

LEIN Field Services



MPJRA Conference 2023
LEIN Entry for Mental Health Orders

The Law Enforcement Information Network (LEIN)

- Michigan's statewide computerized information system established to service Michigan's criminal justice agencies.
- Stores Michigan criminal justice information which includes mental health and guardianship orders.
- Used for the administration of criminal justice by:
 - Law Enforcement
 - Prosecutors
 - Courts
 - Corrections
- The communications network for state and federal interfaced systems and information.

LEIN & Mental Health Order History

- In June 2019, The Michigan State Police moved forward with consolidating Mental Health and Guardianship orders for all 83 counties to LEIN Field Services.
 - By June 2020, the LEIN Field Services Unit took ownership of over 145,000 records by consolidating them under one centralized ORI.
 - The Law Enforcement Information Network (LEIN) currently maintains approximately 153,000 active mental health and guardianship orders.
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Michigan Statutes Governing Entry to LEIN

MCL 330.1464a

“Upon entry of a court order directing that an individual be involuntarily hospitalized or that an individual involuntarily undergo a program of alternative treatment or a combined hospitalization and alternative treatment, the court shall immediately order the department of state police to enter the court order into the law enforcement information network.”

MCL 700.5107

“Upon entry of an order finding that an individual is legally incapacitated, the court shall immediately order the department of state police to enter the order into the law enforcement information network

The National Instant Criminal Background Check System (NICS)

- Established as a result of Brady Handgun Violence Prevention Act of 1993.
- The NICS conducts background checks on individuals applying for ownership of a firearm or explosives, as required by law.
- Michigan has over 170,000 active adjudicated mental health records in NICS.
- LEIN Field Services is the point of contact for all NICS Firearm appeal challenges for mental adjudications.

Guardianship Orders – Legally Incapacitated Individual

- PC 631 – Order Appointing Guardianship of Incapacitated Individual
 - PC 632 – Temporary Guardianship of Incapacitated person
 - PC 638a – Termination/Modification of Guardian
 - PC 638b – Term/Mod of Guardian for Developmental Disability
 - PC 608o – Change of Venue
 - PC 660 – Order Appointing Guardianship for Developmental Disability
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Order Regarding Appointment of Guardian of Incapacitated Individual

[PC 631, Order Regarding Appointment of Guardian of Incapacitated Individual \(michigan.gov\)](#) Revised on 5/22

- Probate court name and ORI.
- Case number
- Full name.
- Race and sex.
- Social Security and Driver's License Number.
- Address.
- #3 reason for GA.
- #5 provides additional information in the remarks field.
- #9 Guardian information.
- Signed and dated by the judge.

Order Regarding Appointment of Guardian of Incapacitated Individual cont.

STATE OF MICHIGAN PROBATE COURT COUNTY		ORDER REGARDING APPOINTMENT OF GUARDIAN OF INCAPACITATED INDIVIDUAL		CASE NO. and JUDGE	
Court address			Court telephone no.		
In the matter of _____ First, middle, and last name				XXX-XX-_____ Last four digits of SSN	
Court ORI	Date of birth	Driver's license no.	Race	Sex	
Current address of incapacitated individual					

THE COURT FINDS:

1. Notice of hearing was given to or waived by all interested persons.
2. The individual is not in need of a guardian.
3. Upon the presentation of clear and convincing evidence, the individual named above, by reason of
 mental illness mental deficiency chronic use of drugs
 chronic intoxication physical illness or disability other: _____
is impaired to the extent of lacking sufficient understanding or capacity to make or communicate informed decisions and is an incapacitated individual.
4. Upon the presentation of clear and convincing evidence, appointment of a guardian is necessary as a means of providing continuing care and supervision of the individual.
5. The individual is partially totally without the capacity to care for himself/herself.
6. There is no competent, suitable person willing to act as guardian, and the appointment of a professional guardian is in the best interests of the adult. A bond must be filed.
7. Financial protection is required for the individual.

