# South Dakota Treatment Law Report Card

***Last Updated:*** *January 2026*

**Method and scoring:** *State involuntary civil commitment laws* are evaluated using a 100-point grading scale. The scoring criteria are in accordance with TAC's values and policy recommendations. Up to 50 points are awarded to a state based on the quality of its inpatient commitment law, and up to 50 points are awarded based on the quality of its outpatient commitment law. *Grades reflect solely what is written in law and not how those laws are implemented or applied.* Final letter grades are computed using the following scale:

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|---|---|---|---|---|---|---|---|---|---|
| 97 or above | A+ | 87–89 | B+ | 77–79 | C+ | 67–69 | D+ | 59 or below | F |
| 93–96 | A | 83–86 | B | 73–76 | C | 63–66 | D | | |
| 90–92 | A- | 80–82 | B- | 70–72 | C- | 60–62 | D- | | |

| **PART ONE: Inpatient Commitment Statute (up to 50 points)** | | | |
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| Criterion | Citation | Specifications | Points |
| 1. Citizen access to court, emergency evaluation (5 pts) | S.D. Codified Laws § 27A-10-1 | ☒Authorizes family/enumerated adults (3 pts)<br>☒Authorizes any responsible adult (2 pts)<br>***Petition must be filed with chair of county board of mental illness. The board serves as an administrative court.*** | 5 |
| 2. Quality of emergency petition process (5 pts) | S.D. Codified Laws §§ 27A-10-1 to 27A-10-7 | ☐Process specified and reasonable (2 pts)<br>☐Timelines specified and reasonable (2 pts)<br>☒Responsible entities identified (1 pt)<br>☐Requires certification by more than one professional (-2 pts)<br>☐Emergency evaluation criteria inconsistent with inpatient commitment criteria (-5 pts)<br>***Unreasonably permits civil custody in carceral settings (See comment below)*** | 3 |
| 3. Emergency hold duration (5 pts) | S.D. Codified Laws § 27A-10-8 | ☒At least 48-hour hold allowed (3 pts)<br>☒At least 72-hour hold allowed (2 pts)<br>***Up to five days*** | 5 |
| 4. Citizen access to court, inpatient petition (5 pts) | S.D. Codified Laws § 27A-10-1 | ☒Authorizes family/enumerated adults (3 pts)<br>☒Authorizes any responsible adult (2 pts) | 5 |
| 5. Quality of criteria for harm or violence to self or others (up to 10 pts) | S.D. Codified Laws § 27A-1-1(6), (7) | ☒Contains explicit criteria (10 pts)<br>☐Language is vague/ambiguous (-3 pts)<br>☐Harm must be imminent (-3 pts) | 10 |
| 6. Quality of criteria for grave disability/basic needs (up to 10 pts) | S.D. Codified Laws § 27A-1-1(7)(b) | ☒Contains explicit criteria (10 pts)<br>☐Language is vague/ambiguous (-3 pts)<br>☐Endangerment must be imminent (-3 pts)<br>☐Criteria require family to turn person out of home to receive treatment (-3 pts)<br>☐Unreasonably high risk of harm (-3 pts) | 10 |
| 7. Quality of criteria for psychiatric deterioration (up to 10 pts) | S.D. Codified Laws § 27A-1-1(4), (7)(b), (9) | ☒Contains explicit criteria (10 pts)<br>☐Language is vague/ambiguous (-3 pts) | 10 |
| | | **SUBTOTAL** | 48 |
| **PART ONE: Extra Credit** | | | |
| 1. Specifies in which court a petition for inpatient commitment shall be filed (1 pt) | S.D. Codified Laws § 27A-10-1 | ***County board of mental illness (serves as administrative court)*** | 1 |
| | | Extra Credit | 1 |
| | | **PART ONE TOTAL** | 49 |

| PART TWO: Outpatient Commitment Statute (up to 50 points) | | | |
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| Criterion | Citation | Specifications | Points |
| 1. AOT explicitly authorized (5 pts) | S.D. Codified Laws § 27A-10-9.1 | ☐Requires local government to adopt (-3 pts) | 5 |
| 2. Citizen access to court for AOT (5 pts) | S.D. Codified Laws § 27A-10-1 | ☒Authorizes family/enumerated adults (3 pts)<br>☒Authorizes any responsible adult (2 pts)<br>☐Authorizes citizen petition to mental health system only (-2 pts) | 5 |
| 3. Criteria sufficiently broad to provide actual access (up to 10 pts) | S.D. Codified Laws § 27A-1-2 | **Evaluate applicable provision only:**<br>☒If inpatient/outpatient criteria are the same:<br>☒Inpatient criteria include psychiatric deterioration standard (10 pts) or<br>☐No psychiatric deterioration standard, adequate grave disability standard (5 pts)<br>**or**<br>☐If outpatient criteria are distinct from inpatient criteria:<br>☐Allows consideration of length of treatment history ≥ 36 months (2 pts)<br>☒Does not exclude periods of incarceration or hospitalization (-1 pt)<br>☐Does not limit application to those currently dangerous or unstable (4 pts)<br>☐Does not limit application to those refusing service or lacking insight (4 pts) | 10 |
| 4. Authorizes AOT directly from community (5 pts) | S.D. Codified Laws § 27A-10-9 | | 5 |
| 5. Procedures sufficiently detailed to guide practitioners (up to 5 pts) | S.D. Codified Laws § 27A-10-14 | ☐Process specified and reasonable (1 pt)<br>☐Timelines specified and reasonable (1 pt)<br>☒Responsible entities identified (1 pt)<br>☐Periodic reporting to court required (1 pt)<br>☒Renewal process expressly specified (1 pt) | 2 |
| 6. Procedures require the treatment plan to be shared with the court (5 pts) | | | 0 |
| 7. Specifies procedures and consequences for nonadherence (5 pts) | S.D. Codified Laws §§ 27A-10-9.4 to 27A-10-9.6 | | 5 |
| 8. Duration of initial order | S.D. Codified Laws § 27A-10-9.1 | ☒= 90 days (2 pts) or<br>☐> 90 days (5 pts)<br>***Not to exceed 90 days*** | 2 |
| 9. Duration of continued order | S.D. Codified Laws § 27A-10-14 | ☒= 180 days (2 pts) or<br>☐> 180 days (5 pts)<br>***Up to six months*** | 2 |
| | | **SUBTOTAL** | 36 |
| **PART TWO: Extra Credit** | | | |
| 1. Specifies court for AOT (1 pt) | S.D. Codified Laws § 27A-10-1 | ***County board of mental illness (serves as administrative court)*** | 1 |
| 2. Court monitoring of voluntary settlement agreements (5 pts) | | | |
| | | Extra Credit | 1 |
| | | **PART TWO TOTAL** | 37 |

| FINAL SCORE | |
|---|---|
| PART ONE TOTAL | 49 |
| PART TWO TOTAL | 37 |
| **TOTAL** | 88 |
| **TREATMENT LAW GRADE** | **B+** |

***Comment:*** S.D. Codified Laws §§ 27A-10-2 and 27A-10-3 allows jail to be used for civil prehearing custody when "the availability of other appropriate regional facilities has been explored and exhausted."