

**PROBATE COURT OF GEAUGA COUNTY, OHIO**  
**JUDGE TIMOTHY J. GRENDALL**

IN THE MATTER OF \_\_\_\_\_

CASE NO. \_\_\_\_\_

**AFFIDAVIT OF MENTAL ILLNESS**  
**R.C. 5122.111**

\_\_\_\_\_, the undersigned, residing at \_\_\_\_\_  
says that he/she has information to believe or has actual knowledge that \_\_\_\_\_

(Please specify specific category(ies) below with an X.)

- Represents a substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm;
- Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior or evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm, or other evidence of present dangerousness;
- Represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence of being unable to provide for and of not providing for basic physical needs because of mental illness and that appropriate provision for such needs cannot be made immediately available in the community;
- Would benefit from treatment for mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or the person; or
- Would benefit from treatment as manifested by evidence of behavior that indicates all of the following:
  - (a) The person is unlikely to survive safely in the community without supervision, based on a clinical determination.
  - (b) The person has history of lack of compliance with treatment for mental illness and at least one of the following applies:
    - (i) At least twice within the thirty six months prior to the filing of an affidavit seeking court-ordered treatment of the person under section 5122.111 of the Revised Code, the lack of compliance has been a significant factor in necessitating hospitalization in a hospital or receipt of services in a forensic or other mental health unit of a correctional facility, provided that the thirty-six month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the thirty-six month period.
    - (ii) Within the forty-eight months prior to the filing of an affidavit seeking court-ordered treatment of the person under section 5122.111 of the Revised Code, the lack of compliance resulted in one or more acts of serious violent behavior toward self or others or threats of, or attempts at, serious physical harm to self or others, provided that the forty-eight month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the forty-eight month period.
  - (c) The person, as a result of mental illness, is unlikely to voluntarily participate in necessary treatment.
  - (d) In view of the person's treatment history and current behavior, the person is in need of treatment to prevent a relapse or deterioration that would be likely to result in substantial risk of serious harm to the person or others.

\_\_\_\_\_ further says that the facts supporting this belief are as follows:

CASE NO. \_\_\_\_\_

These facts being sufficient to indicate probable cause that the above said person is a mentally ill person subject to court order.

The undersigned represents a trial court or a prosecutor who, as described in division (B)(1)(a)(v)(I) of section 2945.38 of the Revised Code, is alleging that the above said person is a mentally ill person subject to court order:

Yes  No (please specify with an X). If Yes, please specify the name and address of the trial court or prosecutor:

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Name of Patient's Last Physician or Licensed Clinical Psychologist: \_\_\_\_\_

Address of Patient's Last Physician or Licensed Clinical Psychologist: \_\_\_\_\_

The name and address of respondent's legal guardian, spouse, and adult next of kin are:		
Name	Kinship	Address
	Legal Guardian	
	Legal Guardian	
	Spouse	
	Adult Next of Kin	
	Adult Next of Kin	

The following constitutes additional information that may be necessary for the purpose of determining residence:

Dated this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
Signature of the Party Filing the Affidavit

Sworn to before me and signed in my presence by \_\_\_\_\_ on the day and year above dated.

\_\_\_\_\_  
Deputy Clerk, Notary Public

**WAIVER**

I, the undersigned party filing the affidavit, hereby waive the issuing and service of notice of the hearing on said affidavit and voluntarily enter my appearance herein.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
Signature of Party Filing Affidavit

IN THE COURT OF COMMON PLEAS  
PROBATE DIVISION  
GEAUGA COUNTY, OHIO

INFORMATION ON ALLEGED MENTALLY ILL PERSON  
TO BE CONVEYED BY SHERIFF

Name: \_\_\_\_\_ Case No. \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Physical Description:                      Weight \_\_\_\_\_                      Height \_\_\_\_\_

Eye Color \_\_\_\_\_                      Hair Color \_\_\_\_\_

Please answer the following questions. If "Yes" please describe.

