



**THOMAS-WALTERS**  
PLLC

*Probate and Estate Planning Services*

**Planning on Purpose: Knowing What You Need to Know!**

## **READY FOR THE MADHOUSE: How to Control Your Mental Health Care Treatment**




“Are you out of your mind!” Would you even know if you were?? It seems like the slightest things are upsetting people these days. Many seem to be a ticking time bomb just waiting to go off. Change, stress, demands, relationships, debt, isolation, joblessness, turmoil, and increased responsibilities...the list goes on and on for the multitudes facing the challenges of today. Don't take my word for it, just look at the impact this last year has had on people's mental health.\*

For too many of us, mental health is mysterious; we are not sure exactly what it means. MentalHealth.gov describes it this way: “Mental health includes our emotional, psychological, and social well-being. It affects how we think, feel, and act. It also helps determine how we handle stress, relate to others, and make choices. Mental health is important at every stage of life, from childhood to adolescence and through adulthood.

Over the course of your life, if you experience mental health problems, your focus, thinking, mood, performance, and behavior could be affected. Many factors contribute to mental health problems, including:

- 1] Biological factors, such as genes or brain chemistry
- 2] Life experiences, such as trauma or abuse
- 3] Family history of mental health problems

To me, our mental health is also affected and influenced by shifts in our everyday environment and circumstances such as what has happened to so many during the Covid-19 Pandemic, as well as things like a toxic work environment, abusive relationship, unexpected change, what you eat and drink (e.g., junk food, soda, alcohol, etc.), physical ailments and disease, as well as sleep.



No one, not even the public schools, ever really mentioned “mental health” while we were growing up. My pediatrician never explained to me what mental health means or how to keep it in-shape and fit! Yet, doctors and even the ER now ask questions routinely to give them insight into our mental health.

We have an amazing computer in our head that is full of all sorts of wires, circuits, and hard drives! Without our brain and the power it gives us, we would be useless. So not only do we all need and want to keep our brain functioning properly, but you may want to make sure your health care agents know exactly how you would want your mental health cared for if it were to fail. Here is an excerpt from a recent National Association of Elder Law (NAELA) article that provides great insight and details to consider in using a legal document to direct your mental health care:

“During the past 25 years, state legislatures have begun to recognize that traditional health care advance directives do not adequately deal with the management of mental health issues. Approximately half of U.S. states have enacted legislation for a new type of advance directive, generally referred to as a mental health care advance directive or psychiatric advance directive (PAD)... Both traditional health care advance directives and PADs provide individuals the ability to refuse medical intervention. However, some PADs give patients the unique ability to consent to treatment even in the face of their contemporaneous refusal. Traditional health care advance directives focus heavily on end-of-life health care decisions for patients who are terminally ill or permanently unconscious. These directives generally fit into three categories: Instructional directives allow individuals to provide instructions about their health care to ensure that their wishes are carried out if they become incapable of making their own decisions; Proxy directives allow individuals to designate a health care agent to make health care decisions on their behalf if they become incapacitated; and Hybrid directives including both instructions and agent designations....

Most states allow the principal to state preferences in a PAD for different types of mental health interventions, including the use of psychotropic medications, the use of ECT, and admission to an inpatient facility.... [PAD's may] include questions about specific types of interventions that may be involved in emergency situations, such as the use of medication, seclusion, and restraints.... Some states limit an agent's authority to consent to therapies that are more intrusive.... Others prohibit an agent from consenting to certain types of treatment altogether ....”

If any of this rings true with you, then you should execute a Psychological Advance Directive (P.A.D.)

As one last word, I humbly believe that it is not a matter of “if you experience a mental health issue,” it is just a matter of “when,” since our mental health is assaulted in a variety of ways throughout our life. We all suffer physical damage and injuries throughout our lifetime, like when we are involved in an accident, become sick, etc. The difference is that none of us are educated to a degree to recognize when our brains are feeling under the weather, verses our physical bodies. After all, we are complex humans with a large array of emotions that impact us everyday. There are all sorts of external experiences that we cannot control that influence, impact, and shape us every moment of the day. Fortunately, we are blessed with internal chemical balances and other coping mechanisms to assist us

back to a healthy mental state if there is a shift in our mental status. This means most all of us bounce back every single day through all sorts of mental ups and downs. However, if you were unable to bounce back and your mental health needed a professional to help it recover, then you would want to provide specific directives as to the treatment of your mental health. In order to do this, you need a North Carolina Psychiatric Advance Directive (P.A.D.).



