Involuntary Commitment (IVC) for Mental Health Issues Process Overview

If you believe someone you know is an immediate danger to self or others, call 911 for a well-being check. As a family member or close friend, if you believe your loved one is in danger, you can get involved by seeking involuntary commitment.

What is Involuntary Commitment?

Involuntary commitment is when someone is ordered by a County Board of Mental Illness to be given treatment at a psychiatric facility. There are very specific criteria (per codified law) that are necessary for a person to be subject to involuntary commitment in South Dakota:

- Individual must have a severe mental illness
    - and
- Due to severe mental illness, the individual presents a danger to self or others or has a chronic disability
    - and
- The individual needs and is likely to benefit from treatment

Who Can Request An Involuntary Commitment?

Any person eighteen years of age or older may file a petition/request if the subject of the petition is severely mentally ill and immediate intervention is necessary for protection of physical harm. Petitioners can contact their local Sheriff's Office for guidance on the specific process in their County. Law enforcement will respond and make a determination if an IVC is necessary. If local law enforcement determines that the individual meets criteria for commitment, they may impose a mental illness hold and transport the person to an appropriate facility. Only a law enforcement officer or Qualified Mental Health Professional (QMHP) in a hospital setting may place a hold on an individual.

What Happens After The Petition is Filed?

- When a person is placed on a hold, a petition must be filed with the Chairperson of the Board of Mental Illness. The petition must establish probable cause that the person meets commitment criteria.
- Within 24 hours, the individual will be examined by a QMHP to evaluate whether the hold should be continued or released.
- If the examination indicates that the person meets commitment criteria, the hold will be continued by the Chairperson of the Board of Mental illness.
- Within 5 days of being taken into protective custody, a hearing will be held before the County Board of Mental Illness (add 1-2 days if there is a weekend, or holiday during that time).
- Following the hearing, the Board of Mental Illness will order involuntary commitment of the person to the least restrictive treatment facility for a period not exceeding 90 days if clear and convincing evidence establishes the person meets criteria, or will release them.

See DSS's commitment process flowchart for an overview of the involuntary commitment process

including certain individual rights for persons in this process (whether they are involuntary or voluntarily receiving treatment).

For more information on involuntary commitment, call 211 or search our online database:

- www.helplinecenter.org/211database
  - Use the following keyword search terms:
    - Sheriff
    - Involuntary Mental Health Hold
    - 911 Services
    - Suicide Prevention Hotlines

Sources:

- South Dakota Department of Social Services: https://dss.sd.gov/behavioralhealth/community/involuntary.aspx
- DSS Commitment Process:https://dss.sd.gov/docs/behavioralhealth/commitmentprocessoption1.pdf
- South Dakota Codified Laws:http://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=27A-10

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Updated: August 2020