



Texas NICS Mental Health Reporting Manual

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**Office of Court Administration
205 W. 14th Street, Suite 600
Post Office Box 12066
Austin, Texas 78711-2066
(512) 463-1625
www.txcourts.gov**

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National Instant Criminal Background Check System (NICS)

The National Instant Criminal Background Check System (NICS) is a centralized computer system providing information to federal firearms licensees (FFLs) on whether a prospective purchaser is eligible to receive or possess firearms. Before transferring a firearm to a non-licensed individual, an FFL must contact NICS for a background check on the prospective transferee. NICS then checks automated databases and, in cases where additional information is needed, makes follow-up requests to law enforcement agencies, prosecutors, or courts that may have relevant information demonstrating whether the individual is prohibited from receiving a firearm under state or federal law. NICS has **3 business days** to determine whether a proposed gun transfer is prohibited. If NICS has not been able to make a definitive determination within that time frame, the FFL may lawfully transfer the firearm.

House Bill 3352 (2009)

House Bill 3352 (now codified at sections 411.052 and 411.0521 of the Government Code and section 574.088 of the Health and Safety Code) was passed by the 81st Texas Legislature in 2009 to comply with and implement the requirements of the federal NICS Improvement Amendments Act of 2007. It requires district and county clerks to report federal prohibited person information as defined in Section 411.052 Government Code to the Texas Criminal Justice Information System (CJIS) maintained by the Texas Department of Public Safety (DPS). The bill also requires district and county clerks to report to CJIS all relevant cases in which an order was previously issued from September 1, 1989 through August 31, 2009.

Senate Bill 728 (2023)

On June 25, 2022, the Bipartisan Safer Communities Act was signed into law. One of the most prominent changes to federal law under the Act was enhancing the review process for juvenile mental health record checks when a prospective buyer of firearms initiates a purchase from a Federal Firearms Licensee (FFL). The Act amended the definition of disqualifying mental health adjudications to include juveniles aged 16 years or older.

Effective September 1, 2023, Senate Bill 728 was passed by the 88th Texas Legislature to align with federal law. Amending Government Code Sections 411.052(a) and 411.0521 as well as Family Code Section 58.007(a), it

- Maintains the criteria for reporting an incapacitated adult under guardianship at age 18 or older;

- Changes the definition of a federal prohibited person to an individual “**who is at least 16 years of age**” in the case of
 - a person ordered by a court to receive inpatient mental health services;
 - a person acquitted in a criminal case by reason of insanity or lack of mental responsibility;
 - a person determined to have an intellectual disability and committed by a court for long-term placement in a residential care facility; and
 - a person determined to be incompetent to stand trial.
- Adds to the definition of a federal prohibited person **a child involved in a juvenile case who is at least 16 years of age and has been**
 - found unfit to proceed as a result of mental illness or an intellectual disability;
 - found not responsible for the child’s conduct as a result of mental illness or an intellectual disability;
 - ordered by a court to receive inpatient mental health services as a result of mental illness; or
 - committed by a court to a residential care facility as a result of an intellectual disability.

Why Reporting is Important

After the April 2007 shooting tragedy at Virginia Tech, it became apparent that very few mental health records had been made available to the FBI for background checks. The NICS Improvement Amendments Act of 2007 was passed to address the gap in information available to NICS about prohibiting mental health adjudications and commitments and other prohibiting factors. In addition, it required the automation of records to reduce delays for law-abiding gun purchasers.

NICS Reporting Chart

NICS REPORTING CHART

*Note: It is the **signed court order or receipt of a mandate** from an appellate court reversing the order in the cases below that trigger the reporting requirement.*

