



*Making Extension Connections*

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**Extension's Urban Affairs &  
New Nontraditional Programs Unit**





## Protecting Your Family Through the Law

by Kevin Crenshaw, Esquire

There are few things as common to societies throughout time as the family and the law. The purpose of this article and Extension's LegalEase program is to facilitate the relationship between families and the legal system. Simply reading that phrase may have produced some anxiety, but there is no need to worry. The law is here for you and your family. Yes, you read that statement correctly. But to fully understand the logic behind family and the law, let's first consider the nature of both.

### How would you define family?

Families are defined as basic units in society that traditionally consist of two parents rearing their own or adopted children. However, Webster dictionaries now define a family as a group of individuals living under one roof, and usually under one head.

### How does the law affect families?

While some may debate the means by which the law intercedes in society, most would agree the foundation of our judicial system is to protect and to maintain social welfare. This realization is key to understanding how important the law is to family operations. The law exists to do more than just pronounce marriages or mitigate divorces. It protects families on various levels. Considering the law

and family in this way is contingent upon the assumption that families actively participate in the legal process, and such interaction extends beyond litigation. It involves educating families about their legal rights; evaluating legal issues to help families plan for their future; and being aware of how legal counsel can assist in any one of these processes.

The notion of family is evolving. Nevertheless, family remains at the core of our society and an essential aspect of our lives. Consequently, as family life becomes increasingly complicated, so do the issues faced by its members. As mentioned above, however, prior knowledge of legal issues can prevent the relationship between families and the law from becoming adversarial.

### Family Law

The legal practice area of Family Law includes:

- Marriage
- Divorce
- Adoption
- Wills and Estates

### Marriage

The legal requirements for a man and woman to marry vary from state-to-state. Although state laws differ, a marriage between a man and a woman performed in one

state must be recognized by every other state under the "full faith and credit" clause of the United States Constitution.

Some requirements set by state law include:

- Marriage licenses being issued by the county clerk or clerk of the court along with a fee.
- Establishing the legal age of a man and woman to marry at 18, or having parental or a judge's consent to marry.
- Documented proof of immunity or vaccination for certain diseases.
- Documented proof of termination of any prior marriages by death or by a judgment of dissolution (divorce) or annulment.
- Evidence of sufficient mental capacity among parties (often this is determined as the ability to enter into a contract).
- Couples are not close blood relatives.
- Blood tests are obtained for sexually transmitted diseases.
- Satisfaction of a waiting period from the time the marriage license is issued to the time the marriage ceremony is performed.
- Performance of a marriage ceremony with witnesses and a person recognized by the state to have the authority to perform a marriage ceremony such as a priest, rabbi, or a judge.
- Marriage licenses must be recorded after marriage ceremony is performed.

### Divorce

Divorce, custody, child support, and alimony are also matters of state law. In a divorce, issues of property division, child support, child custody, and alimony are

*(continued on page 2)*

(continued from page 1)

decided by the judge in a trial, or agreed on by the parties. A divorce, sometimes called a decree of "dissolution of marriage", is a court order terminating a marriage.

Obtaining a divorce itself is not a complicated process. However, the advice of an attorney can be useful to determine if a divorce is appropriate as opposed to a legal separation or annulment.

### **Adoption**

In legal terms, adoption is the process through which the natural parents' rights and obligations toward their children are terminated, and the adoptive parents assume these rights and obligations. Once a child has been adopted, the natural or birth parents are no longer responsible for their child. The obligations they have toward their child cease to exist. It is as if the natural or birth parents become like any other third party with respect to the child. The adoptive parents become responsible for the child and all the obligations and rights between a parent and child are established between them. Adoptions can vary depending on the relationship of the parties to the child and the circumstances of the adoption itself. Legal counsel can help to guide one through this process to ensure the adoption is honored and the rights of both the adoptive parents and child have been preserved. For example, under a legally binding adoption, the adoptee now has all inheritance rights afforded to birth children.

### **Wills and Estates**

Planning for your family's future in your absence is an extremely personal process. It is also a crucial one legally. Again, the law can help to carry out your wishes.

