

**SOME IMPORTANT THINGS TO
REMEMBER
AND/OR TO DO:**

- Before consulting with an attorney about filing a writ of habeas corpus, ask your treating physician to discharge you. If the treating physician denies your request, find out what criteria needs to be met to become discharged and how your physician feels you can meet that criteria. This needs to be addressed in your treatment plan.
- If your discharge is to happen in the near future, try to get a date or at least a timeframe for this to happen, e.g., next week or next Thursday.
- Know your treatment plan and your discharge plan.
- Ask your attorney any questions you may have.
- Keep your attorney informed of any changes in your condition, treatment, discharge plans, or other information that may affect your case.

Persons who are interested in obtaining further information may contact an attorney or South Dakota Advocacy Services. All offices can be reached by calling:

1-800-658-4782

SD Advocacy Services

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

SD Advocacy Services

1575 LaCrosse, 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

SD Advocacy Services

221 South Central Avenue
Pierre, SD 57501
(605) 224-8294 or
1-800-658-4782 (Voice or TDD)

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GENERAL INFORMATION



Assisting South Dakotans with Disabilities

A Publication of
the Protection & Advocacy
for Individuals with Mental Illness
(PAIMI) Program
A component program of
South Dakota Advocacy Services
1-800-658-4782 (Voice or TDD)

The purpose of this pamphlet is to provide general information on the use of a writ of habeas corpus to challenge an order for involuntary commitment and confinement at the Human Services Center. No other purpose is intended or implied.

When you are involuntarily committed, you have several ways to obtain discharge from commitment:

1. Your treating physician may discharge you on any day;
2. The County Board of Mental Illness may discharge you at any mental illness hearing;
3. You may be discharged a court order following a formal hearing called for that purpose when filing an appeal of a commitment order or by filing a writ of habeas corpus. **NOTE: For more information on filing an “appeal”, contact the attorney who represented you at your mental illness hearing as soon as possible following that hearing.**

Any person who is involuntarily committed by a county board of mental illness, who is detained, confined or restrained of their liberty, is entitled at any time to file a *writ of habeas corpus* to challenge an unfair or unconstitutional confinement.

A petition for a writ of habeas corpus must be filed with the court. If the court finds that you meet criteria for commitment, you will not be discharged and will continue to be involuntarily committed to the facility. You may contact your attorney to assist you with the writ. You will work with your attorney on your case. You may use information found in this pamphlet as a guide to assist you with any questions you may have, but contact your attorney about any legal advice regarding your case. If you are unable to afford an attorney, you may be eligible to receive the services of a court-appointed attorney.

HOW CAN WE HELP?

To apply for a court-appointed attorney, contact South Dakota Advocacy Services 665-5616. An advocate will come to the Human Services Center to answer questions you may have and assist you to complete an “*Application for Court-Appointed Attorney for Writ of Habeas Corpus*”. The advocate will need financial information to complete the application – information about your assets and liabilities. The completed form will be sent to the court.

The judge will review the application and, if you are eligible, will appoint an attorney to represent you. If the judge finds that you are not eligible for a court-appointed attorney because your assets are too much, your application will be denied. If your application is denied, you may still hire an attorney to assist you in filing the writ of habeas corpus.

If your application is approved, your Advocacy Services Representative will inform you who the court-appointed attorney is that will represent you at your writ hearing.