

# Substance Use Disorder Involuntary Commitment Process in South Dakota

## What is a substance use disorder (SUD)?

A substance use disorder is a disease that occurs when the recurrent use of alcohol and/or drugs causes clinically significant impairments. Impairments may include health problems, disability and failure to meet major responsibilities at work, school, or home. A substance use disorder involves patterns of symptoms caused by using a substance that an individual continues taking despite its negative effects.

## 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

## 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. You can find Circuit Courts at [UJS.sd.gov/Court-Finder](https://www.ujs.sd.gov/Court-Finder).
- 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 will be arranged by the addiction counselor completing the assessment. Treatment is based on their recommendations and may include inpatient treatment, residential treatment, or outpatient treatment services.
- 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) or contact the Division of Behavioral Health at 1.855.878.6057.

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