennsylvania Rules of Civil Procedure 1910.16.2(c) and (d) to determine Mother's income and/or earning capacity. Considering the testimony and exhibits entered, the trial court determined that Mother had a yearly earning capacity of $80,000.00, and directed domestic relations to prepare calculations based upon the court's findings. The court noted that the support order would be entered as a separate order. On March 26, 2025, the court entered an order requiring Mother to pay $1,165.00 a month for the support of the Children, as well as $117.00 a month toward arrears. The effective

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[6] Domestic Relations Officer Joshua Hollenbach informed the court that Father has a support obligation to Mother "and he pays faithfully his amount." ***Id.*** at 56. Judge Engle agreed that any arrears Father still owed Mother would be offset against what Mother owed him.

date of the order was June 30, 2024, the date Father filed his petition for support. This appeal followed. Both Mother and Judge Engle have complied with Appellate Rule 1925.[7]

Mother raises the following three issues on appeal:

1. Whether the trial court abused its discretion and committed an error of law by assigning [Mother] an earning capacity of $80,000.00 where uncontroverted evidence established actual earnings of approximately $20,000.00, and when the record contained no supported finding of voluntary underemployment or willful failure to obtain employment, in violation of 23 Pa.C.S. § 4322 and Pa.R.C.P. 1910.16-2(d)?

2. Whether the trial court erred by disregarding competent evidence of Mother's actual income, employment limitations, local job market conditions, and court-created barriers to employment, and instead imposing a theoretical earning capacity untethered to Mother's realistic ability to pay?

3. Whether the child support order dated March 24, 2025 must be vacated where it flowed from proceedings later tainted by judicial recusal for bias and continued unlawful participation by a disqualified judge?

Mother's Brief at 5 (unnumbered).

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[7] In her notice of appeal, Mother asserted that she appealed from the March 24, 2025 order determining her earning capacity. On May 16, 2025, this Court issued a rule to show cause because this order appeared interlocutory given the trial court entered its support order two days later. Mother filed a response. Judge Engle also responded, stating that no further proceedings were anticipated. In light of the fact that both orders were entered close in time, and the notice of appeal was timely filed from both of them, the rule was discharged. We conclude this appeal is properly before us, and rightfully lies only from the final child support order of March 26, 2025. We amended the caption accordingly.

We begin with our well-settled standard of review in matters concerning child support orders:

> When evaluating a support order, this Court may only reverse the trial court's determination where the order cannot be sustained on any valid ground. We will not interfere with the broad discretion afforded the trial court absent an abuse of the discretion or insufficient evidence to sustain the support order. An abuse of discretion is not merely an error of judgment; if, in reaching a conclusion, the court overrides or misapplies the law, or the judgment exercised is shown by the record to be either manifestly unreasonable or the product of partiality, prejudice, bias or ill will, discretion has been abused.
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> In addition, we note that the duty to support one's child is absolute, and the purpose of child support is to promote the child's best interests.

Sichelstiel v. Sichelstiel, 272 A.3d 350, 534 (Pa. Super. 2022) (quoting ***Silver v. Pinskey***, 981 A.2d 284, 291 (Pa. Super. 2009) (*en banc*)) (further citations omitted).

In her first two issues, Mother challenges Judge Engle's decision to impute upon her a yearly earning capacity of $80,000.00. In Pennsylvania, child support awards are calculated in accordance with specific statutory guidelines, using a complex system that considers the net income of both parties, and accounts for the obligor's capacity to pay and the reasonable needs of the particular children. ***See Commonwealth v. Hall***, 80 A.3d 1204, 1216 (Pa. 2013). The guidelines provide extremely detailed instructions for calculating child support awards based on both parties' net income from all sources. ***Id***. at 1217; ***see also*** 23 Pa.C.S.A. § 4322(a). As a general rule,

the amount of support to be awarded is based upon the parties' monthly net income over at least a six-month average. ***See*** Pa.R.C.P. 1910.16-2. The Domestic Relations Code defines the term "income" and includes income from any source. Pa.R.C.P. 1910.16-2(a); ***see also*** 23 Pa.C.S.A. § 4302.

