

STATE OF MICHIGAN  
COURT OF APPEALS

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OSCAR PICKERING,

Plaintiff-Appellant,

v

JULIE ALLORE,

Defendant-Appellee.

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UNPUBLISHED

April 1, 2004

No. 243836

Bay Circuit Court

LC No. 02-007326-DC

Before: Hoekstra, P.J., and Fitzgerald and Talbot, JJ.

MEMORANDUM.

In this action to establish paternity and legal custody of a minor child, plaintiff Oscar Pickering appeals as of right the trial court's order granting summary disposition in favor of defendant Julie Allore on the basis of plaintiff's lack of standing. We affirm.

Plaintiff's sole argument on appeal is that "the Michigan Paternity Act<sup>1</sup> violates fathers' rights to equal protection." We disagree.

In his brief on appeal, plaintiff acknowledges that he lacks standing to pursue paternity. See, generally, *Girard v Wagenmaker*, 437 Mich 231; 470 NW2d 372 (1991), and *Spielmaker v Lee*, 205 Mich App 51; 517 NW2d 558 (1994). Plaintiff also acknowledges that this Court has found no equal protection violation related to a putative father's lack of standing to bring an action under the Paternity Act, citing *Hauser v Reilly*, 212 Mich App 184; 536 NW2d 865 (1995), and *McHone v Sosnowski*, 239 Mich App 674; 609 NW2d 844 (2000). However, plaintiff contends that the circumstances of the present case are distinguishable from *Hauser* and *McHone*. As best we understand his argument, plaintiff contends that he should be permitted to maintain this action because the distinguishing factor, which he asserts to be that after conceiving this child with him, defendant secretly married another man and cut off plaintiff's standing to pursue paternity, somehow prevents application of *Hauser* and *McHone*. Plaintiff then attempts to demonstrate that the Paternity Act violates equal protection.

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<sup>1</sup> MCL 722.711 *et seq.*

Plaintiff's construction of the facts of this case causes a result that is no different than ones that occur generally when the case law regarding standing in paternity cases is applied to putative fathers similarly situated to plaintiff. Rather than distinguishing his case, plaintiff's argument raises many of the same objections that result from finding that putative fathers like plaintiff are without standing to maintain a paternity suit. These objections are an attack on the public policy that the Paternity Act has established. As we observed in *Hauser, supra*, policy concerns are for the Legislature. *Id.* at 191.

Affirmed.

/s/ Joel P. Hoekstra  
/s/ E. Thomas Fitzgerald  
/s/ Michael J. Talbot