

STATE OF MICHIGAN
COURT OF APPEALS

BILLIE MICHELLE ROSE,

Plaintiff,

and

COUNTY OF CALHOUN,

Appellant,

v

ROBERT JOHN STOKELY,

Defendant-Appellee.

FOR PUBLICATION

August 28, 2003

9:10 a.m.

No. 241029

Calhoun Circuit Court

Family Division

LC No. 00-001802-DP

Updated Copy

October 24, 2003

Before: Whitbeck, C.J., and Griffin, Neff, White, Markey, Meter, and Cooper, JJ.

WHITE, J. (*concurring*).

I agree that the statutory classification is based on a real and immutable distinction between the mother and father, and that the guarantee of equal protection does not require that things that are in fact different be treated as though they are the same. As noted in the conclusion of the lead opinion, the immutable differences between men and women have allocated the physical burden of confinement and childbirth to the mother. In light of this reality, the Legislature does not violate the equal protection guarantee by allocating the financial burden to the father.

/s/ Helene N. White