

## Recent Developments

### Topics:

- [Parenting education](#)
- [Long-term care costs and insurance](#),
- Custody rights of parents ([case 1](#) and [case 2](#))
- [Black boxes in automobiles](#)

### Parenting Education

Parenting education is an emerging professional field, one that is in constant flux as it grows to accommodate the diverse needs of families and their children. In an effort to build the field of parenting education and create a professional development career and training ladder, a team of Extension researchers have developed the National Extension Parenting Education Framework (DeBord et al. 2002). This framework builds upon the National Extension Parenting Education Model (NEPEM). The NEPEF Framework will take the original NEPEM categories --- care for self, understand, guide, nurture, motivate, and advocate --- and join them with six more categories of practices aimed at the parenting educators alone --- grow, develop, frame, embrace, build, and educate. Used in tandem, the six "content" categories (for parents) and the six "process" categories (for parenting educators) will allow parenting educators to work most effectively with parents and children.

**Source:** DeBord, K., D. Bower, H.W. Goddard, J. Kirby, A.M. Kobbe, J.A. Myers-Walls, M. Mulroy, and R.A. Ozretich. 2002. National extension parenting educators framework. On-line: <http://www.ces.ncsu.edu/depts/fcs/NEPEF.html>

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## Long-Term Care Costs and Insurance

No wonder so many people are confused about long-term care (LTC) needs. Typically, information about LTC gives the impression that the risk is high that most people will require long-term care and they may need it right away. For example, the American Health Care Association states that “Nearly half of all Americans will need long term care at some point in their lives. In fact, one in five over the age of 50 is at a high risk of needing long term care within the next 12 months” (On-line: [http://www.ahca.org/info/family\\_guide/conversation/conv1.htm](http://www.ahca.org/info/family_guide/conversation/conv1.htm)).

AARP reports that “While 60 percent of people who will need long term care are 65 or older, 40 percent are working age adults between the ages of 18 and 64” (On-line: [http://research.aarp.org/health/ltc\\_costs\\_1.html](http://research.aarp.org/health/ltc_costs_1.html)). The federal long-term care site <http://www.ltcfeds.com> says “approximately 60 percent of us who reach age 65 will need long term care at some time in our lives.”

**Analysis:** Many people who are age 50 and older are responsibly asking questions about long-term care insurance. The federal Web site <http://www.ltcfeds.com> is easy to navigate and provides baseline data for federal employees and other citizens who want to analyze whether they might need this type of insurance based on family health risks and how much it might cost.

In order to expand their understanding of the factors involved in this decision, people should consider their financial resources that might cover a portion of these costs, such as pensions and Social Security. In addition, Medicare will cover part of the expenses up to 100 days for care in a skilled nursing facility (“Medicare & You 2002” On-line: <http://www.medicare.gov/publications/pubs/pdf/largeman.pdf>). “Medicare Home Health Care” (CMS Pub. No.10969) describes home health care coverage (On-line: <http://www.medicare.gov/Publications/Pubs/Pdf/hh.pdf>).

The difficult decision about purchasing long-term care insurance requires a personal analysis of the following questions: Am I likely to need this insurance? Will I qualify for coverage? Should I buy insurance now or wait? Should I buy enough insurance to cover 100 percent of the costs? If I need care, how will I qualify for benefits? Are there current tax breaks for purchasing this insurance? How do I compare policies? Will future rate increases make LTC insurance too expensive for me? AARP’s research paper “Long-term Care Insurance: An Assessment of States’ Capacity to Review and Regulate Rates” has an excellent summary of each state’s rate review process (On-line: [http://research.aarp.org/il/2002\\_02\\_ltc.html](http://research.aarp.org/il/2002_02_ltc.html)).

The authors discuss each of these issues in a memo to colleagues (On-line: <http://www.ext.colostate.edu/staffres/ltcinfo.html>). In addition, the memo includes a matrix

comparing policies from three companies to be used as an example for comparison shopping. A blank "Long-term Care Insurance Comparison Worksheet" is also available to help people clarify their decisions. A no-cost fact sheet is also available on-line at <http://www.ext.colostate.edu/pubs/consumer/09152.html>.