Here are a few key reasons to create a will and plan for the future of your estate. Wills help to:

- Select who receives your assets and how and when they will be distributed.
- Choose who administers the distribution of your assets outside the court.
- Minimize costs for your executor and your family.
- Designate the guardian you desire for your children.
- Reduce the bureaucracy involved in paying for your funeral and burial.

As you enter into this process, you may wish to conduct further research on:

- Property ownership
- The value of your estate and possible tax consequences
- Children of previous marriages
- The age of your beneficiaries
- Your spouse's will
- Trusts versus wills

While this list is by far not comprehensive, it represents an overview of family's rights under the law. Moreover it illustrates how the legal course of action for families can vary depending on how you engage the law. With a healthy knowledge of the legal issues that commonly affect families, the law can serve to protect the interests of you and your family.

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## **A Look at Alabama Families**

by Wendi Williams, Editor

In February 2004, the Alabama Cooperative Extension System's Urban Affairs unit, launched a new website. *A Look at Alabama Families* ([www.aces.edu/urban/FamilyWebsite](http://www.aces.edu/urban/FamilyWebsite)) does just that... takes an in-depth look at the issues affecting families today. The objectives of the site are to expand Extension's outreach through technology-based programs, and increase public access to information that strengthens family-centered communities.

Program specialists, communications staff, and contractors provide research-based information under the topics of:

- Consumer Education & Personal Finance
- Divorce
- Domestic Violence
- Employment
- Families & Nature
- Families & the Law
- Grandparents Raising Grandchildren
- Homeland Security
- Nutrition & Health
- Pet Care
- Youth

The site is a great resource for individuals seeking information on nontraditional families in particular. Nontraditional families are described as single or foster-parent

headed households, grandparents, or other relatives raising children, multiracial, same-sex, or blended families from previous marriages.

The idea to create this site was first initiated by MU Extension, the outreach arm of the University of Missouri and Lincoln University. MU Extension launched MissouriFamilies and challenged other universities with Cooperative Extension programs to follow suit. Of course *A Look at Alabama Families* is geared toward families in Alabama, although the information may be relevant to families anywhere.

Plans are still underway to expand the site so that it becomes one of the main depositories of information for Alabama families. The ultimate goal is to make "Extension" synonymous with "family outreach education."

Site submissions are not just limited to Alabama Extension personnel, but material will be considered from a global audience with an interest in strengthening family-centered communities. For more information, please contact the site editor, Wendi Williams, at 256-372-4953 or [williw1@aces.edu](mailto:williw1@aces.edu).

## TOPICS:

- Consumer Education & Personal Finance
- Divorce
- Domestic Violence
- Employment
- Families & Nature
- Families & the Law
- Grandparents Raising Grandchildren
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## Maitake Mushrooms for Your Health

by Dr. Cathy Sabota, Horticulture Specialist

Asian countries have been the leaders in research on the medicinal value of several edible mushrooms. While animal research has been the dominant method of study in the past, researchers are now more involved in clinical trials using human subjects. Most of the research has been cancer related, but results have also shown a reduction of blood pressure and cholesterol, enhancement of the immune system, antiviral and anti-inflammatory properties, treatment of anaphylactic shock, anti-HIV properties, and an increase of oxygen utilization and antioxidant properties as a result of using mushroom extracts during therapy (Chen and Miles, 1996).

*Ganoderma lucidum* (reishi), *Lentinula edodes* (shiitake), *Hericium erinaceum* (lions mane), *Pleurotus ostreatus* (oyster mushroom), and *Grifola frondosa* (maitake) are just a few of the cultivated mushroom species that have been analyzed for medicinal value. There are, however, over 270 known mushrooms with medicinal benefits. In the United States, the phytopharmaceutical value of these mushrooms has only recently been recognized and clinical trials have been established to determine the medicinal characteristics of these mushrooms (Kimmons, 2003; Underwood, 2003). The principal medicinal component of most of these

mushrooms is high-molecular-weight polysaccharides.

Over the next year each edition of this newsletter will document clinical trials or research recommendations for the use and effectiveness of various mushrooms. While the recommendations given by researchers are assumed to be accurate, you should always check with a physician before using any food supplements. Today's mushroom is *Grifola frondosa* or more commonly referred to as the maitake mushroom.