- |  |     |    |         |
|--|-----|----|---------|
| 1. Does respondent have any weapons?   | Yes | No | Unknown |
| 2. Are there any dogs at the address of the respondent?  | Yes | No | Unknown |
| 3. Is the respondent likely to be violent?   | Yes | No | Unknown |
| 4. Has the respondent previously harmed himself or others?   | Yes | No | Unknown |
| 5. Have other law enforcement agencies been involved when respondent was in danger of harming himself or others? | Yes | No | Unknown |

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_

Type Name

IN THE COURT OF COMMON PLEAS, PROBATE DIVISION, GEauga COUNTY, OHIO  
Judge Timothy J. Grendell

Information Sheet  
Helping A Challenged Person

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**WARNING**

This Information Sheet is intended to provide you with an overview of the subject matter, effective as of the date noted in the upper left-hand corner. This Information Sheet is not intended to provide you with all legal information that may be necessary for you to decide upon a course of action, and the information provided may not be error-free, complete, or accurate. Moreover, this Information Sheet may not accurately describe the cited sections of the Ohio Revised Code or cited case law. Finally, this Information Sheet is not intended as a substitute for legal advice from a competent licensed attorney, who is familiar with all of the relevant facts of your case, and therefore the Help Center recommends that you seek legal advice from a competent licensed attorney that you select before taking any action. While the Help Center can provide you with a limited amount of general legal information, neither the Help Center staff nor any other Court employee can give you any legal advice.

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Background

Some adults, by reason of disease or illness, may present a substantial risk of physical harm to self or others, as manifested by recent behavior, which could be suicidal, violence, or threats of violence. Assuming that the challenged adult refuses to be admitted to a medical facility for immediate evaluation and treatment, probate court has the authority in some circumstances to order that person to be detained and transported to an appropriate medical facility for evaluation and treatment. This information sheet will discuss two methods, which are:

- Hospitalization of Mentally Ill<sup>1</sup>
- Involuntary Treatment for Alcohol and other Drug Abuse<sup>2</sup>

**Hospitalization of Mentally Ill (“Civil Commitment”)**

- “mentally ill person subject to court order” In all events, the probate court may not issue a civil commitment order under R.C. Chapter 5122 unless the Court determines that the challenged person meets the definition of “mentally ill person subject to court order.” That definition is set forth in R.C. 5122.01(A) and (B). At the risk of oversimplification, the four major aspects of the definition include:

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<sup>1</sup> R.C. Chapter 5122

<sup>2</sup> R.C. 5119.90 through 5119.98

- **You are likely to harm yourself** - “Represents a substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm.”
  - **You are likely to harm other people** - “Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm, or other evidence of present dangerousness.”
  - **You are unable to take care of your own needs** - “Represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person’s basic physical needs because of the person’s mental illness and that appropriate provision for those needs cannot be made immediately available in the community.”
  - **You need treatment to protect your rights or someone else’s rights** - “Would benefit from treatment for the person’s mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or the person.”
  - **You have a history of lack of compliance with Treatment** – “Lack of compliance with treatment could result is (1) inability to survive without supervision or (2) violent behavior toward other or self.
- **Affidavit of Mental Illness**<sup>3</sup> The Court only becomes involved with the “civil commitment” process after a person, with reliable information or actual knowledge,<sup>4</sup> files with the Court an Affidavit of Mental Illness.<sup>5</sup> While any such person can file that affidavit, typically, that affidavit is prepared and filed by a healthcare professional, who has evaluated the alleged challenged person (the “Respondent”), or a family member who has observed the Respondent. The challenged person must be located in Geauga County. There are two different processes for civil commitment:

**First Process - Emergency Hospitalization - “Pink Slip” Process**<sup>6</sup>

- **Immediate Transport by Professional.** A “professional,” who has reason to believe that a person is a *mentally ill person subject to court order*, may detain and transport the Respondent to an appropriate medical facility. A “professional” is defined in R.C. 5122.10(A) and includes a police officer or deputy sheriff. In Geauga County, typically the Respondent is transported to UH Geauga Medical Center, at 13207 Ravenwood Drive, Chardon, Ohio 44024.

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<sup>3</sup> R.C. 5122.111 – in this Court use form GC PF 17.2 – Affidavit of Mental Illness

