

# to see kids

Hardiman's bill allows visitation for father's of children conceived outside of marriage

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In the two years since his son was born, Bill Numerick Jr. has yet to see him — not that he hasn't tried.

The Traverse City man has fought in court, so far unsuccessfully, to assert his rights as the father of the child born outside of marriage.

While his case is pending before the state Supreme Court, a bill has been introduced in the Michigan Senate that would allow biological fathers to assert their paternity claims, even when the mother is married to someone else.

"There's a lot of similar-type situations out there where fathers who want to be fathers are denied," said Numerick, who urged state Sen. Michelle McManus, R-Lake Leelanau, to introduce the bill.

Even if it becomes law, the bill would not apply retroactively to his case, Numerick said, "but it would prevent cases like mine in the future. It's not right anybody should have to go through what I've gone through."

While Numerick insists he is the biological father of Caleb Smith, the law says he is not. Under the state's paternity law, known as the Bastardy Law or Lord Mansfield's Rule under British common law, a child born into a marriage is presumed to be the product of that marriage.



Bill Numerick Jr.

Numerick said he looked forward to becoming a father when his girlfriend became pregnant. He accompanied her to doctor's appointments, took parenting classes, and "I fully intended to marry her," he said, but by the time the child was born, she had ended the relationship and married someone else.

Since then, his former girlfriend, Heather Smith, has refused to acknowledge he is the boy's father. A Grand Traverse County judge and the state Court of Appeals both have sided with the mother. A Rockford man lost a similar battle, even though DNA tests showed he was the father of a girl born of an extra-marital relationship.

"This bill attempts to help children," said McManus, who introduced it earlier this week. "I think children should have a right to know who their fathers are."

State Sen. Bill Hardiman, R-  
SEE DADS, B2

## SENATE HEARING ON BILL PLANNED

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Kentwood, said his Family and Human Services Committee will hold hearings on the bill later this spring. While some men try to avoid responsibility for their children, the law should not deny those who welcome the relationship, he said.

"I do believe there are more cases like this now," said Hardiman, who fathered an out-of-wedlock son more than 30 years ago. "I think it's an issue that needs to be addressed, unfortunately."

The bill, he said, would give biological fathers standing to assert their claims in court.

Numerick said a Web site he created in 2003 ([www.loveofmylife.org](http://www.loveofmylife.org)) so far has generated more than 800 e-mail messages urging state legislators to change the law.

Heather Smith could not be reached for comment, and her

### FACT SHEET

#### Changing rights

A bill introduced last week in the state Senate would:

- Allow a man who believes he is the father of a child born out of wedlock to prove his parental rights in court, even if the mother is married to someone else.
- Apply only to children born after May 1, 2005.
- Require claim to be filed within a year of the birth.

attorney, Steven Fox, did not return calls. Previously, however, Fox has said Smith does not concede Numerick is her son's father and that a DNA test could harm the child's relationship with the legal father.

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