



## MENTAL ILLNESS ADJUDICATION REPORTING (MIAR)

### Key Requirements & Frequently Asked Questions<sup>1</sup>

#### KEY REQUIREMENTS

##### Reporting requirement

Within seven days of an adjudication or involuntary commitment order, the probate judge must report to the Bureau of Criminal Investigation (BCI) any person deemed mentally incompetent and the chief clinical officer of a healthcare facility must report any person who is involuntarily admitted (other than for observation).

##### Submission requirement

Under the current administrative rule, BCI can accept submissions only through the Ohio Courts Network (OCN). To learn more, visit: [Mental Incompetency - Ohio Attorney General Dave Yost](#)

##### Validation requirement

- **Who:** A probate judge or the chief clinical officer of a healthcare facility must validate an MIAR record.
- **What:** Validation entails confirming that:
  - An adjudication has not been vacated, overturned, or otherwise set aside.
  - All information previously reported to BCI is accurate, current, and complete.
- **How often:** After the initial submission, an MIAR record must be validated annually, regardless of the age of the record.

#### FREQUENTLY ASKED QUESTIONS

##### Should an expired or terminated court order be validated?

Yes. The expiration or termination of an order might affect an individual's ability to acquire, have, carry, use, and/or transfer a firearm. The original submitting entity is required to validate the expired or terminated record.

##### What does it mean to be "vacated, overturned, or otherwise set aside"?

Such an action occurs when:

- The order is vacated by the issuing court.
- The order is overturned by a higher court.
- Some other action removes the legal basis for the disability.

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<sup>1</sup> This document is for informational purposes only; it is not legal advice. Parties involved in the MIAR process should consult with their legal counsel on any compliance questions.

**Does a court have to seek out new information?**

No. Ohio Administrative Code (OAC) 109:5-3-01 requires verification of only those records in the possession of a probate judge or chief clinical officer. A court need not proactively seek new information, but any court that receives new information on the same person from a different case must update the MIAR record.

**Can I report via mail?**

No. The Ohio Courts Network is now the exclusive method of submission; it has replaced the previous mail-in forms.

**If I validate a record a month to two months early, does that change the validation schedule?**

Yes. Validation should not be done early; it should be done annually based on the date of the submission of the original record. For example, every MIAR record submitted in May must be validated the following May and every May thereafter.

**What are the records-retention requirements for MIAR records as they relate to LEADS audits?**

For LEADS audits, which are conducted on a periodic/triennial basis, MIAR records must be kept for at least three years. For guidance beyond the three-year limit, you should consult legal counsel.

**Do I need to report pickup orders, voluntary commitments or MIAR cases prior to adjudication?**

No. Per the Ohio Revised Code, an adjudication or involuntary commitment order is needed to trigger the MIAR reporting mandate.

**Do I need to enter my previous MIAR orders into the Ohio Courts Network?**

Orders reported to BCI before the change in the Ohio Administrative Code have been added to the OCN; no entry is necessary.

Have other questions? Please email them to [mivalidations@ohioago.gov](mailto:mivalidations@ohioago.gov).