



Assisting South Dakotans with Disabilities

**DISCHARGE FROM  
INVOLUNTARY  
COMMITMENT FROM AN  
INPATIENT  
PSYCHIATRIC FACILITY**

**A PUBLICATION OF THE PAIMI  
PROGRAM A COMPONENT PROGRAM  
OF:  
SOUTH DAKOTA ADVOCACY  
SERVICES  
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YANKTON, SD 57078  
(605) 665-5616**

For more information, contact:

**South Dakota Advocacy Services  
1719 Broadway, Ste. B-2  
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(605) 665-5616**

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

REVISED 10/2004

**According to South Dakota law you  
have certain rights about your  
discharge from inpatient treatment.  
The purpose of this brochure is to  
provide you with some information  
about your rights.**

If you are an adult and you have been involuntarily committed to the Human Services Center, you have four (4) possible ways to get discharged.

- 1) Your doctor and treatment team may discharge you at any time. If your doctor feels you are no longer a danger to yourself and/or others, you are not mentally ill, or do not need or that you will not likely benefit from further treatment, you are to be discharged immediately.
- 2) The board of Mental Illness or Tribal Court may discharge you at any mental illness hearing you have, or at any mental review hearing you have.
- 3) You may appeal your commitment. Visit with the lawyer who represented you at your last mental illness review hearing to find out more information about an appeal.

- 4) You may be discharged through “The Writ of Habeas Corpus”, process. In a Writ, you are asking a judge to release you from your involuntary commitment. Contact South Dakota Advocacy Services for more information about this discharge option.

**SOME OF THE RIGHTS YOU HAVE REGARDING YOUR INVOLUNTARY COMMITMENT AND DISCHARGE:**

You have the right to:

- 1) Receive information about how to get discharged from your involuntary commitment.
- 2) Contact a lawyer about discharge options information.
- 3) Have a discharge plan.
- 4) Not have your discharge held up because you do not have a discharge plan or you disagree with your discharge plan.

- 5) Know what the treatment team believes you must accomplish to get discharged.
- 6) Have a say about what you believe you need in your treatment plan to help you reach discharge, and have this documented in your records.
- 7) Request an independent evaluation from a doctor or mental health professional from outside Human Services Center.
- 8) Know these rights are protected by South Dakota Law.

If you have any questions about this Information, please contact your Attorney or an advocate with South Dakota Advocacy Services at: (605) 665-5616