

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2026 CU 0343

RUSSELL MAURICE BRUE

VERSUS

LE TU TRAN BRUE

Judgment Rendered: **SEP 28 2026**

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**Appealed from the
22nd Judicial District Court
In and for the Parish of St. Tammany
State of Louisiana
Case No. 2022-15936, Division K**

The Honorable Patrice W. Oppenheim, Judge Presiding

* * * * *

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* * * * *

BEFORE: THERIOT, GREENE, AND EDWARDS, JJ.

THERIOT, J.

In this case, a mother appeals the 22nd Judicial District Court's April 23, 2025 judgment on child custody and incidental matters, which awarded partial tuition reimbursement, child support, and spousal support, and granted joint custody of two minor children to the parents. For the reasons below, we affirm in part, reverse in part, and remand.

FACTS AND PROCEDURAL HISTORY

The parties to this case, Russell Maurice Brue ("Russell") and Le Tu Tran Brue ("Julie"), were married on April 12, 2014, and lived in St. Tammany Parish. The couple has two minor children of the marriage, a son and a daughter. During the marriage, Russell worked as an officer of the Louisiana State Police. According to Julie, she is a college graduate with a Master of Science in Education from Johns Hopkins University and is certified in general education and special education. According to the trial court's reasons for judgment, at the time of trial, Julie was a homemaker who homeschooled the couple's two elementary school-aged children.

The Brues' marriage rapidly deteriorated after Russell engaged in an extramarital affair with a married couple. Some of these encounters occurred when Russell was on duty for the Louisiana State Police. On November 28, 2022, Julie discovered the affair. She then contacted and informed the Louisiana State Police, and following an investigation by Internal Affairs, Russell was terminated from his position on May 22, 2023. Russell filed a petition for divorce pursuant to Louisiana Civil Code article 102 on December 21, 2022.

Julie filed her answer, reconventional demand, and ex parte petition for temporary sole custody on January 26, 2023. In her reconventional demand, Julie alleged for the first time several instances when Russell abused her and the minor children. She also sought sole custody. Russell answered the reconventional

demand and ex parte petition for temporary sole custody on February 15, 2023, and denied all allegations of abuse. The Hearing Officer completed a Joint Obligation Worksheet to determine child support on March 24, 2023, which was filed into the record on March 31, 2023, prior to Russell's termination from the Louisiana State Police.¹ Russell's monthly gross income is listed as \$6,780.00, amounting to 77.22% of the couple's gross income, with a recommended child support order of \$1,276.53 per month. This recommendation became a temporary child support order that went into effect on April 12, 2023, after the parties agreed to a consent judgment to that effect.

The trial court signed a judgment of divorce pursuant to Louisiana Civil Code article 102 on February 26, 2024. Julie filed a "Motion to Nullify the Final Divorce Judgment and Reclassify from a [Louisiana Civil Code article] 102 No Fault Divorce to a [Louisiana Civil Code article 103(2)] Adulterous Affair and [Louisiana Civil Code article 103(4)] Domestic Violence Divorce" on July 3, 2024, wherein she reiterated her allegations of domestic and child abuse by Russell.

The trial court conducted a bench trial on incidental issues such as child custody and spousal and child support on October 29, 2024, which was continued to and completed on January 3, 2025. The trial court signed a judgment on custody and incidental matters on April 23, 2025, granting both parents joint custody, with Julie as the domiciliary parent. The judgment also ordered the parents to enroll the children in public school for the 2025-2026 school year.

The judgment ordered Russell to pay the following in child support: from January 1, 2023 to July 31, 2023, \$1,236.00 per month; from August 1, 2023 to October 31, 2023, \$576.00 per month; from November 1, 2023 to March 31, 2024, \$811.00 per month; from April 1, 2024 to September 30, 2024, \$849.00 per month; from October 1, 2024 to December 31, 2024, \$1,223.00 per month, and from

¹ The parties are listed backwards on this Joint Obligation Worksheet, with Russell as the domiciliary parent and Julie as the non-domiciliary parent.

January 1, 2025 onward, \$1,313.00 per month. The judgment stated that Russell had an advance of \$7,754.00 in child support. Additionally, the trial court ordered Julie to pay all unreimbursed “ordinary medical expenses” up to \$250.00 per child per year. It also ordered Russell to reimburse Julie for his percentage of the children’s tuition for tutoring they received several days per week at Holy Family Academy for the 2024-2025 school year, but not for the 2023-2024 school year.