Cases to Report	Case Status	Patient Status	Facilities	Report Due
1. Mental Health or Intellectual Disability Commitments – 16 years of age or older				
a. Court-Ordered Mental Health Commitment (Health and Safety Code, Chapter 574)	Order for court-ordered inpatient commitment signed & filed	Court-ordered temporary or extended inpatient mental health commitment	State hospitals, private hospitals, Veterans' Affairs hospitals, etc.	Within 30 days of court order to NICS
	Order granting relief from a firearms disability signed (HSC §574.088)	May petition for relief from firearms disability if furloughed or discharged from court-ordered mental health services	N/A	Within 30 days of court order to NICS
b. Commitment to Long-Term Residential Care (Health and Safety Code, Subchapter C, Chapter 593)	Order for commitment signed & filed	Intellectually disabled	State supported living center or ICF-IID component of the Rio Grande Ctr	Within 30 days of court order to NICS
	Order granting relief from a firearms disability signed (HSC §574.088)	May petition for relief from firearms disability if furloughed or discharged from court-ordered mental health services	N/A	Within 30 days of court order to NICS
2. Criminal Cases – Adults (17 years or older) or Juveniles (under 17 years of age) Certified as an Adult				
a. Incompetency to Stand Trial (Code of Criminal Procedure, Chapter 46B)	Order of determination of incompetency to stand trial; order extending previously ordered commitment	Found incompetent to stand trial, including mental illness or intellectual disability – released on bail or committed to treatment facility or jail-based competency restoration program	Outpatient or jail-based competency restoration program, mental health facility, or residential care facility	Within 30 days of court order to NICS
b. Acquittal for reasons of insanity or lack of mental responsibility (Code of Criminal Procedure, Chapter 46C)	Final acquittal disposition reflecting insanity or lack of mental responsibility	Insanity or lack of mental responsibility	Regardless of order for inpatient treatment or residential care	Within 30 days of court order to NICS and within 5 days of disposition (to CJIS)

Cases to Report	Case Status	Patient Status	Facilities	Report Due
3. Juvenile Cases (Delinquent Conduct or Conduct Indicating a Need for Supervision) – 16 years of age				
a. Unfit to Proceed (Family Code, Chapter 55, Subchapter C or Health and Safety Code, Chapter 574)	Court finding or jury verdict regarding unfitness to proceed due to mental illness or intellectual disability	Mental illness or intellectual disability	Placed in outpatient program or private inpatient psychiatric facility; commitment to mental health facility; or commitment to residential care facility	Within 30 days of court order to NICS
	Order granting relief from a firearms disability signed (HSC §574.088)	May petition for relief from firearms disability if furloughed or discharged from court-ordered mental health services	N/A	Within 30 days of court order to NICS
b. Not Responsible for Conduct (Family Code, Chapter 55, Subchapter D)	Court finding or jury verdict regarding lack of responsibility due to mental illness or intellectual disability	Mental illness or intellectual disability	Regardless of order for inpatient treatment or residential care	Within 30 days of court order to NICS
c. Court-Ordered Mental Health Commitment (Family Code, Chapter 55, Subchapters B, C, or D or Health and Safety Code, Chapter 574)	Order for court-ordered inpatient commitment signed & filed	Court-ordered temporary or extended inpatient mental health commitment	State hospitals, private hospitals, etc.	Within 30 days of court order to NICS
	Order granting relief from a firearms disability signed (HSC §574.088)	May petition for relief from firearms disability if furloughed or discharged from court-ordered mental health services	N/A	Within 30 days of court order to NICS
d. Commitment to Long-Term Residential Care (Family Code, Chapter 55, Subchapter C or D or Health and Safety Code, Subchapter C, Chapter 593)	Order for commitment signed & filed	Intellectually disabled	State supported living center or ICF-IID component of the Rio Grande Ctr	Within 30 days of court order to NICS
	Order granting relief from a firearms disability signed (HSC §574.088)	May petition for relief from firearms disability if furloughed or discharged from court-ordered mental health services	N/A	Within 30 days of court order to NICS

