

(3) Information regarding all local and state agencies that can provide services and supports to you.

If a plan has not been developed and you are ready to be discharged from the facility, this is not enough of a reason for continued commitment or inpatient treatment when discharge is appropriate.

* The facility cannot give you or make you take part in experimental procedures or interventions of any type, such as electroconvulsive therapy (ECT). Your parent's, guardian's, custodian's or your own consent **alone** is not enough to authorize these types of treatments. If the facility feels these types of treatments are needed, they must obtain permission from the circuit court.

**IF YOU FEEL ANY OF
YOUR LEGAL RIGHTS
HAVE BEEN DENIED AS
DESCRIBED IN THIS
BROCHURE, YOU MAY
CONTACT**

**DISABILITY RIGHTS
SOUTH DAKOTA (DRSD)
PAIMI PROGRAM AT
1-800-658-4782**

(In-State)

or

(605) 224-8294

Voice & TDD

www.drSDLaw.org

The purpose of this brochure is to inform, not advise. If you have questions about this information, please contact your attorney. You can also contact an advocate with the PAIMI Program.

*Funded by the U.S. Department of Health and Human Services,
Substance Abuse and Mental Health Services Administration
Center for Mental Health Services.*

Revised 9/10/2018

Disability Rights
South Dakota

**RIGHTS INFORMATION
FOR A PERSON
UNDER THE
AGE OF 18 RESIDING
IN AN INPATIENT
PSYCHIATRIC
FACILITY**

**KNOW YOUR
RIGHTS**

A Publication of
The Protection & Advocacy
for Individuals with
Mental Illness (PAIMI) Program
Disability Rights South Dakota (DRSD)
(605) 224-8294 (Voice or TDD)
1-800-658-4782
(in state only)
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As a person under the age of 18 who is receiving inpatient psychiatric treatment, you have certain **rights** according to state law. The following are your rights:

* If you are **16 years of age or older**, you will be told that you have the **right to refuse psychotropic medications**. Your psychiatrist may want to give you these medications as part of your treatment. Each medication has possible side effects, and must be explained to you by the facility.

These are classified in 5 different general classes: Sleeping Medication; Anti-Anxiety Medication; Anti-Depressant Medication; Anti-Psychotic Medication; and Mood Stabilizing Medication.

These medications can only be given to you with permission by you **and** your parent or guardian. Oral and written permissions required. If you **refuse** to take the medication, your psychiatrist at the facility can still begin to give you this medication, but **ONLY** with your parent's or guardian's permission.

If the medication is given to you over your objection, the facility **MUST OBTAIN A COURT ORDER** to continue giving the medication to you. The court can order you to take this medication for no more than 90 days. Every 30 days a psychiatrist must review your continued need for medication.

* If you are **under the age of 16**, your parent or guardian can give the facility permission to give you psychotropic medication and you have no right to object.

* If you turn 18 years old while admitted to an inpatient psychiatric facility, you will be informed that you now have more rights because you are now considered an adult.

* All persons under the age of 18 have a **right** to have a treatment plan developed with your input while you are at the facility. This plan includes goals to help you with your medical, psychological, social, behavioral, educational and developmental needs while you are receiving care and treatment at the facility. This treatment plan must be implemented within 10 days after the involuntary

commitment, if it is not, you must be immediately released.

* During your admission, especially if you are at the facility for 45 days, your psychiatrist must look at whether you should continue to stay at the facility or not.

* If you are involuntarily committed and the facility is planning discharge or you are admitted by a parent or guardian, a plan will be written with you and your parent or guardian to provide any support to you when you leave the facility. This plan is called a "**pre-discharge plan of aftercare**". A copy of the plan must be given to the parent, guardian or other legal custodian. The plan, at a minimum, must include the following:

(1) Information about what services are required for you in the community to meet your needs for treatment, education, housing, nutrition, physical care and safety;

(2) Information on any income subsidies for which you could be eligible for; and