

## Frequently Asked Questions

### What is a substance use disorder?

A substance use disorder is a disease which occurs when the recurrent use of alcohol and/or drugs causes significant impairments. Impairments may include health problems, disability and failure to meet major responsibilities at work, school or home.

### What is an assessment?

An assessment includes an interview with an addiction counselor to review a person's substance use and its impact on daily life.

### How are services determined?

An addiction counselor recommends treatment services based on an assessment with the individual to best meet their needs.

Services may include early intervention, detoxification, outpatient and/or inpatient treatment services.

### How are services funded?

A variety of funding options are available for an individual who is assessed as needing services.

Funding options include:

- Insurance
- Private pay
- Other 3rd party payers
- Combination of state and federal funding
- Medicaid

### How do I qualify for state and federal funding?

Individuals who meet programmatic and financial eligibility may qualify for state funded services.

The treatment provider will assist the individual in completing the eligibility process.

### What additional resources are available?

Additional publications regarding treatment services can be found online at [dss.sd.gov/formsandpubs/](https://dss.sd.gov/formsandpubs/).

Resources for local treatment providers are available through the SAMHSA treatment locator at [findtreatment.samhsa.gov/](https://findtreatment.samhsa.gov/) or on the DSS website at [dss.sd.gov/behavioralhealth/agencycounty.aspx](https://dss.sd.gov/behavioralhealth/agencycounty.aspx).

## Contact Us

For more information, please scan the QR code below or contact the Division of Behavioral Health at 1.855.878.6057.



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Printed on recycled paper | September 2022  
Quality Quick Print | 1,200 copies | \$0.17 per copy  
BH04

## Substance Use Disorder Involuntary Commitment Process in South Dakota



# Substance Use Disorder Involuntary Commitment Process

## 1. Petition

- a) Any responsible person may apply for a petition.
- b) To apply, contact the Clerk of Courts in the county in which the person resides or is currently present.  
[ujs.sd.gov/Circuit\\_Court/default.aspx](https://ujs.sd.gov/Circuit_Court/default.aspx)
- c) Application process:
  - The Clerk of Courts will take the written application the petitioner completes to the Judge, who will appoint an attorney to represent the petitioner.
  - An addiction counselor will complete an assessment and make treatment recommendations based on the individual's needs.
  - Within five days, the attorney completes and submits a petition to the courts.

## 2. Hearing

- a) The individual has the right to have their own attorney.
- b) The court has 10 business days to have a hearing.
- c) The person submitting the petition and the addiction counselor may be asked to testify at the court hearing. The individual will be present in court unless their presence is likely to be injurious to the individual.

## 3. Commitment

- a) Treatment services: Treatment will be arranged by the addiction counselor completing the assessment and treatment is based on their recommendations.
- b) The commitment period is up to 90 days. The actual length of commitment is based on the individual's needs.

For more information on the involuntary commitment process, please visit [dss.sd.gov/behavioralhealth/services.aspx](https://dss.sd.gov/behavioralhealth/services.aspx).

# Involuntary Commitment Process

1 Petition

2 Hearing

3 Commitment

## Who is appropriate for an SUD involuntary commitment?

For an individual to be appropriate for a substance use disorder (SUD) involuntary commitment, the petitioner will need to provide information to support the individual is a substance user who continually lacks self-control, in regards to their alcohol and/or drug use **and** one or more of the following.

1. Has threatened, attempted or inflicted physical harm on self or on another, and unless committed, is likely to harm self or others.
2. Is incapacitated by the effects of alcohol or drugs.
3. Is pregnant and using alcohol or drugs.