As to Julie’s claim for interim spousal support, the judgment ordered Russell to pay \$517.00 per month from July 1, 2024 to August 31, 2024, for a total of \$1,034.00, but granted no interim spousal support from January 1, 2023 to June 30, 2024. The judgment also denied Julie’s request to apply the Post-Separation Family Violence Relief Act (“PSFVRA”), as well as Julie’s “Motion to Nullify the Final Divorce Judgment and Reclassify from a 102 No Fault Divorce to a [103(2)] Adulterous Affair and [103(4)] Domestic Violence Divorce.”

Julie sought supervisory writs on the portion of the trial court’s judgment that ordered her two children to attend public school in St. Tammany Parish for the 2025-2026 school year. After this court denied the writ, that portion of the judgment was vacated by the Louisiana Supreme Court and remanded to the trial court to fashion a remedy that addressed the concerns raised by Russell while maintaining Julie’s educational decision. See *Brue v. Brue*, 2025-01260 (La. 11/25/25), 423 So.3d 73, 74.

Julie filed her notice of intent for this appeal on May 21, 2025.

ASSIGNMENTS OF ERROR

Julie assigns the following as errors:

- (1) The trial court committed reversible error in failing to order Russell to reimburse Julie for all proven and un rebutted tuition expenses incurred for the children’s education.
- (2) The trial court committed reversible error in miscalculating child support and finding Russell had a child support advance in the amount of \$7,754.00.

- (3) The trial court committed reversible error in finding Julie responsible for 100% of the children's "ordinary medical expenses."
- (4) The trial court committed reversible error in finding Julie only entitled to a total of \$1,034.00 in interim spousal support.
- (5) The trial court committed reversible error in failing to grant Julie sole custody of the two children in light of the PSFVRA.

DISCUSSION

Tuition Reimbursement

In her first assignment of error, Julie argues that the trial court erred by only ordering Russell to reimburse her for his portion of their minor children's tuition expenses for the 2024-2025 school year at Holy Family Academy and by failing to order reimbursement for the 2023-2024 school year as well.

Louisiana Revised Statutes 9:315.6 provides:

"By agreement of the parties or order of the court, the following expenses incurred on behalf of the child, *may* be added to the basic child support obligation: (1) Expenses of tuition, registration, books, and supply fees required for attending a special or private elementary or secondary school to meet the needs of the child."
(Emphasis added.)

A trial judge's decision to add private school tuition expenses to the basic child support obligation will not be disturbed absent an abuse of discretion. *Flickinger v. Flickinger*, 2005-2228 (La. App. 1 Cir. 12/28/06), 952 So.2d 70, 75.

During the 2023-2024 and 2024-2025 school years Julie homeschooled the two minor children and sent them to Holy Family Academy several mornings each week for supplemental tutoring. Julie introduced evidence establishing that, for the 2023-2024 school year, the total cost of tuition was \$3,055.00, and Russell's portion of that would be \$1,527.00.

However, there is no requirement that these expenses be added to a child support obligation. The trial judge has the discretion to order reimbursement, and we find no error in her refusal to do so in this case. We affirm the portion of the trial court's judgment related to reimbursement of tuition expenses.

Child Support

In her second assignment of error, Julie contends that the trial court erred in finding Russell is entitled to a child support advance of \$7,754.00.

This advance is a result of the temporary child support order granted pursuant to the April 12, 2023 consent judgment. The Hearing Officer completed a Joint Obligation Worksheet to determine child support on March 24, 2023, which was filed into the record on March 31, 2023. The Worksheet listed Russell's monthly gross income as a Louisiana State Police officer as \$6,780.00, amounting to 77.22% of the couple's gross income, with a recommended child support order of \$1,276.53 per month. Russell timely completed his child support payments in the following two years, and the trial court completed six Joint Obligation Worksheets to determine the amount of child support owed for each of the time periods corresponding with different jobs Russell took after being terminated from the Louisiana State Police. In its written reasons for judgment, the trial court explained that because no evidence was introduced at trial indicating Russell failed to make the \$1,276.00 monthly payments, it determined that he paid a total of \$29,348.00 in child support. Using its own calculations, it determined that the child support amount should have been \$37,102.00 and granted him an advance of \$7,754.00.