However, when a party fails to obtain or maintain appropriate employment, the trier-of-fact may impute to the party an income equal to that party's earning capacity, in accordance with the procedure set forth in Pa.R.C.P. 1910.16-2(d)(4). The court shall determine a reasonable work regimen based upon the party's relevant circumstances, including the jobs available within a particular occupation, working hours and conditions, and whether a party has exerted substantial good faith efforts to find employment. Pa.R.C.P. 1910.16-2(d)(4)(i)(A)(ii). To determine the earning capacity, the court shall consider the factors listed in Pa.R.C.P. 1910.16-2(d)(4)(ii)(A)-(N). These factors include childcare responsibilities and expenses; residence; employment and earnings history; job skills; educational attainment; record of seeking work; and the local job market, including the availability of employers who are willing to hire the party.

Here, Judge Engle made factual findings regarding each Rule 1910.16-2(d)(4)(ii) factors, which were largely consistent with Mother's testimony regarding her childcare responsibilities and expenses, her residence, educational attainment and her employment and earning history. Judge Engle also referenced Mother's monthly gross of $2,000.00 from her new business,

but found that "level of income unacceptable." Order, 3/25/25, at 2. Regarding Mother's job skills, Judge Engle found that Mother was "very capable of employment and has many transferable skills." ***Id.*** He then took "judicial notice of the fact that, according to the Pennsylvania Bureau of Professional and Occupational Affairs, Mother has a current Physician Assistant license that was renewed on December 23, 2024 and expires on December 31, 2026." ***Id.*** Judge Engle also noted that the criminal charges of interference with custody of a child had been dropped. ***Id.*** Finally, Judge Engle found that there was no testimony regarding Mother's record of seeking work, the local job market including the availability of employers who are willing to hire Mother, and no testimony regarding the local community prevailing earnings level. ***Id.***

After making these findings, Judge Engle made the following comments:

> Upon consideration of the testimony and exhibits entered, the court finds that Mother should be held to an earning capacity of $80,000.00. Mother testified that she desires to make [the Children] a priority. [The trial court] questions whether [Mother's] past decisions concerning employment have embodied that desire. Both parents are obligated to financially support [the Children]. Father has been shouldering this responsibility alone since June 2024. Mother has been unable to engage in consistent, meaningful employment since 2022 because of her relentless desire to force the court to allow her to move with [the Children] in California. This persistence has resulted in her violating the custody order by taking (or withholding) [the Children] to California on at least two occasions. [Mother] has the present ability to work as a physicians' assistant and needs to make guaranteed money rather than attempting to grow a new business. She needs to make supporting [the Children] a priority.

Id. at 3 (excess capitalization omitted).

In support of her first two issues on appeal, Mother asserts that Judge Engle's child support order "must be vacated because it rests on a legally defective foundation." Mother's Brief at 7 (unnumbered). According to Mother:

> Pennsylvania law permits the use of earning capacity only when it reflects a realistic ability to pay and only where the record supports a finding of voluntary underemployment or willful failure to obtain appropriate employment. The trial court ignored [Mother's] proven actual income, failed to apply Rule 1910.16-2(d), disregarded local job market conditions, and imposed a theoretical earning capacity untethered to reality.

Id.

