

STATE OF MICHIGAN
COURT OF APPEALS

TODD HOUSEMAN,

Plaintiff-Appellant,

v

HOLLY WORDEN, f/k/a HOLLY HAMBLIN,

Defendant-Appellee.

UNPUBLISHED

May 5, 2009

No. 284089

Montcalm Circuit Court

LC No. 07-009684-DP

Before: Wilder, P.J., and Meter and Servitto, JJ.

PER CURIAM.

Plaintiff appeals as of right from the circuit court's order dismissing his complaint seeking an order of filiation. We affirm.

Plaintiff sought an order of filiation, alleging that he had been living with defendant at the time the child in this matter was conceived and that he can prove he is the child's biological father. He does not allege having a parent-child relationship with the child. Defendant filed an answer to plaintiff's complaint and attached thereto an affidavit of parentage signed on the day after the child was born by herself and her current husband. The circuit court dismissed the suit with prejudice, stating that statutory and binding case law precluded it from allowing plaintiff's suit.

On appeal plaintiff asserts that the relevant statute, pursuant to which an alleged biological father is precluded from initiating a paternity action when another man has signed an acknowledgement of paternity, is unconstitutional.

We review questions of statutory construction and constitutional law de novo by. *Sinicropi v Mazurek*, 273 Mich App 149, 155; 729 NW2d 256 (2006). An issue of standing presents a question of law, which is also reviewed de novo. *Manuel v Gill*, 481 Mich 637, 642; 753 NW2d 48 (2008).

MCL 722.1003 provides in relevant part:

(1) If a child is born out of wedlock, a man is considered to be the natural father of that child if the man joins with the mother of the child and acknowledges

that child as his child by completing a form that is an acknowledgment of parentage.

(2) An acknowledgment of parentage form is valid and effective if signed by the mother and father and those signatures are notarized by a notary public authorized by the state in which the acknowledgment is signed. An acknowledgment may be signed any time during the child's lifetime.

MCL 722.1004 provides:

An acknowledgment signed under this act establishes paternity, and the acknowledgment may be the basis for court ordered child support, custody, or parenting time without further adjudication under the paternity act, Act No. 205 of the Public Acts of 1956, being sections 722.711 to 722.730 of the Michigan Compiled Laws. The child who is the subject of the acknowledgment shall bear the same relationship to the mother and the man signing as the father as a child born or conceived during a marriage and shall have the identical status, rights, and duties of a child born in lawful wedlock effective from birth.

Finally, MCL 722.1011 provides in relevant part:

(1) The mother or the man who signed the acknowledgment, the child who is the subject of the acknowledgment, or a prosecuting attorney may file a claim for revocation of an acknowledgment of parentage

In *Sinicropi*, *supra* at 165, this Court stated unequivocally, “If an acknowledgment of parentage has been properly executed, subsequent recognition of a person as the father in an order of filiation by way of a paternity action cannot occur unless the acknowledgment has been revoked.” The *Sinicropi* Court held that the alleged biological father had no standing to pursue his paternity action as long as the acknowledgement of parentage was unrevoked, and MCL 722.1011(1) clearly identifies only four parties who can seek revocation: the mother, the man who signed the acknowledgement, the child, and the prosecuting attorney.

Sinicropi also addressed constitutional claims. It noted that “constitutionally protected parental rights do not arise simply because of a biological connection between a parent and a child; rather, they require more enduring relationships.” *Sinicropi*, *supra* at 170-171, citing *Lehr v Robertson*, 463 US 248, 260-261; 103 S Ct 2985; 77 L Ed 2d 614 (1983). The *Sinicropi* Court concluded that the statute does not violate a due process liberty interest of a biological father who lacks a parent-child relationship with the child.

Affirmed.

/s/ Kurtis T. Wilder
/s/ Patrick M. Meter
/s/ Deborah A. Servitto