Cases to Report	Case Status	Patient Status	Facilities	Report Due
4. Guardianships of an Adult - 18 years of age or older				
Court Appointed Guardian of Incapacitated Adult (Estates Code, Title 3)	Order appointing permanent or temporary guardian signed & filed	Incapacitated adult who lacks mental capacity to manage his/her affairs, requiring guardian of the person, estate, or person and estate	None specified	Within 30 days of court order to NICS
	Order granting relief from firearm disability signed (EC §1202.201)	May petition for relief from firearms disability if guardianship was terminated because the person's capacity was completely restored	N/A	Within 30 days of court order to NICS
5. Reversal of Order by Appellate Court				
Reversal of order	Mandate issued by appellate court	N/A	N/A	Within 30 days of receipt of mandate from appellate court by clerk
Do Not Report				
1. Guardianship of minors	4. Commitment orders for temporary or extended outpatient mental health services			
2. Orders for emergency mental health detentions, admissions, or warrants; order of protective custody (mental health)	5. Applications for court-ordered inpatient mental health services that are transferred to another county to re-file or to hear your original filing			
3. Voluntary mental health commitments	6. Court-ordered inpatient chemical dependency or alcohol services			
7. Juvenile (Delinquent Conduct or Conduct Indicating a Need for Supervision) cases in which the respondent is under 16 years of age				

Cases to Report

The following types of cases must be reported:

- **Commitments** of individuals 16 years or older for temporary or extended **inpatient** mental health services under Chapter 574, Health and Safety Code or Chapter 55, Family Code. This includes individuals involuntarily committed to state hospitals, private hospitals, Veterans' Affairs hospitals, etc.;
- **Commitments** of individuals 16 years or older determined to have **intellectual disabilities** requiring **long-term placement in a residential care facility** under Chapter 593, Health and Safety Code or Chapter 55, Family Code;
- **Acquittals in criminal cases for reasons of insanity or lack of mental responsibility**, whether or not the person was ordered to receive inpatient treatment or residential care under Chapter 46C, Code of Criminal Procedure;
- Criminal cases in which a person is found to be **incompetent to stand trial** under Chapter 46B, Code of Criminal Procedure;
- Juvenile cases in which a child at least 16 years of age is found to be **unfit to proceed** under Subchapter C, Chapter 55, Family Code;
- Juvenile cases in which a child at least 16 years of age is found **not responsible** for the child's conduct under Subchapter D, Chapter 55, Family Code; and
- Cases in which the court appoints a guardian of an **incapacitated adult** individual under Title 3, Estates Code, based on the determination that the person lacks the mental capacity to manage his/her affairs (**adult guardianships of the person, estate, or person and estate, including temporary guardianships**).

Note: It is the signed **COURT ORDER** in each of the cases above that triggers the reporting requirement. **DO NOT REPORT** based on the filing of a medical or psychological examination report presented as evidence; there must be an order filed by the court.

DO NOT REPORT:

- Guardianships of minors;
- Emergency mental health detentions, admissions or warrants;
- Orders of protective custody;
- Voluntary commitments;

- Commitments for temporary or extended outpatient mental health services;
- Applications for court-ordered inpatient mental health services that are forwarded to another county to re-file or to hear your original filing; and
- Court-ordered inpatient chemical dependency or alcohol services.

Information related to reporting mental health commitments, criminal cases, and adult guardianships is reviewed in greater detail in the following sections.

Mental Health Commitments

Court ordered involuntary mental health commitments of individuals age 16 or older for **temporary or extended inpatient mental health services**, including persons committed to state hospitals, private hospitals, Veterans' Affairs hospitals, etc. must be reported. This requirement also includes the following scenarios:

- If an individual has more than one commitment order, all should be reported.
- If a court initially issues a temporary commitment order and then later issues an extended commitment order (or another temporary commitment order), each commitment order is reported.
- The initial commitment order for extended mental health services and a renewal order for extended mental health services are each reported.

The clerk must file a new case for each application for court-ordered inpatient mental health services, whether temporary or extended, and assign a new cause number to each. However, some clerks are filing multiple applications for commitment orders for the same individual under the same cause number. In those counties where the same cause number (e.g., 12345) is used for multiple applications for commitment orders for the same individual, the clerk should report each order into CJIS/NICS by adding a numerical suffix, such as a dash and a "1" (e.g., "-1") after the cause number (e.g., 12345-1) to designate the initial commitment order, a "-2" for the second commitment order (e.g., 12345-2), etc.