Temporary Guardianship and Developmental Disability

[PC 632, Order Regarding Appointment of Temporary Guardian of Incapacitated Individual \(michigan.gov\)](#) Revised 12/19

[PC 638b, Order Appointing Guardian for Individual with Developmental Disability \(michigan.gov\)](#) Rev 12/22

- Orders are not required to be entered into LEIN in accordance with Michigan statute.
- If a court sends Temporary or Developmental Disability GA order, MSP will enter the order into LEIN.
 - Required information for entry are not on the SCAO forms.
 - Date of birth
 - Last four of Social Security Number (SSN)
 - Address
- Temporary and Developmental Disability guardianships do not meet the Federal Firearms disqualifiers.

Mental Health – Involuntary Hospitalization

- [PCM 214, Initial Order After Hearing on Petition for Mental Health Treatment \(michigan.gov\) Rev 3/23](#)
- Probate court name and ORI case number.
- Full name, race, and sex.
- Social Security and Drivers License Number .
- Address.
- Verbiage for our remarks field.
- IT IS ORDERED – Required for entry into LEIN
 - 10 and 11 are LEIN and NICS entries.
 - 12 is NICS only – assisted outpatient treatment does not meet. Michigan statute for LEIN entry.
- Signed and dated by judge.

Mental Health – Involuntary Hospitalization cont.

PCS Code: OHA/OAO
TCS Code: OFH/OAO

STATE OF MICHIGAN PROBATE COURT COUNTY	INITIAL ORDER AFTER HEARING ON PETITION FOR MENTAL HEALTH TREATMENT	CASE NO. and JUDGE			
Court address		Court telephone no.			
In the matter of _____ First, middle, and last name		XXX-XX-_____ Last 4 digits of SSN			
Court ORI	Date of Birth	Driver's license no.	Place of birth	Race	Sex
Current address of individual					

Mental Health – Involuntary Hospitalization cont.

THE COURT FINDS:

2. Notice of hearing has been given according to law.

3. The individual was present in court. was not present for reasons stated on the record.
The hearing was with without a jury.

Present were: _____, attorney for the individual, and
_____, attorney for the petitioner.

4. Testimony of a physician, psychiatrist, or licensed psychologist was waived by the individual and the individual's attorney.

5. Testimony was given by _____.
 Testimony was not given because the parties stipulated to entry of the order.

6. By clear and convincing evidence, the individual is a person requiring treatment because the individual has a mental illness,

- a. and as a result of that mental illness can reasonably be expected within the near future to intentionally or unintentionally seriously physically injure self or others, and has engaged in an act or acts or made significant threats that are substantially supportive of this expectation.
- b. and as a result of that mental illness is unable to attend to those basic physical needs that must be attended to in order to avoid serious harm in the near future, and has demonstrated that inability by failing to attend to those basic physical needs.
- c. whose judgment is so impaired by that mental illness and whose lack of understanding of the need for treatment has caused him or her to demonstrate an unwillingness to voluntarily participate in or adhere to treatment that is necessary, on the basis of competent clinical opinion, to prevent a relapse or harmful deterioration of his or her condition, and presents a substantial risk of significant physical or mental harm to the individual or others.

Mental Health – Involuntary Hospitalization cont.

IT IS ORDERED:

- ✘ 10. The individual shall be hospitalized for up to 60 days with no assisted outpatient treatment.
- ✘ 11. The individual shall receive combined hospitalization and assisted outpatient treatment for no longer than 180 days. The individual shall be hospitalized for up to 60 days of the 180-day assisted outpatient treatment period.
 - An initial hospitalization period shall be up to days.
1 to 60 days
- ✘ 12. The individual shall receive assisted outpatient treatment for no longer than 180 days.

Change of Venue PC608o (COV)

- [PC 608o, Order to Change Venue \(michigan.gov\)](http://michigan.gov)
- Mich. Ct. R. 3.926
 - Transfer of Jurisdiction; Change of Venue
- Background intro to COV and why they are important.
- When the original order needs to accompany the COV.
- Current court and ORI.
- OCA/Case Number of current court.
- Date of birth - Helps locate and verify the individual in LEIN.
- Receiving court with their new OCA /Case No.
- Judges signature and date.