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**Custody Rights of Parents (Case 1)**

The North Carolina Court of Appeals has ruled that a parent who consumes alcohol while transporting his or her children, or who allows others to do the same, jeopardizes his or her constitutionally protected right to custody and control of his or her children and opens the door for a court to find that the best interests of the child are better served in the custody of a nonparent.

**Source:** [Owenby v. Young](#), North Carolina Court of Appeals No. COA01-711, filed May 21, 2002. Note: The North Carolina Supreme Court has agreed to review this case.

*Analysis:* In this case, the children's grandmother attempted to get custody after their mother was killed in a plane crash. She alleged that their father was unfit to have custody of the children because of his lifelong problem with alcohol abuse, DWI convictions, and employment instability. The trial court initially awarded the grandmother temporary custody, and then dissolved the temporary order giving the father custody of the children. The grandmother appealed the decision. The North Carolina Court of Appeals reversed, and sent the case back to the trial court for a determination of what is in the best interests of the children.

In a custody dispute between natural parents and a third party, including a grandparent, a natural parent has a "paramount constitutional right to custody and control of his or her children." Only after a nonparent has shown he or she has an established relationship with the child and that the parent has acted in a manner inconsistent with his constitutionally protected status, will the "best interests of the child" standard be applied to determine custody. A parent's constitutional rights are suspended if it appears that parental decisions will jeopardize the health or safety of the child or have a potential for significant social burdens. The court of appeals found that the father's behavior of consuming alcohol while driving with the children was inconsistent with his constitutionally protected status and constituted a substantial risk of harm to the children.

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**Custody Rights of Parents (Case 2)**

A father who left his children with their maternal grandmother for nine months didn't forfeit his constitutional presumption to custody.

**Source:** [Grindstaff v. Byers](#), North Carolina Court of Appeals, COA01-803, filed August 20, 2002..

**Analysis:** The father, who was divorced from the children's mother, left the children with their maternal grandmother because he didn't have space for them and worked too many hours to supervise them. He also refused to enter into a voluntary support agreement until issues of his paternity were resolved. After nine months, he asked their grandmother to return custody to him, and she refused. A trial judge ruled that the facts showed the father had forfeited his constitutional preference and awarded custody to the grandmother. The North Carolina Court of Appeals reversed, holding that the temporary custody arrangement could be justified on the following grounds:

- The written custody agreement between the parents and the grandmother specifically stated that the children were not being abandoned.
- The father stayed in contact with the children until the grandmother denied him access because of the dispute over support.
- The father paid money toward their day care expenses and health insurance.
- The father got the children back after only nine months.

In a divided opinion, the appeals court found no evidence in the record to show that the father had acted inconsistently with his duties.

In a dissenting opinion, Judge Thomas indicated that there was sufficient evidence to find that the father forfeited his constitutional presumption to custody. Judge Thomas argued that the custody agreement disclaiming abandonment should not prevent the trial court from determining that, in fact, the minors had been willfully abandoned by their parents.

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**Black Box in Auto Leads to \$1.4 Million Settlement**

The family of a minor killed in a two-car accident has recovered a \$1.4 million settlement after the other driver's air bag computer showed he was driving in excess of 97 miles per hour. The attorney representing the plaintiffs stated that the black box information was critical because without it, their case would have been difficult to prove. Most people are unaware that many vehicles built after 1998 contain black boxes that can be read by the manufacturer or an accident reconstruction expert. These on-board computers can record information ranging from velocity changes to engine speed prior to impact.

**Source:** North Carolina Lawyers Weekly. 2002. Vehicle's air bag data key to \$1.4 million settlement. 15NCLW0497, 15:20.

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**Cite this article:**

Recent developments. 2002. *The Forum for Family and Consumer Issues* 7(2).