Criminal Cases

Report cases in which a defendant (including a juvenile tried as an adult) was **acquitted for reasons of insanity or lack of mental responsibility**, whether the person was ordered to receive inpatient treatment or residential care under Chapter 46C, Code of Criminal Procedure. Also report cases in which a defendant is found to be **incompetent to stand trial** under Chapter 46B, Code of Criminal Procedure.

A signed court order triggers the reporting requirement for these cases; do not report the cases based solely on a medical or psychological examination report, there must be an order based on the findings in the examination.

In a case in which a defendant is found by the court to remain incompetent and ordered to continue to be committed, the judicial finding that the defendant *remains* incompetent is **not** reported – only the original incompetency finding is reported. However, the order *continuing* the defendant's commitment **is** reported. This type of order is commonly called a "criminal commitment." If the clerk does not give a separate cause number to the "criminal commitment" order, then the clerk should report the criminal commitment order under the original criminal cause number into CJIS/NICS by adding a numerical suffix, such as a dash and a "1" (e.g., "-1") after the cause number (e.g., 12345-1) to designate the criminal commitment order.

If a person found incompetent to stand trial is later found competent, the NICS entry for that person remains in the database. Section 411.0521 of the Government Code states that the duty of a clerk to prepare and forward information is not affected by any subsequent appeal of the court order, any subsequent modification of the court order, or the expiration of the court order. To regain his/her rights to obtain or possess a firearm, the person must petition the court that entered the prohibiting order and present evidence during a hearing demonstrating that he/she is no longer a danger to public safety.

Adult Guardianships

Cases in which the court appoints a guardian of an incapacitated adult individual under Title 3, Estates Code, based on the determination that the person lacks the mental capacity to manage

his/her affairs (**adult guardianships of the person, estate, or person and estate, and temporary guardianships**) must be reported. This requirement also includes the following scenarios:

- Report guardianship cases in which Texas Health and Human Services is appointed as the guardian of an incapacitated adult.
- Report cases in which a guardian of the person or guardian of the person and estate is appointed for a person found to be partially incapacitated.
- Report cases in which a guardian of the person or guardian of the person and estate was appointed, even if the court later issued an order closing the guardianship after decreeing that the person was restored to full legal capacity. These cases must still be reported; however, effective January 1, 2014, a person whose guardianship was terminated because the person's capacity was completely restored may file an application with the court that created the guardianship for an order requesting the removal of the person's disability to obtain or possess a firearm (see Section 1202.201 of the Estates Code). The person who is the subject of the order will need to submit the order to FBI/NICS to be removed from the database.

Do not report guardianships of minors. If the subject of a minor guardianship becomes an adult, the minor guardianship should still not be reported. Instead, an application for adult guardianship should be filed, if relevant. If an adult guardianship is granted, the adult guardianship must then be reported to CJIS.

Do not report the appointment of a successor guardian. (*Note: Sometimes a judge may refer to a successor guardian as an alternate guardian.*) Although a successor guardian is appointed, the order does not create a new guardianship, it modifies the existing guardianship.

Data to Report

All records **must** contain the following information:

- Court ORI
- Case Number
- Case Type
- Court Date (*Date of order/judgment*)
- First Name
- Last Name
- Date of Birth (*Note: you may enter this with only 2 of the 3 numbers in the birth date*)
- Sex
- Race (*Note: you may select "Unknown"*)

The following fields are **optional**:

- State Identification Number
- Social Security Number
- Driver License Number

Report all fields possible. While the identifying number fields are optional, they are important in accurately identifying the individual who is the subject of the prohibiting order and should be reported when available.

New Cases

New cases are cases in which the court issued a reportable order on or after September 1, 2009. These cases must be entered into CJIS **not later than 30 days** after the date of the court order. If an appellate court reverses an order previously reported, the entry in CJIS must be cancelled by the clerk not later than 30 days after the clerk receives the mandate from the appellate court.

Clerks should capture and report all required data elements for new cases. Changes to processes, forms, and case management systems may be needed to capture the information required for case entry into CJIS within the 30-day timeframe.

Older Cases

When House Bill 3352 was enacted in 2009, it required clerks to submit by September 1, 2010 records for cases in which an order was issued on or after September 1, 1989 and before September 1, 2009. Although this deadline has passed, older cases **must still be entered** until all required reporting is completed.

