

# South Dakota 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 Treatment Advocacy Center’s values and policy preferences. 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 state’s assisted outpatient treatment (AOT) law. Final letter grades are computed using the following scale:

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)

Criterion	Citation	Specifications	Points
1. Citizen access to court, emergency evaluation (5 pts)	S.D. Codified Laws § 27A-10-1	<input checked="" type="checkbox"/> Authorizes family/enumerated adults (3 pts) <input checked="" type="checkbox"/> Authorizes any responsible adult (2 pts) <b><i>Petition must be filed with chair of county board of mental illness. The board serves as an administrative court.</i></b>	5
2. Quality of emergency petition process (5 pts)	S.D. Codified Laws §§ 27A-10-1 to 27A-10-7	<input type="checkbox"/> Process specified and reasonable (2 pts) <input checked="" type="checkbox"/> Timelines specified and reasonable (2 pts) <input checked="" type="checkbox"/> Responsible entities identified (1 pt) <input type="checkbox"/> Requires certification by more than one professional (-2 pts) <input type="checkbox"/> Emergency evaluation criteria inconsistent with inpatient commitment criteria (-5 pts) <b><i>Unreasonably permits civil custody in carceral settings (See comment below)</i></b>	3
3. Emergency hold duration (5 pts)	S.D. Codified Laws § 27A-10-8	<input checked="" type="checkbox"/> At least 48-hour hold allowed (3 pts) <input checked="" type="checkbox"/> At least 72-hour hold allowed (2 pts) <b><i>Up to five days</i></b>	5
4. Citizen access to court, inpatient petition (5 pts)	S.D. Codified Laws § 27A-10-1	<input checked="" type="checkbox"/> Authorizes family/enumerated adults (3 pts) <input checked="" type="checkbox"/> 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)	<input checked="" type="checkbox"/> Contains explicit criteria (10 pts) <input type="checkbox"/> Language is vague/ambiguous (-3 pts) <input type="checkbox"/> 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)	<input checked="" type="checkbox"/> Contains explicit criteria (10 pts) <input type="checkbox"/> Language is vague/ambiguous (-3 pts) <input type="checkbox"/> Endangerment must be imminent (-3 pts) <input type="checkbox"/> Criteria require family to turn person out of home to receive treatment (-3 pts) <input type="checkbox"/> 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)	<input checked="" type="checkbox"/> Contains explicit criteria (10 pts) <input type="checkbox"/> Language is vague/ambiguous (-3 pts)	10
<b>SUBTOTAL</b>			<b>48</b>

## 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	<b><i>County board of mental illness (serves as administrative court)</i></b>	1
Extra Credit			1
<b>PART ONE TOTAL</b>			<b>49</b>

## PART TWO: Outpatient Commitment Statute (up to 50 points)

Criterion	Citation	Specifications	Points
1. AOT explicitly authorized (5 pts)	S.D. Codified Laws § 27A-10-9.1	<input type="checkbox"/> Requires local government to adopt (-3 pts)	5

2. Citizen access to court for AOT (5 pts)	S.D. Codified Laws § 27A-10-1	<input checked="" type="checkbox"/> Authorizes family/enumerated adults (3 pts) <input checked="" type="checkbox"/> Authorizes any responsible adult (2 pts) <input type="checkbox"/> 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	<b>Evaluate applicable provision only:</b> <input checked="" type="checkbox"/> If inpatient/outpatient criteria are the same: <input checked="" type="checkbox"/> Inpatient criteria include psychiatric deterioration standard (10 pts) <u>or</u> <input type="checkbox"/> No psychiatric deterioration standard, adequate grave disability standard (5 pts)  <b>or</b> <input type="checkbox"/> If outpatient criteria are distinct from inpatient criteria: <input type="checkbox"/> Allows consideration of length of treatment history ≥ 36 months (2 pts) <input type="checkbox"/> Does not exclude periods of incarceration or hospitalization (-1 pt) <input type="checkbox"/> Does not limit application to those currently dangerous or unstable (4 pts) <input type="checkbox"/> 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	<input type="checkbox"/> Process specified and reasonable (1 pt) <input type="checkbox"/> Timelines specified and reasonable (1 pt) <input checked="" type="checkbox"/> Responsible entities identified (1 pt) <input type="checkbox"/> Periodic reporting to court required (1 pt) <input checked="" type="checkbox"/> 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	<input checked="" type="checkbox"/> = 90 days (2 pts) <u>or</u> <input type="checkbox"/> > 90 days (5 pts) <b>Not to exceed 90 days</b>	2
9. Duration of continued order	S.D. Codified Laws § 27A-10-14	<input checked="" type="checkbox"/> = 180 days (2 pts) <u>or</u> <input type="checkbox"/> > 180 days (5 pts) <b>Up to six months</b>	2
<b>SUBTOTAL</b>			36
<b>PART TWO: Extra Credit</b>			
1. Specifies court for AOT (1 pt)	S.D. Codified Laws § 27A-10-1	<b>County board of mental illness (serves as administrative court)</b>	1
2. Court monitoring of voluntary settlement agreements (5 pts)			
Extra Credit			1
<b>PART TWO TOTAL</b>			37

<b>FINAL SCORE</b>	
PART ONE TOTAL	49
PART TWO TOTAL	37
<b>TOTAL</b>	88
<b>GRADE</b>	<b>B+</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.”