Maitake is a fungus that grows most frequently on fallen trees or stumps of beech and oak. Maitake, also known as "hen of the woods" and "dancing mushrooms," forms large fan-shaped mushroom heads that often fuse together in masses at the base or on the roots of broadleaf trees. In traditional Chinese medicine, it has been used for improving spleen and stomach ailments, calming nerves, and treating hemorrhoids (Hobbs, 1995; Jong and Birmingham, 1990). Recent studies have shown that polysaccharides and polysaccharide-protein complexes from this mushroom have significant anti-cancer activity (Hishida et al., 1988; Kurashige et al., 1997; Ohno et al., 1985). Other fractions (D-, GF-1, grifolan-7N) from maitake

exhibit immunological enhancement together with properties of anti-HIV, antihypertension, antidiabetic, and antiobesity (Adachi et al., 1988; Borchers et al., 1999; Iino et al., 1985; Jones, 1998; Kabir et al., 1987; Kubo et al., 1994; Kubo and Nanba, 1966; Mizuno and Zhuang, 1995; Nakai et al., 1999; Nanba, 1993). The  $\beta$ -glucan fractions from this mushroom are now being used by over 3,000 health professionals in the United States for the prevention and treatment of flu and common infection, AIDS (HIV), diabetes mellitus, hypertension, hypercholesterolemia, and urinary tract infections (Choi et al., 2001; Cichoke, 1994; Kabir et al., 1989; Kubo et al., 1997; Kubo et al., 1994; Smith, 2002; Talpur, 2002).

Much research has been conducted on antioxidants to help the human body reduce oxidative damage. Mau (2002) determined that *Grifola frondosa* and *Hericium erinaceus* have aided oxidant reduction by 39.6 percent and 69.4 percent, respectively. Several studies have been conducted to measure maitake's effect on obesity. In animal studies, lack of weight gain or weight loss was significant (Ohtsuru, 1992). In an obesity study on humans by Dr. Yokota (1992), 30 patients were given a powdered maitake food supplement for two months with no change in their regular diets. All patients successfully lost 7-13 pounds.

Maitake, as is true of many other mushrooms, is predominately an immune booster. The human body uses these high-molecular-weight polysaccharides to enhance its immune system. Most mushrooms high-molecular-weight polysaccharides are not cell-killers. In fact, much of the research suggests that maitake and other mushrooms,

taken along with traditional therapy, provides improved response and recovery as well as protecting healthy cells from cancer.

Maitake is available as an extract or a dried encapsulated product and can be purchased on the Internet or at health food and nutrition outlets. When purchasing maitake extracts and supplements read the label and compare ingredients. Some products guarantee a standardized percentage of polysaccharide while others are supplemented with oats and other ingredients.

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## When Aging Relatives Need Care

by Dr. Jannie Carter

Most of us have not given much thought to how we will take care of aging parents because we never expected to be responsible for the care of our mothers or fathers. The good news is people are actually living longer than they did 50 years ago. So, many of us may find ourselves under the physical, emotional, and financial strains of being elder caregivers. Statistics indicate that more than 22 million families must care for their elders and that number continues to grow as the elderly population increases.

Profiles of caregivers reveal that forty percent of those who care for elders are also parents of children under 18. These individuals are sandwiched between time and resources to provide for the needs of aging relatives and growing children. Hence they are labeled the "sandwich generation." About two-thirds of caregivers are women, with one-third over the age of 65. Sixty-four percent are also employed outside the home.

Financial analysts assess that interference of elder care responsibilities cost American businesses between \$11-29 billion annually due to the loss of productivity and absenteeism from the job. Families also undergo financial strains in an attempt to balance work and the care of aging friends and relatives. While the feelings of being needed and appreciated by a loved one can be psychologically rewarding, caregivers often feel they need help in the struggle. Where can families turn for assistance? The United States Administration on Aging has developed the



Eldercare Locator (1-800-677-1116), a free nationwide directory assistance service to help elders and eldercare providers find local support services to help them live independently in their own community. Other agencies and services are highlighted in the paragraphs that follow.

