

## **WHAT IS VOLUNTARY ADMISSION?**

Any person, 18 years of age or older, can visit a facility licensed by the state as a hospital, except the Human Services Center, and request admission for mental health treatment.

## **HOW CAN I BE ADMITTED?**

The facility director or administrator must make sure the following requirements are made before admitting anyone as a voluntary patient:

(1) A qualified mental health professional must complete an examination and determine:

(a) the person is severely mentally ill; **and**  
(b) the person is in such condition that immediate intervention is necessary to protect the person from physical harm to self/others;

(2) It must be determined that a least restrictive alternative is inappropriate or unavailable;

(3) It must be determined the individual is in need of *and* likely to benefit from treatment which is available at the facility; and

(4) The person understands the nature of voluntary inpatient treatment, has given informed consent to the treatment, and voluntarily signed a written application for admission.

Disability *Rights*  
South Dakota

*Contact us:*

**1-800-658-4782**

-OR-

**605-224-8294**

*Visit us online:*

**www.drSDLaw.org**

The purpose of this brochure is to provide a brief explanation of the voluntary admission process for an individual 18 years of age or older. If you have questions about this information, please contact your attorney or contact the PAIMI Program. Other formats of this brochure can be made available upon request.

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

*Statutory References: South Dakota Codified Laws 27A-10-19.*

*Last Updated 3/26/2021*

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# **VOLUNTARY ADMISSION**

## **to Inpatient Psychiatric Facilities**

## **Know Your Rights!**

A publication of the Protection & Advocacy for Individuals with Mental Illness (PAIMI) Program

**Disability Rights South Dakota  
(DRSD)**

**1-800-658-4782**

**www.drSDLaw.org**

## **WHAT IS INFORMED CONSENT?**

Informed consent means an individual voluntarily, knowingly, and competently gives permission without the presence of any element of force, fraud, deceit, duress, threat, or other form of coercion.

Informed consent may only be given after a thorough explanation of all information that a reasonable person would consider significant to their decision.

All information must be explained in a manner that would be understandable to the general public.

## **WHAT IF I AM UNABLE TO GIVE INFORMED CONSENT?**

If the facility director or administrator determines you are not capable of giving informed consent to the voluntary admission, you can be admitted **IF** one of the following gives substituted informed consent:

- (1) A court appointed guardian;
- (2) An attorney-in-fact named in a written durable power of attorney;
- (3) A next of kin (for an admission period not to exceed 14 days);
- (4) A declaration and power of attorney for mental health.

## **WHAT MUST BE PROVIDED UPON ADMISSION TO A FACILITY?**

Upon admission, rights information and a written notice of procedures to terminate treatment should be provided.

The procedures and rights information must also be displayed on every psychiatric ward/unit at the facility.

## **WHAT IF I AM DENIED ADMISSION TO A FACILITY?**

If you are denied admission to the facility, the facility director or administrator must refer you to other facilities or programs that may be able to provide treatment to you.

## **HOW OFTEN DOES THE VOLUNTARY ADMISSION HAVE TO BE REVIEWED?**

If you continue receiving treatment at the facility, your records and need for continued treatment must be reviewed 30 days after the voluntary admission and every 90 days after.

**Advocacy assistance and referrals are also available through Disability Rights South Dakota.**

## **WHAT IF I WANT TO LEAVE THE FACILITY?**

In order to leave the facility, you must inform staff of your intent to leave the facility and terminate treatment.

The facility is then required to promptly provide you with a written form of release.

If the facility director or administrator believes you need to stay at the facility to continue receiving treatment, they may initiate a 24-hour mental illness hold. This allows the administrator the ability to legally detain you at the facility for 24 hours.

An explanation must be given to you that you must remain at the facility for a period not to exceed 24 hours, not including weekends or holidays.

The facility director or administrator must **file a petition for emergency involuntary commitment** with the chairman of the county board of mental illness **within 24 hours** of your written notice to terminate treatment.

If a petition is not filed within this 24-hour time period, **you must be immediately released from the facility**.