The clerk can research which older cases are reportable by:

- Running reports from the case management system to identify cases that may need to be reported; and
- Reviewing docket books to find potentially reportable cases and preparing a list of those cases.

If a list is generated from the case management system or by reviewing docket books, the clerk must review the actual case files to confirm each reportable case. For example, in a mental health case, the signed commitment order for inpatient treatment must be reviewed. After a case is confirmed to be reportable, the clerk will obtain the data required for record entry from the case file (case number, court date, case type, first name, last name, date of birth, sex, race and any available identifiers).

For those clerk offices where lists cannot be generated from the case management system or the review of docket books, each case file must be reviewed to determine which cases meet the criteria to be reported.

Mental Health Information Sheet

A Mental Health Information sheet is recommended for collecting the necessary information to enter mental health cases into the NICS database. See **Appendix A** for a sample form. The court can require the form to be submitted with each mental health case that is filed.

Guardianship Information Sheet

A Guardianship Information sheet is recommended for collecting the necessary information to enter adult guardianship cases into the NICS database. See **Appendix B** for a sample form. The court can require the form to be submitted with each adult guardianship case that is filed.

How to Find Missing Identifiers

For cases that are missing required identifying information, additional research should be conducted to find the missing information. All available data sources, such as the case management system, jail records, and skip tracing databases should be used to obtain the missing identifying information. In addition, clerks in nearby counties may be contacted to determine if they have any additional information on the individuals. Keep a list of cases with insufficient identifiers for entry into CJIS/NICS, if the information becomes available later.

How to Report Cases in CJIS

The *NICS Indices Entry (NIE) User Guide* is produced by DPS and can be found at:

[Texas NICS Indices Entry Reporting | Department of Public Safety](#)

Zero Reports

For each month in which there are no reportable cases, the clerk must enter a “zero report” into CJIS to be considered in compliance with reporting requirements. A zero report must be entered for each ORI under which a clerk reports, regardless of whether the court is a designated to hear Mental Health cases. Please see the *NICS User Guide* for reporting instructions.

Responding to Inquiries from the FBI

NICS has **3 business days** to determine whether a proposed firearm transfer is prohibited. If NICS has not been able to make a definitive determination within that time frame, the federal firearm licensee may lawfully transfer the firearm.

The NICS Section of the FBI's Criminal Justice Information Services Division may contact clerks for additional or clarifying information if additional research is needed on a potential match of the prospective firearm transferee's descriptive information to that of record information located in NICS. ***It is critical for the clerk to respond to NICS inquiries as soon as possible to help NICS meet their 3 business day requirement.*** If NICS does not get a response to their request for additional or clarifying information, the sale of the firearm can proceed.

Data Validation and Audits

The FBI requires DPS to conduct validations on the data submitted to NICS. DPS pulls a sample of cases for a county, then asks the clerk to submit documentation (court orders) validating the NICS entry. It is important to respond to the NICS validation request in a timely manner. If counties do not comply with the validation request, the FBI will purge all NICS records for that county.

An FBI audit is more detailed than the validation process. For audits, the FBI requires a copy of the court order for each entry selected for audit, so that they can ensure the entry is valid and meets statutory authority. The FBI requires compliance with audits for anyone that submits records to their databases. If a clerk does not provide a copy of the requested order(s), the clerk will receive a letter from the FBI and DPS stating that he/she has failed the audit. The clerk must respond by stating the corrective actions that will be taken. Clerks who fail to correct and submit the requested order(s) can be cut off from participating in the NICS database.

Record Retention Requirements

Record Retention Schedules specifically for mental health-related cases reported to CJIS/NICS are addressed under several different record series (e.g., criminal, probate, commitment, and admission to state care) which have different retention periods. Although the current retention periods for these case records is generally long, caution would favor a permanent retention period so that essential records would be available if needed for establishing a person's identity, resolving some other issue relating to a person's ability to obtain or possess firearms, or situations in which a person seeks relief from a firearms disability.