Change of Venue PC608o (COV) cont.

JIS Code: COV

STATE OF MICHIGAN PROBATE COURT COUNTY	ORDER TO CHANGE VENUE	CASE NO. and JUDGE
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Court address _____ Court telephone no. _____

In the matter of _____
First, middle, and last name

Petitioner's name, address and telephone no. _____
Petitioner's attorney, bar no., address, and telephone no. _____

1. This case was filed on _____ .
Date

Service was made on _____ .
Date(s) (If more than one defendant has been served, list names and dates served for each defendant.)

2. A judgment was entered on _____ has not been entered in this matter.
Date

IT IS ORDERED:

1. The venue of the above matter is changed to _____ Court.

Reason for change:

a. Venue is improper. (MCR 2.223)

b. Convenience of the parties, witnesses, or attorneys. (MCR 2.222[A])

c. An impartial trial cannot be held where the action is pending. (MCR 2.222[A])

d. Other (must specify applicable court rule): _____

Grand Traverse Co COV example

STATE OF MICHIGAN
IN THE PROBATE COURT FOR THE COUNTY OF GRAND TRAVERSE

In the matter of

Hon. Jennifer L. Whitten

File Name. _____

File No. File Number

ORDER FOR ENTRY ON LEIN
REGARDING CHANGE OF VENUE

Court ORI	Date of Birth	Race	Sex	Current address of incapacitated individual
MI280013J	Click here to enter a date.	Race	<input type="checkbox"/> Male <input type="checkbox"/> Female	Click here to enter text.

Guardian Information:

Guardian Name	Full Name
Guardian Address	Street, City, State, Zip Code
Guardian Phone Number	Phone #

Type of Guardianship:

- Full Guardianship
- Limited Guardianship with the following powers: List of Powers

The Michigan Department of State Police shall immediately enter the legally incapacitated individual's identifying information in this court order on the law enforcement information network.

Date

Judge Jennifer L. Whitten P75487

Mental Health/Guardianship Order Removals

- [mc239.p65 \(michigan.gov\)](http://mc239.p65.michigan.gov)

In accordance with Federal Firearms Prohibition 18 U.S. Code § 922(g)(4)

Michigan does not recognize relief of disability on any person who has been “adjudicated mental defective or committed to mental institution”.

Reason for removals:

- ✓ Conditions no longer exist
- ✓ Deceased
- ✓ Entered in Error/Duplicate

Mental Health/Guardianship Order Removals cont.

Approved, SCAO		Original - Court 1st copy - for LEIN entry	2nd copy - Return to court 3rd copy - Tickler file OSM CODE: RMV
STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE		REMOVAL OF ENTRY FROM LEIN	CASE NO.
ORI MI-	Court address		Court telephone no.
Effective date of order	Expiration date of order	Agency file no.	
TO: Law enforcement agency and address		Defendant/Juvenile/Respondent name, address, and telephone no.	
		Date of birth	DECEASED

FBI Audit

- The FBI audited Michigan for NICS entries in June of 2023 which included the mental health records.
 - What information was audited?
 - Substantiation for the entry
 - Validity of the order
 - Accuracy of LEIN/NICS entry
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Source Documentation Project (SDP)

- Project started in September 2022 with six pilot courts.
- May 2023 official notification was sent out notifying the remaining probate courts.
- What is Source Documentation Project?
 - Effort to substantiate records for future audits.
 - Currently has 118,000 records without documentation.
 - Each court will be contacted via email and provided a list of active entries without documentation.
- What MSP needs from the Court.
 - MC239 Request for Removal from LEIN.
 - Original order for the entry and/or the most current order.
 - Destroyed due to retention- will require an ROA
 - Change of Venue order.

MSP LEIN Field Service Unit: Mental Health Technicians



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Questions?
