

Helping a Loved One in Need of Mental Health Services in South Dakota

»» A Guide For Family and Friends ‹‹

Purpose

It can be difficult to watch a loved one suffer from an untreated mental illness. In certain situations, outside assistance may be needed on behalf of that loved one when they are in a mental health crisis, at risk of harming themselves or others, and can't or won't seek treatment on their own.

This guide provides concerned family members and friends with information regarding mental health treatment services and, if needed, the process for involuntary commitment, along with other related resources.

If you have any questions regarding behavioral health services, please contact the Division of Behavioral Health at 1-605-367-5236 or DSSBH@state.sd.us or visit <https://dss.sd.gov/behavioralhealth/>.

What is a Serious Mental Illness?

Mental health is a person's overall emotional, psychological, and social well-being. Our mental health (or mental wellness) has an impact on how we interact with others, handle problems, and make decisions. Anyone may go through brief periods of poor mental health- such as after the loss of a job or death of a loved one. Conversely, a Serious Mental Illness is a substantial organic or psychiatric disorder of thought, mood, perception, orientation, or memory which significantly impairs judgment, behavior, and/or ability to cope with the basic demands of life. Intellectual disability, epilepsy, other developmental disability, alcohol or substance abuse, or brief periods of intoxication, or criminal behavior do not, alone, constitute serious mental illness. It's important to remember that even those with a Serious Mental Illness are still able to have good mental health.

Just as those with a physical health challenge such as Diabetes, need to take steps to monitor and attend to their physical health, the same is true for anyone with a mental illness. Mental and physical illnesses are similar in that a person may struggle with either, through no fault of their own.

Taking care of one's physical or mental health may include regular follow up with a health professional and taking prescribed medication. Incorporating other healthy habits such as exercise, eating well, and having a strong support system can also go a long way toward having good physical and mental health. It may be less obvious when someone is having poor mental health versus poor physical health. There may also be some health conditions which mimic symptoms of poor mental health such as head trauma or stroke, liver or kidney failure, thyroid problems, or side effects of a new medication- to name a few. When someone's mind is in poor health, it can affect their emotions and thinking. It can be very hard to watch your loved one when they are struggling with mental illness. Approaching them with patience and compassion during these times may help your loved one to accept the help and treatment that they need. For those times when your loved one is in crisis and unable to accept help for their mental health, it may be necessary to pursue an involuntary mental health commitment. We'll discuss this option later on, but first we will talk about finding help for your loved one through the publicly funded behavioral health system.

Find Services In Your Area

The Division of Behavioral Health contracts with eleven Community Mental Health Centers (CMHCs) across the state to provide quality services to both adults and youth. Services include screenings and assessments, individual therapy, or meeting with a licensed provider who is able to prescribe psychotropic medications. The CMHCs also provide specialized outpatient services to adults with serious mental illness or youth with serious emotional disturbance. These services are more intensive and may include psychiatric medication management, case management, as well as individual and/or group therapy. Services provided by a CMHC are community-based, meaning therapists and case managers can deliver services at locations in the community, including at school or in the home. Services are also available via telehealth.

Call or text 988, or chat 988lifeline.org to easily locate services in your area or for additional guidance on how to best support your loved one and determine next steps. 988 is available 24/7 and connects you directly to local, trained counselors who can assess your situation and provide you behavioral health resources.

You can also locate a provider by using the interactive map on the Division of Behavioral Health website and selecting your county of residence. The interactive map can be found using this link:

<https://dss.sd.gov/BehavioralHealth/agencycounty.aspx>

Call 211 or text your zip code to 898211 to speak with a local, trained professional to get connected to community-based resources, government programs and other additional needs such as food, housing, transportation, and more.

Once you've located the CMHC in your area, simply contact the provider to schedule an intake appointment. At the initial appointment, the provider will conduct an assessment and use that information to provide treatment recommendations. The provider will also assist the individual in determining the funding of treatment. Many agencies offer a sliding fee scale based on income and contracted agencies have access to state indigent funding for individuals who are at 185% of the federal poverty level. There's also a hardship consideration process for individuals who earn more but have unique circumstances which impact their ability to pay for services. Provider agencies will assist individuals through this process.

If you wish to seek services outside of the publicly funded mental health system, you may contact 988 to find out about other providers in your area.

How do I know if an Involuntary Commitment is needed?

According to South Dakota Codified Law (SDCL 27A-1-2), two criteria need to be met for an adult to be involuntarily committed for mental health treatment:

1. The person is an imminent danger to self or others, or will become one due to a chronic disability as a result of their serious mental illness.
2. The person needs and is likely to benefit from treatment.

