



Texas NICS Mental Health Workbook

Updated
April 2025

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



Table of Contents

Introduction	3
Purpose	3
NICS System	4
Reporting Updates (SB 728- 2023)	5
Why Reporting is Important	6
NICS Reporting Chart	7
Cases/Order to Report	10
Mental Health Commitments.....	11
Criminal Cases.....	11
Adult Guardianship.....	12
Data Elements to Report	13
How to Report in CJIS/NICS	13
Responding to FBI Inquiries	14
Data Validation and Audits.....	14
Record Retention Requirements	14
Relief from Disability.	15
Canceling a Record in the CJIS/NICS Database	16
Quiz (Review)	16

Introduction

The Texas Office of Court Administration proposes to implement Texas Improvements to Adult and Juvenile CJIS and NICS Reporting. The purpose is to provide guidance and training for staff working in courts and clerks’ offices across the state in the area of CJIS and NICS reporting. In addition, the purpose expands to provide focused efforts in the field of juvenile jurisdiction and the unique requirements for reporting. Project activities include onsite and remote training; development of resource and reference materials; onsite auditing of case files; development of webinars; creation of dedicated webpages. Expected outcomes include further developed and trained staff working with court cases; production of quick reference materials to provide direction and guidance; improved disposition reporting into CJIS and NICS. We expect all court users to benefit from the project, including court staff, judges, district clerks, litigants, attorneys, law enforcement and

others that work directly in the court system. It is hoped that work in this area will benefit from future laws and legislation around juvenile NICS reporting and clean slate bills.

Purpose

National Instant Criminal Background Check System (NICS)

NICS is a system used to determine if the name and birth year of a prospective purchaser of firearms or explosives match those of a person who is **not eligible to buy** those items.



Have you ever had questions about court orders related to Mental Health in the National Instant Criminal Background Check System (NICS)? It may sometimes be difficult to determine, leaving you questioning if certain court orders qualify for reporting, cancelling, or removing from the database. For additional guidance in information see: [TJB | Publications & Training | Training Materials | Mental Health](#).

The Office of Court Administration received a grant with funding to create a case review process to assist clerks in identifying areas where improvements in procedures for Adult and Juvenile reporting in NICS, in addition to partnering with DPS for review of required reporting in the Criminal Justice Information System (CJIS).

National Instant Criminal Background Check System (NICS)

How it works

NICS performs the background checks using the automated databases.

Three databases are accessed:

- National Crime Information Center (NCIC)
- Interstate Identification Index (III)
- 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.

NICS Reporting Requirements

State Statistics

As of December 31, 2023 there were 448,527 active mental health records for Texas in the NICS.



County and District Clerks are required to report federal prohibited person information as defined in Government Code §411.052 to the Texas Criminal Justice Information System (CJIS) maintained by the Texas Department of Public Safety (DPS). Government Code §411.0521 and Health and Safety Code §574.088 were added and amended in the 81st Texas Legislature in 2009 (HB3352) to comply with and implement the requirements of the federal NICS Improvement Amendments Act of 2007. The bill also required county and district clerks to report to CJIS all relevant cases in which an order was previously issued from September 1, 1989, through August 31, 2009, which remains in effect today.

National Statistics

As of March 2024, Over 31 Million Active Cases are entered in the NICS Indices.

NICS Section

Since launching in 1998, more than 400 million checks have been done, leading to more than 2.3 million denials.

<https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/nics#Reports-%20Statistics>



2023 NICS Reporting Updates – 88th Legislative Session (SB 728)

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 §§411.052(a) and 411.0521 as well as Family Code §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



2022 – Mental Health Statistics

11,079- Constitutional County Courts and Court Level Courts
Application Files

7,489- Granted Disposition

375 – Denied at Hearing

1,423 – Denied Prior to Hearing

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

*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. Commitments 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				

A Closer Look of Cases/Orders to Report

The following types of orders 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 16 years of age or older is found to be **unfit to proceed** under Chapter 55C, Family Code;
- Juvenile cases in which a child 16 years of age or older is found **not responsible** for the child's conduct under Chapter 55, Subchapter D, 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.



Mental Health Commitments

Court ordered involuntary **mental health commitments of individuals aged 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" (i.e., "-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" (i.e., "-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 NICS.

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 Elements 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.

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/NICS

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

https://www.dps.texas.gov/administration/crime_records/docs/cjis/nieUserGuide.pdf

Zero Reports

For each month in which there are no reportable cases, the clerk must enter a “zero report” into CJIS/NICS 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 designated to hear Mental Health cases. Please see the *NICS User Guide* for reporting instructions.

Responding to FBI Inquiries

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.

Don't
Delay!

Data Validation and DPS 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

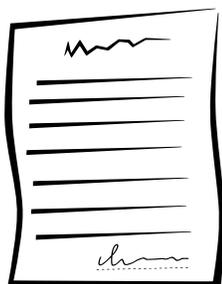
Record Retention Schedules specifically for mental health-related cases reported to CJIS/NICS are addressed under several different record series (e.g., criminal, probate, commitment, and admission to state care) which have different retention periods. Although the current retention periods for these 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 information 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.



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.

1. 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.

2. 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 User Guide](#).

