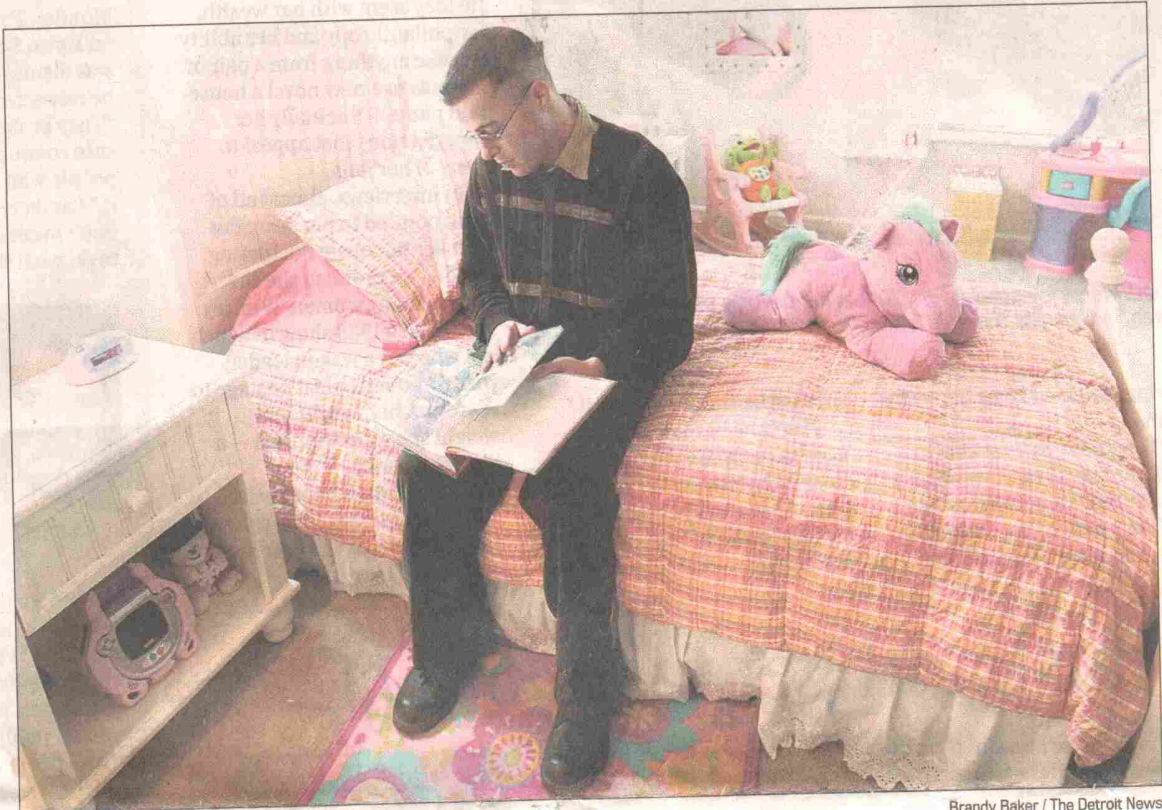


Biological dads fight for parental rights



Brandy Baker / The Detroit News

Daniel Quinn looks through photos of his daughter in a room he keeps made up in case she comes to live with him.

Some fathers say Michigan paternity law shuts them out



"I'M A GOOD DAD. WHY SHOULD I NOT HAVE RIGHTS TO MY CHILD?"

Daniel Quinn of Fenton

BY CATHERINE JUN
The Detroit News

Fenton — Daniel Quinn keeps a room in his apartment furnished with toys, dolls and dress-up costumes for his 3-year-old daughter.

But it's unclear whether he'll ever be able to bring her home.

Even though DNA tests, the child's mother and Quinn all agree he's her father, Michigan law says he's not.

That's because the girl was born while the woman was married to another man — who is still her husband — meaning Quinn can't demand visitation or even pay child support.

Quinn is among a growing number of men who are challenging Michigan law, claiming that biological fathers should have a stake in the lives of their children.

"I'm a good dad," said Quinn, 32. "Why should I not have rights to my child? Everything I do is for her."

Giving unwed biological fathers rights may only trouble kids, said Jerry Cavellier, adjunct professor of family law at Thomas M. Cooley Law School in Auburn Hills.

"It's in the child's best interest that the husband be viewed as the

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Dads

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legal father," Cavellier said. "How confusing would it be to that child to have two fathers? To change the statute ... would be a disservice to the children."

