

Recent Developments

Family Resource Management and Legal Issues

Discrimination under the Americans with Disabilities Act (ADA)

A written discrimination policy is not sufficient to protect an employer from punitive damages where the employer did not train its managers about the requirements of the ADA. The plaintiff was a hearing-impaired Wal-Mart employee who was fired after he refused to attend a training session without an interpreter. A jury awarded him \$3,500 in compensatory damages and \$75,000 in punitive damages. Wal-Mart argued that it wasn't liable for punitive damages because it made a "good faith" effort to comply with the ADA by adopting a written policy. The Court held that a written policy was not sufficient when the evidence showed a broad failure on the part of Wal-Mart to educate its employees, especially its supervisors, on the requirements of the ADA.

Source: [EEOC v. Wal-Mart Stores, Inc.](#), No. 98-2015 (1999).

Contributed by: Carol A. Schwab, Family Resource Management Specialist.

Unsolicited electronic bulk mail unlawful in North Carolina

Effective December 1, 1999, the sending of unsolicited electronic bulk commercial mail is unlawful in North Carolina. "Commercial electronic mail" means messages sent and received electronically consisting of commercial advertising material, the principal purpose of which is to promote the for-profit sale or lease of goods or services to the recipient. "Unsolicited" means not addressed to a recipient with whom the initiator has an existing business or personal relationship and not sent at the request of, or with the express consent of, the recipient. The law also creates the offense of computer trespass which covers computer viruses and copyright violations.

Source: [Senate Bill 288](#), General Assembly of North Carolina, Session 1999. North Carolina General Statutes §§ 1-75.4; 14-453; 14-458; and 1-539.2A.

Contributed by: Carol A. Schwab, Family Resource Management Specialist.

Miranda warning revisited

The United States Supreme Court has agreed to reconsider its Miranda ruling which requires law enforcement officers to inform a person under arrest of his or her constitutional rights. The Court will review a decision of the Fourth Circuit Court of Appeals that held a defendant's voluntary confession is admissible even though he wasn't given a Miranda warning.

Source: [U.S. v. Dickerson](#), No. 99-5525 (1999).

Contributed by: Carol A. Schwab, Family Resource Management Specialist.

Divorce agreement must clarify pension benefits

A divorce agreement said that an ex-wife would get part of her husband's pension when he retired but didn't say what would happen if he died first. Thus, she was not entitled to receive the survivor's benefits, according to the Third Circuit Court of Appeals.

Source: [Samaroo v. Samaroo](#), No. 98-5245 (September 1999).

Contributed by: Carol A. Schwab, Family Resource Management Specialist.

Gun manufacturer can be sued for negligence

The California Court of Appeal has ruled that a gun manufacturer can be sued for negligence where one of its guns was used to kill eight people. The gunman in California entered a law office and opened fire with two semi-automatic guns that had been modified to function like fully automatic weapons. He killed eight people, wounded six, and then committed suicide. The trial court granted summary judgment in favor of the defendant gun manufacturer, and the plaintiffs appealed, arguing that the manufacturer marketed a product that it knew was useless for hunting or competitive shooting but was very attractive to criminals. The Court of Appeal agreed and reversed the trial court.

Source: [Merrill v. Navegar, Inc.](#)

Contributed by: Carol A. Schwab, Family Resource Management Specialist.

Supreme Court to decide three important issues

- The Court will review a Fourth Circuit Court of Appeals ruling that the federal "Violence Against Women Act" is unconstitutional. [Brzonkala v. Morrison](#), 169 F.3d 820 (4th Cir. 1999).

- The Court will review a Seventh Circuit Court of Appeals decision that permitted a doctor-owned HMO to be sued under ERISA for breach of fiduciary duty where the HMO delayed in sending a patient for treatment. [Herdich v. Pegram](#), 154 F.3d 362 (7th Cir. 1998).
- The Court will review a Washington Supreme Court decision that held a statute permitting grandparents to obtain visitation when it is in the "child's best interest" was unconstitutional. The Washington Supreme Court held that it was unconstitutional because it violated the parents' rights under the Fourteenth Amendment by interfering with their right to raise their children as they see fit. *Troxel v. Granville*, 969 P.2d 21 (Wash. 1998) (not available on the Internet).