In his Rule 1925(a) opinion, Judge Engle further explained the reasons why he imputed the earning capacity at issue to Mother:

> First, it is undisputed that in 2022 Mother left Pennsylvania and took a position in California as an assistant professor for Physician Assistants at [AT] Still University of Health Science. That position paid $120,000 per year and would also enable her to live with her current husband who at all relevant times has lived in California. Mother then voluntarily left that position when the Pennsylvania Courts would not permit her to take [the Children] to live with her in California.
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> Second, Mother has not had full time employment since she left California in 2022. She testified that at one place she worked she could not get the necessary training due to numerous court appearances that she was required to make. [The trial court] takes judicial notice of the plethora of filings made in the custody, support and protection from abuse matters between the parties. We note that during this period Father continuously maintained full time employment. Since July of 2024 he has had sole custody of the [Children] and Mother has failed to contribute to their care.
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> Third, since August 2024 Mother has been self-employed in medical sales through Factor Medical which as of the date of the hearing was not very lucrative in that she only had gross

> commissions of $2,065.00 per month. She further testified that she was seeking employment as a substitute schoolteacher with her district. There was no other evidence of a job search.
>
> Pennsylvania courts prioritize earning capacity over actual income when calculating child support, particularly in cases of voluntary income reduction or failure to seek appropriate employment. This approach ensures that the financial needs of the child are met while holding parents accountable for their realistic earning potential. ***Mencer v. Ruch***, [928 A.2d 294, 299 (Pa. Super. 2007;] ***Woskob v. Woskob***, [843 A.2d 1247, 1251 (Pa. Super. 2004)].
>
> In the instant case Mother chose to leave a very good paying position in order to spend more than just the summer with [the Children]. Further, she testified that even if she were offered a job that pays more money, she would not take it unless it was conducive to the [Children's] schedules. We find that Mother's decisions constitute a voluntary income reduction and as such, it [was] appropriate to hold her to an earning capacity of $80,000.00 per year factoring in the local job market.

Trial Court Opinion, 9/3/25, at 1-3 (unnumbered) (footnotes omitted).[8]

Although Mother provided exhibits to establish her actual income, and provided some testimony regarding her job prospects in Pennsylvania, our standard of review means we cannot "re-find facts, re-weigh evidence, and re-assess credibility." ***D.R.L. v. K.L.C.***, 216 A.3d 276, 286 (Pa. Super. 2019). On these matters, we must defer to Judge Engle. Our role is to determine

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[8] In a footnote, Judge Engle took judicial notice that, since taking this appeal, Mother has filed a petition for modification and a petition for relocation "requesting permission to once again relocate to California with [the] Children in order to take a position that pays $11,000 per month working as a physician's assistant with the Veteran's Administration." ***Id.*** at 2 n.3. We note that the facts asserted in this pleading contradict Mother's instant assertions regarding her earning capacity. In addition, we note that Mother listed a California address on her brief.

whether his decision was based on a misapplication of the law, or whether the decision was manifestly unreasonable or the product of partiality, prejudice, bias or ill will.

Upon conducting such a review, we discern no abuse of discretion. Mother made no showing that she was unable to secure a position as a physician's assistant in Pennsylvania. As noted above, at the August 2023 review hearing, Mother testified that she had secured a patient-care physician's assistant job at Active Integrated Medical Center which "offered research and teaching opportunities" that would let her "publish journal articles" and "teach again." N.T., 8/7/23, at 31. At the review hearing held two years later, Mother testified that "she was not allowed to progress through the training" for this job because her employer knew she had been charged with indirect criminal contempt." N.T., 2/26/25, at 22. Mother presented no objective proof to support her testimony.

Relatedly, Mother further makes the general claim that Judge Engle "ignored undisputed evidence that [her] employment was disrupted by court-initiated actions, including pending criminal charges that rendered her temporarily unemployable." Mother's Brief at 8 (unnumbered). While Mother's testimony may have been undisputed, that does not mean it had to be believed. Indeed, Judge Engle did not credit such testimony, but instead discovered that her license was active. ***D.R.L.***, ***supra***. Additionally, as noted above, Mother has apparently found a high-paying job as a physician's assistant in California. ***See*** n.8, ***infra***.