The Area Agency on Aging is a nationwide network of state and local programs offering information and referrals for in-home services, counseling, legal services, adult daycare, skilled nursing care/therapy, transportation, personal care, respite care, nutrition, and meals.

Assisted living facilities provide residential arrangements that include meals, housekeeping, transportation, personal care, and health services. Such arrangements provide a way for independent elders to maintain his or her independent lifestyles. Generally, these arrangements involve a regular monthly rent plus additional fees for services.

Normally open weekdays, adult daycare facilities such as senior centers offer a mixture of health, social, and support services. Many offer therapeutic and

rehabilitative activities as well. For elders who are relatively independent, programs such as congregate meals and companionship services are also available to lend assistance and support. Companionship services provide visits to isolated and homebound elders offering conversation, reading, and services for light errands. Through congregate meal programs nutritious meals are available to seniors Monday thru Friday in senior centers, community centers, schools, and churches. Information on local agencies that offer in-home meal services such as Meals on Wheels can be obtained at the toll-free ElderCare Locator number.

When the elderly can no longer function independently, custodial care or personal care services may be required. Such care helps individuals meet personal needs such as bathing, dressing, eating, and other non-medical care. A professional is not required for these types of services. Medicare does not pay for custodial care and Medicaid only pays a minimal amount.

State-licensed nursing homes provide residences, meals, and nursing care to chronically ill or disabled seniors who can no longer take care of his or her daily needs. Most nursing homes are Medicare-certified skilled nursing facilities that provide skilled nursing care and/or rehabilitation services. Expenses for nursing home care, on the other hand, are generally paid through the Medicaid program. Medicaid is a joint federal/state program that pays for health care for limited resource families and eligibility requirements varying by states. People over 65 may also receive limited nursing and short-term home health services through the

federal Medicare program. Medicare coverage is restricted to medical care, and does not include expenses for prescriptions, at home custodial care, or nursing home care.

The Alabama Cooperative Extension System launched the Successful Aging Initiative in 2002 to provide information and services to support aging gracefully. The initiative represents a partnership between Extension's Urban Affairs unit and Alabama's Bureau of Geriatric Psychiatry. Educational summits and outreach are implemented across the state to support a mutually beneficial agenda to better serve the aging population with legal, health, and financial information through collaboration. For more information on the Successful Aging Initiative contact Attorney Kevin Crenshaw at (256) 372-4939.

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## About Metro News...Making Extension Connections

by Wendi Williams, Editor

Welcome to *Metro News*, a quarterly bilingual (English/Spanish) newsletter published by the Urban Affairs & New Nontraditional Programs (UANNP) unit of the Alabama Cooperative Extension System (Extension). *Metro News* features current Extension events and relevant research-based articles with an urban, nontraditional and global focus for individuals, communities and organizations.

#### Newsletter Objectives

1. To support the mission, goals and objectives of Extension & UANNP.
2. To inform the newsletter audience about UANNP's educational programs, services, activities, research, and other national and international news.

#### Quarterly Publication

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Unlimited

#### Author Guidelines

Feature Articles:  
700 words or less  
Other Material:  
500 words or less

#### Topics of Interest

*Metro News* publishes information for an Extension/global audience that has an interest in urban and nontraditional (Extension) issues dealing with families, the environment, agriculture, law, and other social or economic concerns.

#### Editorial Staff & Content Areas

If you have any questions, please contact the appropriate editorial staff member by content area. When in doubt, contact the editor.

Wendi Williams (Editor/  
National-International News)  
[williw1@aces.edu](mailto:williw1@aces.edu)

Jannie Carter, Ph.D. (County  
News)

Edna Coleman (Specialist News)

Julio Correa, Ph.D. (Hispanic  
News Nontraditional)

Kevin Crenshaw, Esq. (Legal  
Issues)

Jean Hall-Dwyer (Print/Electronic  
Design)

Erica James (Administrative  
News/Distribution)

Jacqueline Johnson, DVM  
(Nontraditional)

Rosalie Lane (State News)

Phone: 256-372-5710  
Fax: 256-372-5840



## **The Pros and Cons of ATM Banking**

by Dr. Bernice Wilson, Resource Management Specialist

The acronym ATM stands for automated teller machine. ATMs have become an integral part of our lives and have existed since the mid-1960s. According to MSNBC Technology Correspondent Bob Sullivan, there are approximately 370,000 ATMs across the United States or 1 for every 296 people. That may be too many according to a recent study by the Dove Consulting Group.