Generally, an award of child support is entitled to great weight and will not be disturbed on appeal absent an abuse of discretion. ***Lambert v. Lambert***, 2006-2399 (La. App. 1 Cir. 3/23/07), 960 So.2d 921, 924. Furthermore, a trial court's conclusions of fact regarding financial matters underlying an award of child support will not be disturbed in the absence of manifest error. ***Romanowski v. Romanowski***, 2003-0124 (La. App. 1 Cir. 2/23/04), 873 So.2d 656, 662. The manifest error standard of review is based, in part, on the trial court's ability to better evaluate the testimony of live witnesses, compared with an appellate court's

sole reliance upon a written record. *Freeman v. Freeman*, 2016-0580 (La. App. 1 Cir. 4/12/17), 218 So.3d 653, 659. When presented with two permissible views of the evidence, the trier of fact's choice between them cannot be manifestly erroneous. *Id.* at 659-60. The trial court has wide discretion in determining the credibility of witnesses and its factual determination will not be disturbed on appeal absent a showing of manifest error. *Aguillard v. Aguillard*, 2008-1131 (La. App. 1 Cir. 12/23/08), 9 So.3d 183, 187. Regarding questions of law, the appellate court gives no special weight to the findings of the trial court, but instead reviews those issues under the de novo standard. *Wooley v. Lucksinger*, 2006-1140 (La. App. 1 Cir. 12/30/08), 14 So.3d 311, 353, *rev'd in part on other grounds*, 2009-0571 (La. 4/1/11), 61 So.3d 507.

Louisiana Revised Statutes 9:315 to 9:315.26 set forth the child support guidelines. “The premise of these guidelines as well as the provisions of the Civil Code is that child support is a continuous obligation of both parents, children are entitled to share in the current income of both parents, and children should not be the economic victims of divorce or out-of-wedlock birth.” La. R.S. 9:315(A). An award of interim child support shall be retroactive to the date of judicial demand, except for good cause shown. *See* La. R.S. 9:315.21. The first step in determining a child support obligation is to combine the adjusted gross incomes of the parties and calculate each party’s proportionate share of the combined amount. *See* La. R.S. 9:315.2(C). Each party shall provide to the court a verified income statement showing gross income and adjusted gross income, together with documentation of current and past earnings. *See* La. R.S. 9:315.2(A).

Income for the child support calculation includes potential income “if the party is voluntarily unemployed or underemployed.” La. R.S. 9:315(C)(5)(b). If a party is voluntarily unemployed or underemployed, child support shall be based on a determination of his or her income earning potential, rather than the party’s

actual gross income. La. R.S. 9:315.11(A)(1). However, “[a] party shall not be deemed voluntarily unemployed or underemployed if he or she is absolutely unemployable or incapable of being employed, or if the unemployment or underemployment results through no fault or neglect of the party.” La. R.S. 9:315(C)(5)(b). The party alleging the other is underemployed has the burden of proving such underemployment. *Albin v. Albin*, 2025-0494, 2025-0495 (La. App. 1 Cir. 11/7/25), 424 So.3d 1137, 1144 (citing *Triche v. Triche*, 2024-370 (La. App. 5 Cir. 2/26/25), 406 So.3d 1205, 1209, *writ denied*, 2025-00401 (La. 6/25/25), 412 So.3d 222). In deciding whether to impute income to a party, the court’s considerations shall include, to the extent known, all of the following:

- (a) Assets owned or held by the party.
- (b) Residence.
- (c) Employment and earnings history.
- (d) Job skills.
- (e) Educational attainment.
- (f) Literacy.
- (g) Age and health.
- (h) Criminal record and other employment barriers.
- (i) Record of seeking work.
- (j) The local job market.
- (k) The availability of employers willing to hire the noncustodial parent.
- (l) Prevailing earnings level in the local community.
- (m) Other relevant background factors in the case.

La. R.S. 9:315.11(A)(1).

