

**COMMITMENT AND BOARD-ORDERED CARE OF DEVELOPMENTALLY  
DISABLED PERSONS**

**\*SDCL 27B-7**

**PETITION:**

Any person can prepare a verified petition.

Petition shall include all elements described in 27B-7-27.

Forward petition to the chair of the county review board for Developmental Disabilities (DHS) with a copy to the State's Attorney's Office. SDCL 27B-7-29 and 35

**COUNTY REVIEW BOARD:**

A detention order may be issued by the board chair for purposes of an examination if there is reasonable basis to believe the person to be committed poses an immediate danger of physical injury to self or others. (SDCL 27B-7-38) If the petition did not include recommendation by a psychiatrist or psychologist for the detention, the person must be examined by a psychiatrist or psychologist within 48 hours of the issuance of the detention order and the results reported to the board.

The chair of the county review board for Developmental Disabilities shall in writing appoint a licensed psychologist or psychiatrist to prepare the required report on the petition within THREE days of the receipt of the petition. SDCL 27B-7-28

The examiner shall prepare the report on the petition within FIVE days of the receipt of the written notice and the report should be in accordance with 27B-7-31.

The board chair shall provide the Division of Developmental Disabilities (DHS) with a copy of the petition.

The division (DHS) shall prepare a report with a recommendation as to appropriate service locations pursuant to SDCL 27B-7-29 which shall be filed with the county board within TEN days from receipt of the petition.

Upon receipt of the petition and reports as provided in SDCL 27B-7-27 thru 29, the county review board for Developmental Disabilities chair assigns a date and time for the hearing. SDCL 27B-7-33

**HEARING:**

The hearing must be within TEN days of receipt of the reports and there must be FIVE days written notice of the time, date and place of hearing to all interested persons. SDCL 27B-7-33

The chair must advise the person of his/her rights under SDCL 27B-7-39.1 and 45.

If commitment criteria are not met, the board shall order the immediate release of the patient. SDCL 27B-7-36

The review board must find by clear and convincing evidence that the person has a developmental disability and poses an immediate danger of physical injury to self or others due to the developmental disability making it necessary to meet the criteria of

involuntary commitment and should place the person under the control and care of DHS for placement in appropriate programs. SDC 27B-7-37

**ANNUAL REVIEWS:**

Annual reviews are required under SDCL 27B-7-39.

**\*DISCLAIMER:** We cannot and do not warrant that the information is absolutely current, although every effort is made to ensure that it is kept as current as possible. We cannot warrant that no changes have been made to the source information since it was posted.