Review Questions:

1. NICS is the Acronym for:
 - a. National Institute of Criminal Services
 - b. National Intervention Counseling System
 - c. National Identification Check System
 - d. National Instant Criminal Background Check System
 - e. All of the Above
2. The following cases must be reported in NICS:
 - a. Commitments for temporary or extended inpatient mental health services under Health and Safety Code, Chapter 574 and Chapter 44 of the Family Code.
 - b. Involuntary commitments to state, private and Veterans' affairs hospitals.
 - c. Emergency mental health detentions, admissions, or warrants.
 - d. Acquittals in criminal cases for reason of insanity or lack of mental responsibility.
 - e. Incompetent to stand trial in a criminal case.
 - f. Long-term placement in a residential care facility for intellectual disability.
 - g. All of the Above
3. NICS reporting is required to be entered within:
 - a. 48 hours of court order
 - b. Next business day
 - c. 30 days of court order
 - d. All of the above
4. You are only required to submit a ZERO report in NICS if your court is designated to hear Mental Health cases. True or False
5. A ZERO report in NICS is required to be submitted for:
 - a. For each ORI that hears Mental Health Cases
 - b. For each ORI that hears Criminal Cases
 - c. For every court under your jurisdiction regardless of whether they hear cases that would require NICS reporting.
 - d. Only by County
6. NICS has three business days to determine if a proposed firearm transfer is prohibited. What are some instances that can provide the FBI additional time to run a check when inquiries are made to a clerk's office? (Circle all that apply)
 - a. Clerk who assists with NICS is on vacation
 - b. Computer system is down for clerk to assist in review
 - c. Files are kept in off-storage facility with no immediate access
 - d. Clerks' office is closed for the holiday(s)
 - e. All of the above
7. Guardianships of an Adult who lacks mental capacity to manage his/her affairs should only be reported in NICS if a permanent order is signed and filed. True or False

8. For an individual to have their gun rights restored, the following must be done:
 - a. Family members must write letters of support for restoration
 - b. Proof to the clerk that the mental health service requirements have been completed
 - c. No action is required, the clerk can just cancel the record
 - d. A Relief from Disability petition must be filed with all requirements being met
 - e. All of the above

9. What are some examples of orders that **should not** be reported in NICS? (circle all that apply)
 - a. A warrant issued to apprehend, detain, and transport a detainee to a Mental Health Facility.
 - b. Emergency mental health detention orders.
 - c. Extension of incompetency to stand trial findings.
 - d. Admissions, warrants, or orders for protective custody.
 - e. Voluntary mental health commitments.
 - f. Acquittal for reason of insanity.

10. If you have a single order that list both a magistrate case number for an unindicted charge and an information/indicted case number, should you enter the order under both case numbers in NICS? Yes or NO. Why or Why not? _____

11. If you have multiple mental health commitment orders in the same case number, do you report each order?
 - a. No, you only report the original case number and commitment.
 - b. No, you are not required to report commitments.
 - c. Yes, just duplicate the number in NICS to add additional commitment orders.
 - d. Yes, you should report each mental health commitment order issued by the court, adding a suffix to the case number for each subsequent order, i.e., cause number 12345-2, 12345-3, etc.

12. If there is required identifying information for a case to be entered in NICS, what should you do to obtain the information?
 - a. Research available data resources including case management systems, jail records, and skip tracing databases.
 - b. Contact clerks in nearby counties to determine if they have any records on the individual.
 - c. Call the individual and ask the necessary questions.
 - d. If information is not obtained, maintain a list of cases with insufficient identifiers for entry to add when the information becomes available.
 - e. Make an entry in NICS, using N/A on any identifiers you do not have.

13. What timeline does a clerk have to respond to a NICS inquiry?
 - a. 30 days
 - b. Immediately
 - c. No later than 48 hours
 - d. You are not required to respond.

14. If an adult guardianship was previously granted in another county and transferred to the county, what do I do? (circle all that apply)
 - a. Make an entry in NICS upon receipt of the transfer.

- b. Report only those orders appointing a guardian that are entered in your county.
 - c. Obtain written confirmation from the clerk of the originating court that the order appointing guardian was properly entered in the NICS system.
 - d. Contact your CJIS Field representative to assist in confirming entry in previous county when needed.
 - e. All of the Above
15. If a minor in a guardianship case becomes an adult, when should the case be reported?
- a. Upon granting of an application for an **adult** guardianship.
 - b. Automatically when the ward turns 18 years of age, regardless of whether a new Application for Adult Guardianship is filed.
 - c. When there is enough time to spend sorting it out.
16. When is it required to report cases involving a minor? (circle all that apply)
- a. Upon an order by a court to receive temporary or extended inpatient mental health services of a juvenile 16 years of age or older.
 - b. When any juvenile is committed for long-term placement in a residential facility after being determined to have intellectual disability.
 - c. Acquitted for reasons of insanity for any juvenile 16 years or older.
 - d. A finding of lack of mental responsibility for a juvenile 16 years of age or older, whether the juvenile was ordered to receive inpatient treatment.
 - e. Any case filed for all juveniles related to Delinquent Conduct or Conduct Indicating a Need for Supervision.
17. A petition for Relief of Disability or Restoration of gun owner rights is filed where?
- a. Only at the District Clerks office.
 - b. At the Federal Courts
 - c. In the original case and court of jurisdiction.
 - d. Wherever the individuals lives when they file it.
 - e. Never, this is not possible.
18. What are acceptable reasons for canceling an entry or record in the CJIS/NICS database? (circle all that apply)
- a. When an entry was made in error.
 - b. When an individual dies and the court is made aware of it.
 - c. When an individual's rights are restored through a petition process within the court of jurisdiction.
 - d. At the request of special interest group or individual.

Additional Questions

For questions about what type of cases to report, contact Research and Court Services, Office of Court Administration, at court.services@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.