Several appellate courts have found that, despite being terminated from a position, a party is considered voluntarily unemployed where the loss of employment is a result of the party’s fault or neglect. In *Rutland v. Rutland*, the

Fifth Circuit Court of Appeal held that the trial court did not abuse its discretion in finding that a father was voluntarily underemployed after he was fired from his position at a container manufacturing plant after missing a “dye line” on the bottles and allowing imputation of his income from that job for child support. 2013-70 (La. App. 5 Cir. 7/30/13), 121 So.3d 776, 777, 782. The Fifth Circuit upheld this principle last year in another case where a father fell asleep on the job and was terminated. *See Triche*, 406 So.3d at 1210-11. Similarly, the Third Circuit Court of Appeal affirmed that a father who failed to fill out required paperwork and lost his position was voluntarily underemployed. *See Martinez v. Martinez*, 2017-74 (La. App. 3 Cir. 10/4/17), 228 So.3d 764, 769. And the Second Circuit upheld the trial court’s determination that a father who had made fictitious purchases to embezzle money while at a past position was voluntarily unemployed after his employer found out about the charges against him and fired him. *See Kairdolf v. Kairdolf*, 46,035 (La. App. 2 Cir. 3/2/11), 58 So.3d 527, 531-32.

Upon review of the record, we find that the trial court committed a manifest error of material fact in failing to find that Russell was voluntarily underemployed after being terminated from his position with the Louisiana State Police on May 22, 2023. Russell committed voluntary misconduct when he engaged in sexual misconduct while he was on duty on multiple occasions, including sexual encounters on October 28, 2022, and November 9, 2022. In a letter dated May 19, 2023, Colonel Lamar A. Davis, Superintendent of the Louisiana State Police, notified Russell of his termination and listed the following grounds: violating the reporting time and attendance policy by sending sexual texts that were not part of his duties while on duty, committing public payroll fraud, neglect of duty, violating the rule on domestic violence mandatory notification, making false statements during an interview with a superior officer, conduct unbecoming of an officer, improper vehicle use, transporting intoxicants, and improper firearm use. All of

these grounds are related to the affair Russell voluntarily participated in while he was on duty as a Louisiana State Police officer.

Because Russell was terminated due to his fault, his income earning potential as an officer may be imputed to him for the purposes of calculating the child support award. We reverse the portion of the trial court's judgment related to the child support award and credit and remand for proceedings consistent with this ruling to recalculate the child support award using Russell's income earning potential.

Ordinary Medical Expenses

In her third assignment of error, Julie contends that the trial court erred in allocating responsibility for paying 100% of the minor children's "ordinary medical expenses" to her.

Again, the standard of review in a child support case is abuse of discretion. *Lambert*, 960 So.2d at 924. The trial court's conclusions of fact regarding financial matters underlying an award of child support will not be disturbed in the absence of manifest error. *Romanowski*, 873 So.2d at 662. Questions of law are reviewed de novo. *Wooley*, 14 So.3d at 353.

Louisiana Revised Statutes 9:315(C)(8) defines "ordinary medical expenses" as:

unreimbursed medical expenses less than or equal to two hundred fifty dollars per child per year. Expenses include but are not limited to reasonable and necessary costs for orthodontia, dental treatment, asthma treatment, physical therapy, chronic health problems, and professional counseling or psychiatric therapy for diagnosed mental disorders not covered by medical insurance.

Additionally, under Louisiana Revised Statutes 9:315.5, "extraordinary medical expenses" shall be added to the basic child support obligation and are defined as "unreimbursed medical expenses which exceed [\$250.00] per child per year." *See*

Bonnecarrere v. Bonnecarrere, 2009-1647 (La. App. 1 Cir. 4/14/10), 37 So.3d 1038, 1049, *writ denied*, 2010-1639 (La. 8/11/10), 42 So.3d 381.

The trial judge followed the child support guidelines and correctly allocated the responsibility to pay ordinary medical expenses to the domiciliary parent, Julie. We affirm the ordinary medical expenses award.

Interim Spousal Support

In her fourth assignment of error, Julie further argues that the trial court erred in finding her entitled only to \$1,034.00 of total interim spousal support, or \$517.00 per month, for July 1, 2024 to August 31, 2024.

Louisiana Civil Code article 113(A) provides that “[u]pon motion of a party, the court may award a party interim spousal support based on the needs of that party, the ability of the other party to pay, any interim or final child support obligation, and the standard of living of the parties during the marriage.” The purpose of interim spousal support is to assist the claimant spouse in sustaining the same standard of living that he or she enjoyed while residing with the other spouse, pending litigation. *See Lambert v. Lambert*, 2006-2399 (La. App. 1 Cir. 3/23/07), 960 So.2d 921, 928. The right to claim interim periodic support “is grounded in the statutorily imposed duty on spouses to support each other during marriage, and thus provides for the spouse who does not have sufficient income for his or her maintenance during the period of separation.” *Id.* (citing ***Derouen v. Derouen***, 2004-1137 (La. App. 3 Cir. 2/2/05), 893 So.2d 981, 984). The spouse seeking support bears the burden of proving his or her entitlement to it. *Id.*