As part of the original review, the issue of records related to entry of the required pieces of information was raised. Title 37 of the Texas Administrative Code, Sec. 27.141, mandates the clerk of the court to enter the required information electronically via the website provided by DPS. If the clerk creates a “report” with the information and uses it to enter the information, that report is transitory information (record number GR1000-50) with a retention period of AV, or as long as administratively valuable. The report is not essential to fulfill statutory obligations or document government functions; the info is collected from the case papers for the sole purpose of facilitating entry into CJIS. Clerks may destroy these reports after they enter the information.

In summary,

- Records series already exist for the case papers that resulted in a person being reportable;
- Petitions for orders for relief from firearms disability and hearing papers are civil case papers that fall under records retention series for civil case papers;
- A report collecting the 12 required data elements for entry in the NICS website is a transitory record and does not have to be retained after entry.

There is no penalty for keeping the records longer than the legally required minimum – any record may be kept permanently if that policy is adopted internally at a county or district clerk’s office.

Best Practices

A recommended best practice is to segregate the NICS mental health-related records from other case records and maintain them in a location that is easy to access. Ease of access is important if the FBI requests additional or clarifying information to determine whether a person is eligible to purchase a firearm.

Another record retention best practice, for cases in which the clerk has located personal identifying information from other databases or sources (such as case management system, jail and skip tracing records), is to make photocopies of the personal identifying information obtained from those databases or sources and keep those copies in the file for the case that is reported to CJIS/NICS. [**Note:** *It was a recommendation of the NICS Record Improvement Task Force that clerks search other databases and sources when personal identifying information is not in the case file.*]

Relief from Disability

Relief from disability refers to the process by which individuals who have lost the right to purchase a firearm (i.e., individuals entered into the CJIS/NICS database) can petition the court to restore their right to purchase a firearm. Individuals that were entered into the CJIS/NICS database must go through the relief from disability process to be removed from the database.

Mental Health

Section 574.088 of the Health and Safety Code provides for the relief from disabilities in mental health cases. A person who is discharged from court-ordered mental health services may petition the court that entered the commitment order for an order stating that the person qualifies for relief from a firearms disability. Section 574.088 provides detailed information about the proceeding that must be held, and the findings required to restore a person's right to purchase a firearm. If all requirements are met, the individual's NICS record may be cancelled through CJIS. To complete the record cancellation in a case in which a proceeding has been held and all appropriate findings and an order granting relief from disability are entered in the record, answer "Y" to the Relief from Disabilities question in CJIS/NICS.

Guardianship

Section 1202.201 of the Estates Code permits a person whose guardianship was terminated because the person's capacity was completely restored to file an application with the court that created the guardianship for an order requesting the removal of the person's disability to purchase a firearm. Section 1202.201 provides detailed information about the proceeding that must be held, and the findings required to restore a person's right to purchase a firearm. If all requirements are met and an order granting relief from disability is entered by the court, the individual's NICS record may be cancelled through CJIS/NICS. To complete the record cancellation in a case in which a proceeding has been held and all appropriate findings are entered in the record, answer "Y" to the Relief from Disabilities question.

Canceling a Record in the CJIS/NICS Database

When cancelling a record in the NICS indices one of the following Cancellation Reasons must be selected.

- Invalid NICS Entry (after additional review, audit)
- Deceased
- Relief of Disabilities Court Order
- Correction with Re-Entry
- Supporting Documentation Not Available
- Reported to/is in III/CCH (Only for MCFV Entries)
- Other (Rarely Used)

If *Other* is selected as the cancellation reason, an explanation is required. In addition, if the record is Mental Health/Guardianship, select Yes or No from the drop down for the Relief from Disabilities question.

The **Relief from Disabilities** question will only appear with *Other* selection - all other Cancellation

Reasons have a default description. Select **Cancel Record** to remove the entry.

For additional information on canceling a record, follow the instructions in the NICS Indices Entry [\(NIE\) User Guide](#).

Additional Questions

For questions about what type of cases to report, contact Court Services, Office of Court Administration, at courtservices@txcourts.gov or 512-463-2417.