\*2021 Study <https://mhanational.org/issues/state-mental-health-america>

Planning AHEAD is the key, always! So, what do you do? Contact our office for more information. You can reach us anytime at 888-787-1913 or by email at [legalteam@twestateplanning.law](mailto:legalteam@twestateplanning.law) \*\* The above summary is general information. Do not rely upon the above for definitive legal advice. In accordance with N.C. State Bar Rules, note this contains dramatizations. Not all scenarios represent actual people or real events.



## Celebrating Life with Shayla



Managing Partner Stacey Walters was blessed with a beautiful angel for 10 years. Her daughter Shayla, who was born with a heart defect, unexpectedly suffered a cardiac arrest at 5 months old, leaving her severely disabled. In April 2018, Shayla unexpectedly gained her angel wings and left Stacey and her family on this earth. While Shayla forever changed their family's life, she taught Stacey the meaning of selfless love and that we are never promised tomorrow.

Shayla's story forms the pillar of our law practice: We are all going to leave this earth, but if we aren't prepared for the unexpected, the people we hurt the most are the ones we love the most! It is too important not to have a plan in place, and everyone needs an estate plan for that unexpected time, but not just any plan – the perfect plan that easily ensures your final wishes are met while relieving the stress and burden on your family when you are gone!

At Thomas Walters Probate and Estate Planning Attorneys, we build lifetime relationships with our family of clients. We not only help ensure our clients have a current and perfect plan in place, but we give them peace of mind knowing both they and their family can always call on us a trusted advisor when the unexpected happens.

## Upcoming Estate Planning Events

COMING SOON...

PLAN, PREPARE, PREVAIL: BE READY FOR THE UNEXPECTED

DID YOU KNOW THAT IN 2020, MORE THAN 70% OF AMERICANS FAILED TO PREPARE FOR THE MOST IMPORTANT EVENTS IN THEIR LIFE? IMAGINE ALL OF THE STRESS, ANXIETY AND EXPENSE THAT ENSUES WHEN UNEXPECTEDLY TRYING TO PLAN IN THE MIDDLE OF CHAOS.

Stacey Walters will be launching virtual seminars in 2021 that will put you at the top of the preparedness class! Stacey knows first hand what this looks like and is determined to make a difference, one person at a time!

Stay tuned for details to make sure you are not preparing to fail yourself and your family during difficult times! In the meantime, you can watch short, informational videos about a variety of topics on [Stacey's YouTube channel](#).

"By failing to prepare, you are preparing to fail." Benjamin Franklin

See our ad and article in the October 2021 issue of *Senior Lifestyles* and *MD Life!*



If you would like a digital copy of all your documents, please send us a request. The Cost is \$50 for one flash drive/USB and \$10 for any extra ones needed.



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## Client Testimonial

"Mrs. Stacey Walters relieved our worries about estate planning. Her poignant, concise explanation of estate planning is remarkable. We have many kudos for Mrs. Walters: fabulous, legendary, excellence in her practice. Thank you."

Mr. & Mrs. Szalacsi  
Wake Forest, NC

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## The N.C. Team of Attorneys



Stacey Walters



Norman Wilson



Andrew Brooks

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## Locations

*Serving all of North Carolina including the following locations:*

**Chapel Hill**  
1777 Fordham Blvd.  
Suite 101  
Chapel Hill, NC 27514

**Charlotte - North\***  
ExecuBusiness Center  
10130 Mallard Creek Rd.  
Ste. 300  
Charlotte, NC 28262

**Greensboro\***  
Byron Offices Suites  
7-B Corporate Center Dr.  
Greensboro, NC 27408

**Raleigh - Main**  
Access Office Business  
Center  
8801 Fast Park Dr.  
Ste. 301

**The Pinehurst/West End**  
5228 NC-211 D  
West End, NC 27376