Moreover, in addressing Mother's prior appeal, which held her in contempt and imposed monetary sanctions, this Court informed Mother that her ability to pay was irrelevant. ***See Rohrbaugh***, ***supra***, 331 A.3d at *7 (citation omitted) (reiterating that there's "no controlling case law relative to a finding of contempt based on a party's failure to comply with a visitation or custody [o]rder that mandates a determination of the contemnor's ability to pay" prior to imposing sanctions). Mother cites no case law to support her claim that the court must first determine her ability to pay before imputing an earning capacity to her.[9]

In sum, Mother has not demonstrated that Judge Engle abused his discretion in imputing a yearly earning capacity of $80,000.00. Thus, Mother's first two issues afford her no relief.

In support of her third issue, Mother contends that "the support order flowed from proceedings later tainted by judicial recusal and unlawful continued participation by a disqualified judge, rendering the order unreliable and unenforceable." Mother's Brief at 7 (unnumbered). The record does reflect that Judge Engle granted Mother's recusal motion on May 8, 2025, nearly six weeks after he entered the order at issue here. Unlike Mother, we find no support in the record of any taint or unlawful participation by Judge Engle in the proceedings below.

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[9] Indeed, although Mother asserted this claim in her statement of issues, she fails to address it in her supporting argument.

Initially, we note that Judge Engle ruled on Mother's earning capacity in March 2025 prior to granting Mother's recusal motion in May 2025. This Court has already concluded, when affirming the parties' final custody order, that Mother's claim that Judge Engle "'should not be responding or writing orders related to any of [her] cases' because he recused from the matter on May 8, 2025 is of no moment." ***Rohrbaugh***, 351 A.3d 223 at *3 n.8. ***See also Rohrbaugh***, 352 A.3d at *3 n.8 (rejecting, in her appeal from a contempt finding, Mother's request to "strike" Judge Engle's memorandum and order because the court later granted her recusal motion).

Moreover, we note that this Court rejected Mother's claims of bias and her recusal request regarding the Honorable Royce L. Morris, the prior trial judge assigned to her custody/contempt proceedings. ***See Rohrbaugh***, 331 A.3d 633 at *11). It appears Mother is unhappy with all trial judges in Dauphin County who rule against her.[10] Finally, while Mother expounds on these claims in her reply brief, they are refuted by our review of the record.[11] Mother's final issue merits no relief.

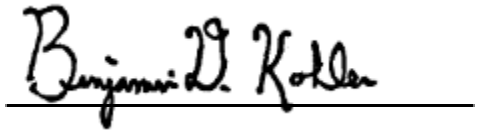
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[10] Indeed, this Court has received a supplemental record containing an October 25, 2025 order of court signed by a Berks County senior judge, which denied yet another petition for special relief in which Mother sought an order deeming all of "disqualified" Judge Engle's orders in this case void.

[11] In contravention of our Appellate Rules, Mother's reply brief also raises additional issues and arguments that she did not raise in her principal brief or to the trial court and are not in response to Father's brief. ***See*** Pa.R.A.P. 2113(a), Comment ("The scope of the reply brief is limited, however, in that such brief may only address matters raised by appellee and not previously
(Footnote Continued Next Page)

Order affirmed.

Judgment Entered.



Benjamin D. Kohler, Esq.
Prothonotary

Date: 09/08/2026

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addressed in appellant's brief."). ***See also*** Pa.R.A.P. 2113(a); ***Bishops, Inc. v. Penn National Insurance***, 984 A.2d 982, 997 (Pa. Super. 2009) (explaining Rule 2113 "does not sanction the use of Reply Briefs to raise new issues." (citation omitted)); ***Commonwealth v. Fahy***, 737 A.2d 214, 218 n.8 (Pa. 1999) ("Thus, an appellant is prohibited from raising new issues in a reply brief. Moreover, a reply brief cannot be a vehicle to argue issues raised but inadequately developed in appellant's original brief." (citations omitted)).