

What happens after the 24 hour hold.

If, after the 24 hours, the facility still wants to keep you, you have the **right** to have a hearing before the County Board of Mental Illness, and this hearing must be held within 5 to 7 days, depending on whether there is a Saturday, Sunday or holiday within that time frame.

You may have the **right** to be represented by an attorney, and one will be appointed by the County Board of Mental Illness to represent you if you do not have an attorney. You will be told when the hearing will take place. Prior to the hearing, your attorney will contact you to answer any questions you have about the hearing.

At the hearing, the County Board of Mental Illness will listen to what the psychiatrist has to say, to you, and to anyone else who might have information as to why you should or should not stay at the facility. You do not have to speak at the hearing if you choose not to. If the County Board decides that you need to stay at the facility, it may order you to stay for up to 45 days. If it decides that you do not need to stay, then you will be immediately discharged from the facility to your parent, guardian, or legal custodian. You also have the **right** to appeal the County Board's decision, which means that you can request a Judge to look at your case again.

**IF YOU FEEL ANY OF YOUR
LEGAL
RIGHTS HAVE BEEN DENIED AS
DESCRIBED IN THIS BROCHURE,
YOU MAY CONTACT
SOUTH DAKOTA
ADVOCACY SERVICES
PAIMI PROGRAM AT**

**1-800-658-4782 (In-State) or
(605) 224-8294 Voice & TDD, or
contact a branch office close to your
community.**

BRANCH OFFICES:

**SD Advocacy Services
1719 Broadway, Suite B-2
Yankton, SD 57078
(605) 665-5616**

**SD Advocacy Services
1575 LaCrosse St., Suite K
Rapid City, SD 57701
(605) 342-3808**

**SD Advocacy Services
2121 W. 63rd Pl., Ste. 30
Sioux Falls, SD 57108
(605) 361-7438**

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.

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Substance Abuse and Mental Health Services Administration,*

**KNOW YOUR
RIGHTS**

**VOLUNTARY
ADMISSION TO AN
INPATIENT
PSYCHIATRIC
FACILITY
OF A PERSON UNDER
THE AGE OF 18**



Assisting South Dakotans with Disabilities

A Publication of
The Protection & Advocacy
for Individuals with
Mental Illness (PAIMI) Program
South Dakota Advocacy Services
221 South Central Avenue
Pierre, SD 57501
(605) 224-8294 or
1-800-658-4782 (Voice or TDD)

If you are under the age of 18 and still live with your parent, guardian, or other legal guardian you may be either admitted or involuntarily committed to an inpatient psychiatric facility for inpatient treatment. If admitted to a facility by your parent, guardian, or other legal custodian, this is called a **voluntary admission**.

How the admission process begins.

Your parent, guardian, or other legal custodian needs to fill out an application to admit you to the facility and the following criteria must be met:

- (1) You have a "**serious emotional disturbance**", which means that your behavior has seriously interfered with how you are acting in the community, school or with your family; that a mental health professional has recognized there is a mental disorder; that you need for someone to take care of you; and that your difficulties may last a long time or may last for a short time but are really intense; and
- (2) Your thinking is confused and your behavior is inappropriate **or** you think about suicide **or** you are severely depressed, sad, and you cannot eat or sleep; and
- (3) You can be helped at the inpatient facility with your problems; and
- (4) The facility is the only place available that can help you with your problems; and
- (5) Your parent, guardian, or other legal custodian has agreed that inpatient treatment for your problems is needed after being advised about the hospitalization.

Information that the facility will explain to you.

After the application for admission is filled out, someone at the facility will explain to you the following information:

- (1) You are at the facility because you have met the requirements for a voluntary admission;
- (2) There are certain types of treatment which might be used to treat you;
- (3) There are some rules that you will need to follow;
- (4) You have **the right** to object to this admission; and
- (5) You have the **right** to view and copy your medical records. BUT there may be certain things in your records that your doctor will not allow you to see, but will allow your parents, guardian, or other legal custodian to see.

After you have been admitted, a psychiatrist will talk with you and decide whether you should stay and receive treatment. After you have talked with the psychiatrist, it may be decided that you should stay and be treated at the facility or that you should be treated somewhere else.

Objecting to continued admission and treatment.

Anytime after you are admitted to the facility, you, or an adult on your behalf, can **OBJECT** to this admission. To object to continued treatment at the facility, you must either voice

your objection to a staff person at the facility or write your objection down and give it to a staff person. After this is done, the staff person will give you a written form to sign. You will need to sign and date this form and it will be placed in your medical record. If the facility does not agree to discharge you, it can place you on a "**mental illness hold**" if it feels you need to stay at the facility.

After giving your objection to continued treatment to the staff and they feel that you need to be at the facility, they may keep you at the facility for 24 hours during which time you will be seen by a psychiatrist. You have the **right** to contact your parent or any other person to let them know you are being held at the facility.

You also have the **right** to be examined by another psychiatrist or mental health professional (get a second opinion). The cost of this examination will be paid by the county unless your parent, guardian, other legal custodian, or you have money to pay for it.