If filing a petition for involuntary commitment, you will need to provide information that supports your claim that your loved one is in need of treatment to achieve stabilization and that they are a danger to themselves or others. This must be first-hand information. Other information included on the petition is:

1. A statement by the petitioner that the petitioner believes, based on personal knowledge, that such person is, because of serious mental illness, a danger to self or others;
 2. The specific nature of the danger;
 3. A summary of the information upon which the statement of danger is based;
 4. A statement of facts which caused the person to come to the petitioner's attention;
 5. The address and signature of the petitioner and a statement of the petitioner's interest in the case;
 6. The name of the person to be evaluated;
 7. The address, age, marital status, and occupation of the person; and
 8. The name and address of the person's nearest relative.
9. If the individual is a minor: The name of the minor to be evaluated and the address and age of the minor and the name and address of the minor's parents, guardian, or nearest relative (SDCL § 27A-15-30).

Family members and friends should always try to talk to their loved one first to see if they would be willing to have an assessment completed, prior to pursuing an involuntary commitment.



What is meant by “Danger to Self”?

Danger to self is the reasonable expectation that a person will inflict serious physical injury upon him or herself in the near future as evidenced by:

- The person's treatment history and recent acts or omissions which constitute a danger of suicide or self-inflicted serious physical injury. Such acts may include a recently expressed threat if the threat is such that, if considered in the light of its context or in the light of the person's recent previous acts or omissions, it is substantially supportive of an expectation that the threat will be carried out. OR
- A reasonable expectation of danger of serious personal harm in the near future, due to a serious mental illness, as evidenced by the person's treatment history and the person's recent acts or omissions which demonstrate an inability to provide for some basic human needs such as food, clothing, shelter, essential medical care, or personal safety, or by arrests for criminal behavior which occur as a result of the worsening of the person's severe mental illness. In this case, you would need to complete the “Chronic Disability” attachment in addition to the regular petition.

What is meant by “Danger to Others”?

Danger to others is the reasonable expectation that a person will inflict serious physical injury upon another person in the near future due to serious mental illness, as evidenced by:

- The person's treatment history and recent acts or omissions which constitute a danger of serious physical injury for another individual. Such acts may include a recently expressed threat that, if considered in light of its context or in light of the person's recent previous acts or omissions, it is substantially supportive of an expectation that the threat will be carried out.
- If your loved one is not willing to seek help on their own and is a danger to self or others, as described above, there are steps to assist you in filing a petition for a mental health involuntary commitment.



Involuntary Commitment Process

Step 1: Petition

Who may apply?

Any person who is eighteen years of age or older, may complete a petition stating the factual basis for concluding that the person is in need of intervention. The petitioner must complete the Petition for Emergency Commitment form and be verified by affidavit.

Where do I get a petition form?

The petition form may be obtained from the county sheriff's office, any Community Mental Health Center, some hospital emergency departments or you may find it on the DSS Behavioral Health website at this link:

https://dss.sd.gov/docs/behavioralhealth/board_of_mental_illness/Petition_for_Emergency_Commitment.pdf

Step 2: Filing the Petition

Where do I file the form?

Once the petition and chronic disability attachment, if appropriate, is complete, you will file it with the County Board of Mental Illness or CBMI based on the county where the individual currently resides or is currently located. In some counties, you may be able to contact the county sheriff's office to begin this process. You can also locate your county's CBMI by using this link:

https://dss.sd.gov/docs/behavioralhealth/List_of_County_Board_of_Mental_Illness.pdf