For NICS Reporting questions and record validation, contact your CJIS Field Auditor directly or the CJIS Field Audit Unit: CJISJJIS@dps.texas.gov

For questions about CJIS access and ORIs, contact the Texas Department of Public Safety- EDR Unit, at GRP_CJIS_SITE@dps.texas.gov.

Appendix A- Sample Mental Health Information Sheet

CAUSE NO. <CAUSE #>

THE STATE OF TEXAS
FOR THE BEST INTEREST
AND PROTECTION OF

§ IN THE <COURT NAME>

<PROPOSED PATIENT INITIALS>

§ OF

THE PROPOSED PATIENT

§ <COUNTY NAME> COUNTY, TEXAS

GENERAL INFORMATION

1. Applicant's name: _____
Address: _____
Telephone: _____
Cell number: _____
2. Patient's Unit (if applicable): _____
3. Relationship, if any, to patient: _____
4. Patient's gender: _____
5. Patient's age and date of birth: _____
6. Patient's DL# or State-issued ID: *(either give the number or indicate with your initials that you were unable to ID)*
Number: _____ **OR** Initial if unable to ID: _____
7. Patient's SSN#: *(either give the number or indicate with your initials that you were unable to get the SSN)*
Number: _____ **OR** Initial if unable to get SSN: _____
8. Patient's race: ☐ Caucasian ☐ Black ☐ Hispanic ☐ Asian
☐ Two or More Races ☐ Unknown
9. If patient is a minor or the subject of a guardianship, the parent(s), managing conservator(s), or guardian(s), and their address for service:

10. Who is responsible for costs and expenses? Please complete this section.

() Hospital; indicate name of hospital: _____

() Healthcare District () <COUNTY NAME> County

() Other County**: _____

If a County other than <COUNTY NAME> is guaranteeing costs, give County name above, and add the following information below (1) Person you spoke with, (2) Court and court number represented, (3) telephone number, and (4) when contacted. ****Attach Paperwork from Transferring County****

11. Physician/Psychiatrist, if any, treating patient: _____
12. Prior psychiatric/chemical dependency history: _____

13. The proposed patient has the following pending criminal charges:

14. Current **temporary** expiration date: _____ or **extended** expiration date: _____

15. How entered hospital? Check one, and attach required back-up:

- ☐ Emergency without warrant (attach Mental Health Unit copies)
- ☐ Emergency with a warrant (attach copy)
- ☐ Voluntary

If originally voluntary and facility is now seeking a commitment, check appropriate reason, and attach required back-up:

- ☐ Written request for release (attach copy)
- ☐ Absent without authorization (attach letter from treating physician)
- ☐ Unable to consent to treatment (attach letter from treating physician)
- ☐ Refuses to consent to treatment (physician must complete item 10 on physician's certificate)

16. Date, time, and circumstances of emergency detention:

17. Acts leading to application:

18. Witnesses' names, addresses, and phone numbers:

Family contact: _____

19. What mental health facility or chemical dependency treatment facility is proposed patient going to? ***If private facility, consent must be obtained (attach letter of confirmation):***

20. Person or agency who is to transport patient:

SIGNED AND DATED THIS _____ day of _____, 20_____.

Appendix B—Sample Guardianship NICS Information Sheet

Guardianship Reporting Form (Sec. 411.052, Government Code)

Cause No. _____

Name of Ward: _____

Date of Birth: _____

Gender (circle): Male Female

Race: _____

Social Security #: _____

TX Driver's License/ID #: _____

Date Guardianship Granted: _____

Type of Guardianship (circle all that apply):

Temporary

Permanent

Person Only

Estate Only

Person & Estate

Full guardianship (no rights retained by ward)? Yes No

Limited guardianship (some rights retained by ward)? Yes No

If yes, rights retained by ward:

Driving? Yes No

Voting? Yes No

Other (describe): _____

Basis for Guardianship (circle all that apply):

Mental retardation

Autism

Mental Illness

Stroke

Alzheimer's Dementia

Head Injury

Parkinson's Disease

Other (explain) _____

The information requested above is necessary for compliance with Government Code, Sec. 411.052, Federal Firearm Reporting. This information is confidential and will not be made part of the Court's file in the referenced guardianship matter.