Candace Beckwith, the mother of Quinn's daughter, says she just wants to keep her family intact.

"She needs to be with her brother and sister," she said. "They're family."

Ruling awaited

Since the Paternity Act was enacted in 1956, Michigan courts have concluded the purpose of the law was to ensure financial support for illegitimate children rather than allow them to become a financial burden on the public.

If the mother is not married, the biological father is responsible for providing support. If the mother is married, then the husband is responsible for the child, not the biological father. Only in divorce can the husband cede his parental rights to the child.

Across the nation, states define fathers in different ways. But most states refuse to guarantee biological fathers a role in the lives of children born or conceived during another couple's marriage, said Jeanne M. Hannah, a family attorney in Traverse City.

Even though in recent years biological fathers have pushed to change the law, Quinn knows the law is against him. He is awaiting a ruling from the state court of appeals on whether he has paternal standing because

Michigan's paternity law

■ If a mother is married when her child is born, her husband is assumed to be the father, unless a court order or judgment says otherwise.

■ If a mother has been divorced or widowed for less than 10 months, her husband at the time of conception is assumed to be the father, unless a court order or judgment says otherwise.

■ If a mother is not married at the time of conception or birth, paternity can be established by both parents signing a voluntary affidavit of parentage and filing it with the state

■ Paternity can be established by filing an action with the court, but only the mother or legal father may file such action. If the child is receiving public assistance, the local prosecutor's office may file to establish paternity on behalf of the mother. Once the court is involved, it may order blood tests.

Source: Ellen Paynter, a Farmington Hills family attorney

he helped raise his daughter during the first 20 months of her life in Grand Blanc. On the other side is the child's mother, who Quinn says he thought would divorce her husband during their courtship. She didn't.

Quinn says his claim has grown more urgent. This month, the child's mother and her husband, Candace and Adam Beckwith, have been charged with drug trafficking and child endangerment in Kentucky, where they now reside with their other two children.

After Adam Beckwith was

CyberSurvey: Should parental rights laws be changed to give biological fathers legal standing when the mother is married to someone else? Vote and comment at detnews.com/metro.



arrested in Ohio in July, the children were removed by Ohio courts. In family court proceedings that followed in Kentucky and Ohio, the courts did not recognize Quinn. The children have been placed in the temporary care of Adam's parents.

"I think it's a complete injustice to my daughter," Quinn said.

"I want her back in Daddy's arms. I want her safe."

In an interview on a recent visit to Detroit, Candace Beckwith said that her husband is the only father her daughter recognizes. About the felony charges, she said in a later phone interview: "At this point they're just charges. It doesn't mean we're guilty of any of it."

Paternity Act reviewed

Bill Numerick Jr. hasn't met his biological son, who is now 6 years old.

The 30-year-old from Traverse City said he conceived the boy with his girlfriend in 2002. By the time he was born, the couple had separated, and the mother married another man.

A Grand Traverse County court concluded in 2003 that since the mother was married at the time of the baby's birth, Numerick had no legal claim. On appeal, Numerick lost.

"There was literally nothing I could have done to guarantee my rights," Numerick said.

His court case, however, caught the attention of lawmakers. One in particular, state

Sen. Michelle McManus, eventually introduced a bill that would amend the Paternity Act, allowing a biological father to bring legal claim until his child turns 1 year old.

Other conditions, too, would need to be met, like submitting to the court a positive DNA test and proof that the mother was legally separated from her husband at conception.

The bill was reintroduced in February and is awaiting further action.

The Family Law Council, a section of the State Bar of Michigan, helped draft the latest version of the bill. But its advisers have cautioned that changes should be slow and steady, one representative said.

"The question is, 'How quickly and how dramatically should the law move in changing the status quo?'" asked Kent Weichmann, legislative chairman for the council.

The current law, he noted, protects against biological fathers deciding, for instance, that once their child is a teenager, it's time to come back into the picture and claim parenting rights.

"For a child, that's a pretty devastating thing," Weichmann said. "Part of our concern is as the child grows up, they ought to be able to rely on at least who their parents are."

For this reason, Numerick has stopped trying to see his son. He still mails him presents on his birthday and for Christmas. But recently he stopped including his name.

"I always knew I wasn't going to see him at a certain point," Numerick said. "I don't think it would be appropriate for me to barge in right now. It's such a hard situation."