<sup>4</sup> R.C. 5122.11

<sup>5</sup> See R.C. 5122.111

<sup>6</sup> R.C. 5122.10

- “Pink Slip”<sup>7</sup> Upon arrival at the medical facility, the professional must prepare and submit to the medical facility a written statement that essentially describes why that professional believes that the Respondent is a *mentally ill person subject to court order*.
- 24-Hour Exam.<sup>8</sup> Within 24 hours after arrival, the medical staff must examine the Respondent.
  - If after that examination the facility’s chief clinical officer<sup>9</sup> determines that the Respondent is NOT a *mentally ill person subject to court order*, then the facility shall immediately release the Respondent (unless the Court has previously issued a temporary order of detention).
  - If after that examination the facility’s chief clinical officer determines that the Respondent IS a *mentally ill person subject to court order*, then the Respondent may be detained at that medical facility for three court days after the expiration of the initial 24-hour period.
    - The chief clinical officer must cause a report (a “Report to Court”) to be prepared that sets forth the findings of the initial 24-hour exam and the basis for the determination that the Respondent is a *mentally ill person subject to court order*.
    - In some cases, the chief clinical officer may elect to transport the Respondent to another medical facility that is better equipped to handle the Respondent.
    - If three court days elapse and no court order of detention is issued, the medical facility must discharge the Respondent.<sup>10</sup>
  - In all events, a challenged person, who is 18 years or older, may elect a voluntary admission to the medical facility, which will avoid any court proceedings.<sup>11</sup>
- File Affidavit of Mental Illness. If after the initial 24-hour exam the facility’s chief clinical officer determines that the Respondent is a *mentally ill person subject to court order*, then he or she may cause an Affidavit of Mental Illness to be prepared and filed with the Court. Typically, that affidavit is prepared by a social worker and promptly delivered to the Court before the expiration of the three court day period in order to avoid having to discharge the Respondent.

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<sup>7</sup> R.C. 5122.10(B)

<sup>8</sup> R.C. 5122.10(D)

<sup>9</sup> 5122.01(K)

<sup>10</sup> R.C. 5122.10(E)

<sup>11</sup> See R.C. 5122.10(E) and 5122.02

- In addition to the Affidavit of Mental Illness, the person presenting that affidavit to the Court will deliver to the Court a copy of the Report to Court, which supports allegations in the Affidavit of Mental Illness.

**Second Process - No Hospitalization** The other process for civil commitment starts by any person, with reliable information or actual knowledge, preparing and filing with the Court the form titled “Affidavit of Mental Illness” (GC PF 17.2). The probate clerk has the appropriate form. Additionally, if the Respondent is not hospitalized, then the person filing that affidavit must prepare another form titled “Sheriff’s Information” (GC PF 17.3), which assists the Sheriff to locate and identify the Respondent.

**Note** - prepare and file both forms titled “Affidavit of Mental Illness” (GC PF 17.2) and the form titled “Sheriff Information” (GC PF 17.3).

Referral to ADAMH Board and Investigation.<sup>12</sup> Within two business days after filing the Affidavit of Mental Illness, the Court will refer that affidavit to the Geauga County Board of Alcohol, Drug Addiction, and Mental Health Board (ADAMH Board) or its delegate. The ADAMH Board shall promptly conduct an investigation, prepare a report, and deliver that report to the Court, to assist the Court to determine whether the Respondent is a *mentally ill person subject to court order*.

#### Initial Probate Court Action

- Probable Cause Determination Upon the filing of the Affidavit of Mental Illness, the Judge (or magistrate) will review that affidavit (and the Report to Court). Typically, the Judge will interview the person who signed the Affidavit of Mental Illness.
  - No Probable Cause. If the Court DOES NOT find probable cause that the Respondent is a *mentally ill person subject to court order*, then the Court will not issue an Order of Detention, and if the Respondent is held in a medical facility, then the facility must discharge the Respondent.
  - Probable Cause. If the Court DOES find probable cause that the Respondent is a *mentally ill person subject to court order*, then the Court may issue an Order of Detention.<sup>13</sup> In that case:
    - If the Respondent is at a medical facility, then that facility will continue to hold the Respondent until a Hearing is held (discussed below).
    - If the Respondent is NOT at a medical facility, then the probate clerk will deliver to a deputy sheriff (1) the Order of Detention and (2) the Sheriff’s Information sheet, and that deputy sheriff will detain the Respondent and transport the Respondent to the appropriate medical

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<sup>12</sup> R.C. 5122.13

<sup>13</sup> An Order of Detention is referred to in R.C. Chapter 5122 as a “temporary order of detention” or “TOD.”

facility (typically UH Geauga Medical Center), where the Respondent will be examined and held until a court hearing.