“The trial court is vested with much discretion in determining whether to make an award of interim spousal support, and such determination will not be disturbed absent a clear abuse of discretion.” ***Gambel v. Gambel***, 2024-1026 (La. App. 1 Cir. 6/16/25), 417 So.3d 963, 966 (citing ***Lambert***, 960 So.2d at 928; ***Martello v. Martello***, 2006-0594 (La. App. 1 Cir. 3/23/07), 960 So.2d 186, 192). In

a decision on interim spousal support, “an abuse of discretion will not be found if the record supports the trial court’s conclusions about the means of the payor spouse and his or her ability to pay.” *Lambert*, 960 So.2d at 928. Factual findings underlying a trial court’s decision as to whether to award interim spousal support are reviewed under the manifest error standard. *Gambel*, 417 So.3d at 966 (citing *Rodriguez*, 315 So.3d at 917).

Need of the claimant spouse is defined as “the total amount sufficient to maintain that spouse in a standard of living comparable to that enjoyed prior to a separation, limited only by the other spouse's ability to pay.” *Lockhart v. Norred*, 2024-0977 (La. App. 1 Cir. 10/6/25), 424 So. 3d 194, 198, *writ denied*, 2025-01401 (La. 2/12/26), 425 So. 3d 1208 (citing *Lambert*, 960 So.2d at 928). Here, the trial court stated in its written reasons for judgment that it received insufficient evidence to determine the parties’ standard of living during the marriage. It found that, according to her Family Law Affidavit, Julie had a need of \$1,941.00 per month from March 24, 2023 to June 30, 2024. It imputed to her a gross monthly income of \$2,000.00 per month, which it found sufficient to cover her expenses and her claim for interim spousal support. The trial court found that her expenses increased to \$3,093.00 per month on July 1, 2024, and since it imputed an income of \$2,000.00 per month, it found that her need was \$1,093.00 per month. The court then considered Russell’s child support payment for that period, which was \$576.00 per month, leaving Julie with an unmet need of \$517.00 per month, which it ordered Russell to pay for July and August 2024.

There is a reasonable factual basis for the findings of the trial court with regard to Julie’s need. However, as we found above, Russell’s child support payment for July 1, 2024 to August 31, 2024 must be recalculated using his income earning potential. The trial court erred to the extent that it used an incorrect child support order. We reverse the interim spousal support portion of the

judgment and remand for recalculation considering Russell's income earning potential and its effect on the child support payment.

Custody of the Children

In Julie's fifth assignment of error, she argues that the trial court committed reversible error in failing to grant her sole custody of the minor children, in light of PSFVRA. *See* La. R.S. 9:361-369. The trial court denied Julie's request to apply the PSFVRA and granted the parents joint custody, with Julie as the domiciliary parent.

To the extent it is feasible and in the best interest of the child, physical custody of the child shall be shared equally. La. R.S. 9:335(A)(2)(b); ***Bernard v. Bernard***, 2020-0973, 2020-0974 (La. App. 1 Cir. 2/19/21), 321 So.3d 396, 400, *writ denied*, 2021-00682 (La. 9/27/21), 324 So.3d 93. The paramount consideration for awarding custody is the best interest of the child. La. C.C. art. 131.

Each child custody case is reviewed in light of its own particular set of facts and circumstances. *See Major v. Major*, 2002-2131 (La. App. 1 Cir. 2/14/03), 849 So.2d 547, 550. "Great deference is accorded to the decision of the trial court, because it has a better opportunity to evaluate the credibility of witnesses." ***Cefalu v. Cefalu***, 2025-1265 (La. App. 1 Cir. 3/23/26), 431 So.3d 1202, 1205, *writ denied*, 2026-00627 (La. 6/25/26), 434 So.3d 566 (citing ***Martello***, 960 So.2d at 191). Therefore, the trial court's custody award will not be disturbed absent a finding of abuse of discretion. *See Cefalu*, 431 So.3d at 1205 (citing ***Leard v. Schenker***, 2006-1116 (La. 6/16/06), 931 So.2d 355, 357 (*per curiam*)). However, "in child custody... matters, as in other areas of the law, '[t]he application of statutes is a question of law[,] and '[a]n appellate court reviews questions of law *de novo* to determine whether the trial court was legally correct or incorrect.'" ***Marshall v. Thurman***, 2025-309 (La. App. 5 Cir. 9/24/25), 423 So.3d 211, 222, *writ denied*, 2025-01266 (La. 11/12/25), 420 So.3d 710 (citing ***Barak v. Saacks***, 2021-0756,