Tony Hayes, author of the Dove Group report, stated that as many as 50,000 ATMs may disappear during the next three years if something is not done to rectify this problem. ATM locations make a difference in how they are used and the best locations are gone. Hayes further stated that running an ATM costs roughly \$1,000-1,500 per month. Even if fees are at the high end, \$2 per withdrawals is insufficient.

In the 1960s, the primary purpose of the ATM was to provide cash. However, today you can go to your bank's ATM to make a deposit or loan payment, to transfer funds between accounts, or to check your account balance. ATMs are used to obtain money from anywhere in the world. To carry a

debit card means you can carry less cash on your person, which guards against money being lost or stolen. Some ATMs will even allow you to buy postage stamps or add money to a prepaid cellular phone service. Although ATMs are common and helpful, people are reluctant to use them because of the misinformation associated with using ATMs. ATMs in the United States handle more than 10 billion transactions a year and the vast majority of the time transactions occur without glitches. Nevertheless, there are times when ATM users encounter problems.

The use of ATMs makes it convenient for shoppers in the marketplace, yet it can be costly. For example, withdrawing cash from another ATM outside your bank's network may require you to pay a fee ranging from \$1.00 to \$4.00 per transaction. Such fees may seem small but they add up over time. To avoid paying ATM fees, use your own bank's machines whenever possible. Virtually all banks offer accounts with free ATM transactions to their own customer. However, some financial institutions do have accounts that charge their own customers an ATM fee. Therefore, it would be

wise to look carefully at the accounts that are available and choose the one that meets your needs. For example, choose an account that allows free withdrawals from an institution with numerous locations. However, in the event your bank charges an ATM fee, it will probably be less than ATM fees at other banks. Your bank may be able to provide you a listing of banks that will not charge you a fee, or you can find this information on the Internet.

In addition, if you must use another ATM, become familiar with your own bank's fee for using another institution's ATM. Some banks have agreements not to charge ATM fees to each other's customers. Keep in mind that if you are unable to use a surcharge-free ATM, you could incur two charges--one from the ATM owner and one from your own institution. Federal law requires that ATMs caution non-customers about surcharges before completing a transaction.

Consumers can save time and gas by withdrawing larger sums of money. For example, make a single \$100 or \$200 ATM withdrawal instead of several \$20 or \$40 withdrawals. You can also save time and energy by getting cash back free when you use your debit card to make purchases at the grocery store or other businesses. Some stores will also cash a check free of charge or charge a fee that would be less than what you will pay at an ATM.

Consumers should also be aware of possible bank overdraft fees when using an ATM card. It is wise to record debit card transactions in your checkbook or another record keeping tool. You cannot always rely on the receipt received from the ATM. This balance may not reflect the checks you have written

that have not been paid yet, or debit transactions that have not been posted to your account.

Under the Electronic Fund Transfer Act (EFTA) there are laws protecting ATM users.

1. If you believe there is an account error involving an ATM transaction, contact your financial institution within 60 days after receiving the statement containing the problem. Your institution must investigate the matter promptly.
2. If your ATM card is lost or stolen and is being used by a thief, notify your financial institution within two business days after learning your ATM or debit card has been lost or stolen. The EFTA limits your losses to \$50 or the amount of the unauthorized transfers whichever is less. If you wait more than two business days to report a lost or stolen card, you could be liable for losses up to \$500. If you wait more than 60 days after receiving a bank statement that includes an unauthorized transfer, for example, the law does not require your bank to reimburse you for any losses due to unauthorized transfers made after the 60-day period. Notifying banks in a timely manner will immediately limit your liability for unauthorized transactions.
3. The EFTA also requires that consumers be told about ATM fees and other matters regarding transactions. Also, any ATM owner that imposes a surcharge for using its machine must disclose the amount of the fee and allow the user to cancel the transaction.