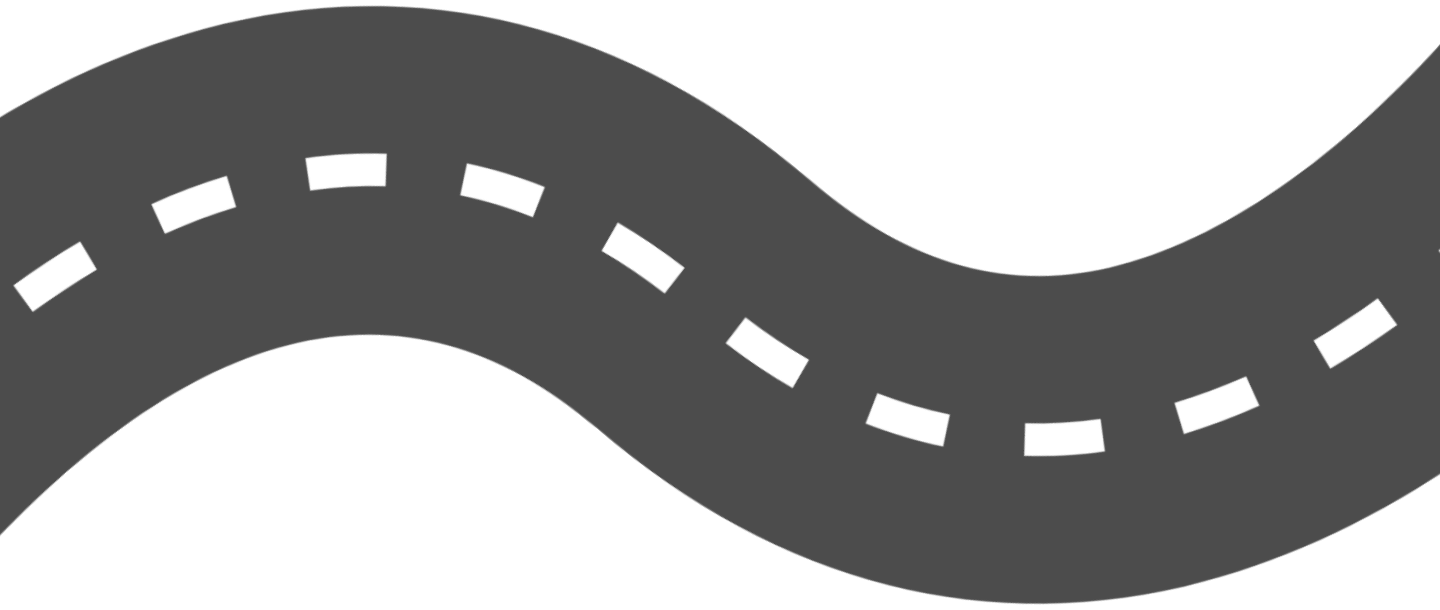
The state's attorney or someone designated by the board of county commissioners can assist with completing the petition. For additional guidance through this process, you can contact 988 or call your local Community Mental Health Center (CMHC) and ask them to walk you through the steps. CMHC staff are knowledgeable about how the process works within the counties they serve and can be a great resource. You can find the CMHC that serves your county by going to this link:

<https://dss.sd.gov/BehavioralHealth/agencycounty.aspx>

What happens next?

Within twenty-four hours after apprehension, the person will be examined by a qualified mental health professional (QMHP) designated by the chair of the county board.

Involuntary Commitment Process



Step 3: After the Petition is Completed

- A. Within 24 hours of apprehension, a mental status examination is completed by a qualified mental health professional to determine whether or not custody should continue.
- B. The chair of the CBMI may order the apprehension and transportation of the individual, if probable cause exists. The chairperson will issue a Warrant of detention and will have the individual transported to an appropriate regional facility (short-term crisis care center) or another secure location they can be held until examined by a Qualified Mental Health Professional (QMHP).
- C. The individual will be given notice of the right to contact someone of their choosing, the right to obtain legal counsel, the right to be examined by a mental health professional, and the right to an independent examination and hearing within 5-7 days.
 - a) If the examination shows the person does not meet the requirements for involuntary commitment, the person is released through an order for release.
 - b) If the examination shows the person does meet the requirements for involuntary commitment, the professional may complete the Certification by QMHP and Chronic Disability Information to accompany the Petition for Emergency Commitment by QMHP. The person is ordered to be detained by an Emergency Order for Detention at the appropriate regional facility or transfer to the Human Services Center or other inpatient psychiatric hospital in clinically indicated.
- D. Within 5-7 days of being taken into custody, an involuntary commitment hearing is held.

Involuntary Commitment Process

Step 4: Hearing, Commitment, and Treatment

- Your loved one has the right to independent legal counsel and the right to an independent mental health examination.
- At the hearing, the QMHP will give testimony regarding appropriate treatment alternatives, which will include the least restrictive treatment option available.
- The individual who filed the involuntary commitment may also be asked to testify at the hearing.
- If the individual meets criteria for the mental illness commitment, they may be ordered to commitment for no longer than 90 days to the least restrictive alternative.
- If the individual does not meet criteria, they will be released.
- Payment: Please be aware that payment for treatment services, under the involuntary commitment, may be assessed to the individual committed, a legally responsible relative or guardian, the county of residence, or billed to the Division of Behavioral Health, through a contract, with an approved treatment facility.

