

STATE OF MICHIGAN
COURT OF APPEALS

LAURA MICHELLE EVELYN and FAMILY
INDEPENDENCE AGENCY,

FOR PUBLICATION
February 19, 2004

Petitioners-Appellants,

v

No. 242681
Macomb Circuit Court
LC No. 2000-002352-UI

ALEXANDER RAYMOND SHIRE,

Respondent-Appellee.

Before: Owens, P.J., and Schuette and Borrello, JJ.

SCHUETTE, J. (*concurring*).

I join in the opinion of Judge Owens which reverses the trial court's decision, remands for a hearing and requires the entry of an order for child support. In the absence of any contrary directives by the Legislature, the public policy of the State of Michigan provides that child support is for the benefit of and for the needs of the child involved. *Macomb Co Dep't of Social Services v Westerman*, 250 Mich App 372, 377; 645 NW2d 710 (2002), citing *Evink v Evink*, 214 Mich App 172, 175-176; 542 NW2d 328 (1995). With respect to the requirement of payment of child support, Michigan law does not contain any exceptions based on consensual or non-consensual sexual activity which results in a child being conceived or whether or not a participant was coerced, seduced or victimized. In the case before this court, as more fully explained at note 7 in Judge Owens' opinion, the record does not appear to contain any evidence of respondent's allegations of alcohol induced activities and other sexual promises, which might lead to a different conclusion had the Legislature so provided.

/s/ Bill Schuette