In summary, with an ATM (debit) card, you buy now and pay now. There are no interest charges. Using a debit card is easier and faster than writing a check. It helps you to avoid debt problems. Like credit cards, banking institutions with debit cards are beginning to offer free services to its patrons and some purchase protections. But remember, debit cards have fees on certain transactions and it's important to record all debit card transactions.

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## Alabama's Response to Homeland Security

by Wendi Williams, Editor

In 2003, Alabama established the first state cabinet-level homeland security department in the United States. The Alabama Department of Homeland Security (ADHS), headed by Director Jim Walker, operates in the same capacity as the nation's homeland security department created one year earlier.

ADHS coordinates security concerns with local, state, and federal officials and organizations to gather, investigate, and disseminate information on possible terrorist activities in Alabama. The department also directs activities and information distributed to first-line responders such as firemen, policemen, and emergency management technicians.

A 2002 poll conducted by The Chicago Council on Foreign Relations and the German Marshall Fund of the United States verified what most of us already know---Americans have taken a greater interest in world affairs since the events of September 11, 2001. But one disturbing fact is that although terrorism, including the threat of biological and chemical weapons, makes Americans uncomfortable, it is NOT a preoccupation. Many Americans are still more concerned with the state of the economy and have not adequately prepared their families for possible terrorist emergencies. As

Alabama Governor Bob Riley stated, "Each of us has a responsibility to our family to prepare for a terrorist attack, even if it is as modest as having a plan on how to contact each other in the event of an emergency."

### What should Alabamians know about homeland security?

- The state is divided into seven homeland security regions with a point of contact in all 67 counties. This information is available by visiting the Alabama Department of Homeland Security website at [www.dhs.alabama.gov/](http://www.dhs.alabama.gov/) or calling 334-956-7250. When in doubt, call 911---your local police or fire departments, or the Alabama Emergency Management Agency at <http://ema.alabama.gov/ema-front.asp?ID=2> or 205-280-2200.
- Familiarize yourself with the nation's color-coded security advisory system. For example, green is low risk; blue is guarded risk; yellow is elevated risk; orange is high risk; and red is severe risk. There are steps you should take for each risk level. For more information, visit the federal government's Department of Homeland Security website at [www.dhs.gov/dhspublic/](http://www.dhs.gov/dhspublic/).
- September 2004 marked the first National Prepared Month---take advantage of the homeland security activities held in your community during this month and throughout the year.
- There's an online course, Terrorism: Awareness and Prevention, on the Alabama Homeland Security site [www.homelandsecurity.alabama.gov/tap/intro.htm](http://www.homelandsecurity.alabama.gov/tap/intro.htm) to help you better understand terrorism and what

to do if a terrorist act occurs.

- It may be possible to obtain grant funding for emergency preparedness and response efforts in your state.
- You can order Community Disaster Education Materials prepared by the American Red Cross and other national organizations by contacting your local Red Cross office. The Red Cross still has funding available to help families directly impacted by the events of 9/11. Contact the September 11 Recovery Program at 877-746-4987, TDD 1-800-662-1220 for more information.

**In the words of Bishop T. D. Jakes, "Get ready, get ready, get ready!"**

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## **EDITORIAL STAFF & CONTENT AREAS**

If you have any questions, please contact the appropriate editorial staff member by content area. When in doubt, contact the editor.

Wendi Williams (Editor/National-International News)  
wawillia@aces.edu

Jannie Carter, Ph.D. (County News)  
jcarter@aces.edu

Edna Coleman (Specialist News)  
ecoleman@aces.edu

Julio Correa, Ph.D. (Spanish Programming)  
jcorrea@aces.edu

Kevin Crenshaw, Esq. (Legal Issues)  
kheren@aol.com

Jean Hall-Dwyer (Print/Electronic Design)  
jhall@aces.edu

Erica James (Administrative News/Distribution)  
ejames@aces.edu

Jacqueline Johnson, DVM (Online Database)  
jujohnso@aces.edu

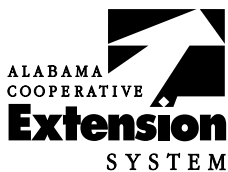
Rosalie Lane (State News)  
laneros@aces.edu

**Phone: 256-372-5710**

**fax: 256-372-5840**

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