Contributed by: Carol A. Schwab, Family Resource Management Specialist.

Towns can stop cell phone towers

The Third Circuit Court of Appeals has upheld a town's right stop a cellular phone tower from being constructed in a residential area. The town's refusal did not violate the federal Telecommunications Act of 1996 because the plaintiff could not show that its facility would fill an existing significant gap in the ability of remote users to access the network and that the manner in which it proposed to fill the significant gap was the least intrusive.

Source: [APT Pittsburgh Limited Partnership v. Penn Township Butler County of Pennsylvania](#), No. 98-3519.

Contributed by: Carol A. Schwab, Family Resource Management Specialist.

Housing and House Furnishings

Furniture company expands to kitchen cabinetry

Thomasville Furniture is lending its name to a line of kitchen cabinets which will be sold through the Home Depot home improvement centers. Home Depot will begin selling the Thomasville-brand cabinets in mid-2000. American Woodmark and Mills Pride will actually produce the Thomasville-brand cabinets. This is the first time a furniture company has licensed its name for use on a product other than furniture. However the industry has been eyeing the category for a while and has begun manufacturing speciality stand-alone kitchen storage products including islands, bakers cabinets, etc.

Source: *Furniture Today*, November 15, 1999, pp 1,14

Contributed by: Wilma Hammett, Housing and House Furnishings Specialist.

New color trends

From the Decosit and TIP fabric fairs in Brussels, Belgium come the new color trends for furnishings. Red is peppery and passionate or pale and pink with organic shades like brick, rose, and cajun spice. The reds are warm and functional and easy to live with. Blue, the universally loved color, seems to never go away, but changes its shade. This time it is in shades of sky and water. Green has an environmental appeal as well. This time in vegetable tones that reflect the light and freshness of sprouting plants to antique patinas of mossy and verdigris. Orange is back as well in shades that go from peach to ginger to rust to citrus -- not the brassy orange of the 70's. It's more toned down and livable and will not be out-of-date in the next few years.

Source: Global Textiles Today, supplement to *Furniture Today*, September 1999

Contributed by: Wilma Hammett, Housing and House Furnishings Specialist.

Human Development

Caregiver Strain increases mortality rates for caregiver spouses

The December 15 issue of the Journal of the American Medical Association contains a paper entitled "Caregiving as a Risk Factor for Mortality" featuring the results of the Caregiver Health Effects Study, which included people aged 65 and over in Forsyth County, NC, Washington County, MD, Sacramento County, CA and Allegheny County, PA. The text of the JAMA article can be found at <http://jama.ama-assn.org/issues/v282n23/full/joc91040.html>

A summary of the findings in layman's language can be found on the MSNBC site at <http://www.msnbc.com/news/346438.asp>

The results show that over a 4-year period, "After adjusting for sociodemographic factors, prevalent disease, and subclinical cardiovascular disease, participants who were providing care *and experiencing caregiver strain* [emphasis added] had mortality risks that were 63% higher than noncaregiving controls."

Please note that this study focuses on spouse caregivers as compared with noncaregiving spouses. Not all spouse caregivers experienced caregiver strain, and those who did not report strain were no more likely to die than the controls. But, the population that was caregiving *and* experiencing strain had higher risk of dying in that time period.

Contributed by: Luci Bearon, Adult Development/Aging Specialist.

Editor's Note: The following contributions are not "recent developments," but they are timely for North Carolina field faculty who are helping the countless flood victims in eastern North Carolina.

Disruption in place attachment following a flood

"If I am what I have and what I have is lost, who then am I?" Erich Fromm, 1976

Following the Midwest Flood of 1993, researchers from the University of Missouri interviewed affected families about their attachments to their homes and their decisions to rebuild in the same location or start over in a new place. Their findings have some application for the interpretations North Carolinians make for families whose homes were lost during the Hurricane Floyd flooding of 1999 that occurred in Eastern North Carolina.