2021-0757 (La. App. 4 Cir. 10/12/22), 367 So.3d 656, 662, *writ denied*, 2022-2734 (La. 1/11/23), 352 So.3d 987). When the PSFVRA applies, the trial court's failure to apply its provisions constitutes a legal error. **Barak**, 367 So.3d at 662 (citing **Durand v. Rose**, 2022-300 (La. App. 4 Cir. 9/15/22), 366 So.3d 484, 491).

The purpose of La. R.S. 9:364(C) of the PSFVRA is “to protect the child's interest by restricting the right of visitation of the abusing spouse in families with a history of family violence.” See **Michelli v. Michelli**, 93-2128 (La. App. 1 Cir. 5/5/95), 655 So.2d 1342, 1346. If a trial court finds by a preponderance of the evidence that a parent has subjected his child, stepchild, or any other household member to a history of family violence, then the PSFVRA directs the trial court to only allow supervised visitation between the abusive parent and the abused children. La. R.S. 9:341(A).

“First, the court must find that there is family violence, and second, there must be a history of the family violence.” **Michelli**, 655 So.2d at 1346. The PSFVRA defines family violence as including, but not limited to:

physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injuring and defamation, committed by one parent against the other parent or against any of the children. Family violence does not include reasonable acts of self-defense utilized by one parent to protect himself or herself or a child in the family from the family violence of the other parent.

La. R.S. 9:362(4). The Act “only requires evidence of past events of family violence and does not require that the events be frequent or continuous.” **Hawkins v. Viramontes**, 2025-0978 (La. App. 1 Cir. 3/23/26), 2026 WL 818029, at *4 (unpublished) (quoting **Michelli**, 655 So.2d at 1349).

Julie lists several instances of alleged abuse. She asserts that on two occasions in October and November 2022, she observed Russell putting their minor son in a chokehold, and that when she attempted to intervene, he pushed her and screamed and cursed at her. Additionally, Julie alleges that in January 2023,

her minor daughter disclosed to her that Russell had choked her. She contends that on Thanksgiving Day, November 24, 2022, while she was driving and the children were in the vehicle, Russell hit and cracked the windshield. Julie further alleges that on January 6, 2023, Russell returned to the family home to retrieve his firearms, and when Julie prevented him from doing so, he pointed a handgun in her direction in view of their crying children. Julie and the minor children fled to a domestic violence shelter on January 8, 2023.

Russell has denied all allegations of physical abuse of the children or Julie. Julie's father, who lived with the couple for three years, testified that he had not seen Russell hit the couple's son. Russell's parents and sister also denied seeing Russell physically harm his children, or being told by the children that Russell had choked them. Julie's close friend testified that she too never witnessed Russell physically abuse his children or Julie.

The trial court found that Russell "is no doubt a stern parent who is used to an ordered way, but the evidence does not support Mother's contention of Father having choked either of the children." Based on forensic interviews, the investigation by law enforcement and other mandatory reporters, and the testimony heard at the two-day bench trial, the trial court determined that Russell did not have the potential to abuse the children and that he did not have a history of abuse. The trial court applied the non-exhaustive best interest of the child factors found in Louisiana Civil Code article 134 to make its custody decision.

Giving great deference to the trial court's factual findings in matters of credibility and reviewing this decision under an abuse of discretion standard, we cannot say that the trial court abused its discretion in awarding joint custody of the minor children and not applying the PSFVRA. We find no manifest error in the trial court's findings, and based on the particular facts and circumstances of this

case, we find no reason to disturb this custody ruling. The portion of the judgment related to child custody is affirmed.

CONCLUSION

For the reasons set forth herein, we affirm the portions of the April 23, 2025 judgment pertaining to tuition reimbursement, ordinary medical expenses, and child custody. We reverse the portions of the judgment pertaining to child support and interim spousal support and remand to the trial court for recalculation of those awards imputing Russell Brue's income earning potential.

AFFIRMED IN PART, REVERSED IN PART, AND REMANDED.