Attachment to place is a complex phenomenon with multiple properties. Simply put, place attachment reflects how people are emotionally bonded to places such as their homes or other sacred places. Attachment to place, like attachment to people (Ainsworth, 1978; Bowlby, 1969) provides order, security, stability, and predictability. When this stable order is disrupted, the stability may turn into chaos.

Csikszentmihalyi and Rochberg-Halton (1981) describe objects that people value as signs that represent "the relation of a man to himself, to his fellows, and to the universe." One researcher has stated that the loss of home strips residents of the "furniture of self (Erickson, 1976)."

The findings from this study cite place attachment related to physical surroundings, architectural appeal, and social interactions with family and friends from within the neighborhood or community. Much like the time investment in human attachments, the attachment to place is a process of investing energy, emotions, thoughts, and time in an individual manner. Disruption in place attachment may create a sense of fear, instability, and homelessness. It could erode family ties or further bond these ties to a new level.

Families interviewed through this study either decided to return to their homes in hopes that such a devastation would not occur again or had made a decision to not rebuild due to the great risk of additional loss. People expressed their concerns in terms of their investments as a cost-benefit issue. Some of the costs associated with their decision included:

- a house beyond repair

- inability to afford similar places with equal benefits
- threat of the recurrence of flood
- community humiliation and guilt leaving family homestead

Benefits included:

- familiarity with the community
- attachment to the land
- fondness for the activities associated with the location (fishing, for example)
- community respect gained as a result of returning
- satisfaction in not depleting their savings

Families made their decision seeking an agreeable balance between the cost to rebuild (or not) and the benefits of staying or leaving. To make their decision more palatable, some families took measures to reduce the risk with measures like elevating the land, for example.

This study lends some insights into the decision making options that families must face in the months to come as the recovery from the 1999 Floods of North Carolina continues.

Source: Schwarz, B., Brent, R., Phillips, R., Danley, M.. (1995). Disruption in Place Attachment Following the 1993 Big Flood. Environmental Design Research Association 26:Boston. Pp. 92-97.

Contributed by: Karen DeBord, Child Development Specialist, NC State University.

Attachment to possessions

Following the Midwest Flood of 1993, researchers interviewed affected families about their attachments to their homes and their attachments to their possessions. Their findings have some application for the interpretations we make for families whose homes were lost during the Hurricane Floyd flooding that occurred in Eastern North Carolina in September, 1999.

Items within a home are used symbolically to define the inhabitant's personal life and identify. There are often deep emotions involved in people's attachment to "things." Previous research indicates that items of very little financial or economic value may be regarded as some of the

most important to save. Accordingly when asked -- what were the most valuable items in their home that they have lost; and why did they choose to save particular items during the catastrophe, individuals described items that also defined their personal connections and traditions.

The objects that people lost represented:

- Objects marking a special time or space
- Objects that represented their identity and who they are as people
- A part of oneself, their life's work, or a collection

The items that people saved represented:

- Their ability to survive a disastrous situation
- Items they use to communicate their identity to others

This study points to the fact that "things" have an intrinsic value beyond monetary worth and decoration, but that they contribute to who we are as human beings. These objects make homes places of strong memories of past habits, traditions, and rituals. Embedded in the objects are connections to identity, lineage, culture, and even relationships. As people gather things, through them, they interpret the world. When deprived of these things, self-concept is fragile and questioned.

Seeking applications for these findings to the 1999 Floyd Flooding in Eastern North Carolina , it is apparent that there will be a time of mourning for what has been lost. In helping, one might seek ways to use what has been saved to rekindle the memories and begin the traditions again. Without any preserved items, beginning anew, building new traditions, redefining rituals, and building new lives not based in possessions or based in new possessions and places might be a way to rekindle the hope for a restructured and recovered sense of self.

Source: Schwarz, B., Brent, R., Barry, D., (1996). Priceless, Meaningful, and Idiosyncratic: Attachment to Possessions. *Environmental Design Research Abstracts* 27. pp. 92-97.

Contributed by: Karen DeBord, Child Development Specialist, NC State University.

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