- Additionally, the probate clerk will deliver to the deputy sheriff the form “Report to Court,” which the staff of the medical facility must prepare and promptly return to the Court following an initial examination.<sup>14</sup>
- Initial Hearing.<sup>15</sup> If the Respondent is involuntarily detained, then the Court shall hold an Initial Hearing within **five court days** after the earlier of (1) filing of the Affidavit of Mental Illness or (2) the date of detention.<sup>16</sup>
  - Continuance. For good cause shown, the Court may continue the Initial Hearing, but the continuance must be not greater than **10 days** after the earlier of (1) filing of the Affidavit of Mental Illness or (2) the date of detention.
  - Place. If the Respondent is detained at a medical facility, typically the Court will hold the Initial Hearing at the medical facility. In that case, the Court will record the proceeding using a tape recorder. The Court may hold that hearing at the courthouse or other suitable location, including in another county.<sup>17</sup>
  - Waiver. The Respondent, either directly or through his or her attorney may waive the Initial Hearing. In such case, if the Respondent is not discharged or voluntarily applies for admission, then the Court must hold a Full Hearing not later than 30 days after the original detention.<sup>18</sup>
  - Appointment of Counsel. Promptly after the Court determines there is probable cause that the Respondent is a *mentally ill person subject to court order*, the Court will appoint legal counsel for the Respondent, although the Respondent has the right to retain legal counsel of his or her own choosing.<sup>19</sup>
  - Notice. Promptly after receipt of the Affidavit of Mental Illness, the Court shall notify (typically written notice) all interested person of the date of the Initial Hearing, including the Respondent, a guardian, the person filing that affidavit, legal counsel for the challenged person, chairman of the ADAMH Board, the chief clinical officer of the medical facility, a designated representative, or a family member.<sup>20</sup>

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<sup>14</sup> See R.C. 5122.13 for more detail regarding the medical process to determine whether the challenged person is a *mentally ill person subject to court order*.

<sup>15</sup> R.C. 5122.141

<sup>16</sup> R.C. 5122.141(B)

<sup>17</sup> R.C. 5122.141(B)

<sup>18</sup> R.C. 5122.141(E)

<sup>19</sup> See R.C. 5122.15(A)(2), (3), and (4)

<sup>20</sup> R.C. 5122.12



- Pre-hearing Examination.<sup>21</sup> In addition to the Report to Court, in preparation for the Initial Hearing the Court may appoint a psychiatrist or licensed clinical psychologist to examine the Respondent and submit to the Court a written report.
- Outcome of Initial or Full Hearing.
  - Clear and Convincing Evidence. The primary purpose of the Initial or Full Hearing, as the case may be, is for the Court to determine whether the evidence presented by the county prosecutor, who represents the ADAMH Board, as rebutted by the attorney for the Respondent, is “clear and convincing” as to whether the Respondent is a *mentally ill person subject to court order*.
    - If the evidence is not clear and convincing, then the Court will order that the Respondent be immediately discharged.<sup>22</sup>
    - If the evidence is clear and convincing, then the Court will order a treatment plan, which typically includes additional hospitalization.<sup>23</sup>
  - Treatment Plan.<sup>24</sup>
    - Inpatient. R.C. 5122.15(C) provides the Court with a variety of options regarding inpatient treatment facilities. The Court order for inpatient treatment should take into account the least restrictive alternative available.<sup>25</sup>
      - 90-Day Period. The court order must not exceed a 90-day period of inpatient treatment. If the doctors providing treatment conclude that the patient requires additional treatment beyond the end of the initial 90-day period, then the county prosecutor may file with the Court an application to extend treatment beyond the initial 90-day period; provided that application is filed at least 10 days before the expiration of the initial 90-day period. Failing the timely filing of such 10-day application, the facility shall discharge the patient.<sup>26</sup> If the Court extends the order for inpatient treatment beyond the initial 90-day period, then the Court may order continued treatment for a period no longer than two years. In such case, the Court must hold a full hearing at least every two years, and upon request of the patient, at least every 180 days. You should carefully read R.C. 5122(H) for more detail.
    - Assisted Outpatient Treatment. If requested by and provided by the ADAMH Board, the Court may order assisted outpatient treatment under that program,” (“AOT Program”), which does not involve overnight hospitalization. Such

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<sup>21</sup> R.C. 5122.14

<sup>22</sup> R.C. 5122.15(B)

<sup>23</sup> R.C. 5122.15(C)

<sup>24</sup> R.C. 5122.15(C)

<sup>25</sup> R.C. 5122.15(E).

<sup>26</sup> R.C. 5122.15(H)

treatment will likely require periodic appointments with a mental health professional, who may prescribe medication. Moreover, the Court may order continuing weekly or monthly informal court hearings, which typically will include member of the ADAMH Board AOT Program and a clinician.

- Forced Medication. If a patient refuses to take prescribed medication, the Court may order that medication be provided by mental health professionals against a patient’s wishes.<sup>27</sup>

For additional reading, you should review the Supreme Court of Ohio Bench Card titled “CIVIL COMMITMENT OF THE MENTALLY ILL,” which is posted on the Court’s Website.

### Involuntary Treatment for Substance Abuse.<sup>28</sup>

- Background. The primary purpose of this process is for Court intervention to assist a person who is not necessarily a *mentally ill person subject to court order*, but rather is a person who meets the following “Required Test”:
  - suffers from alcohol and other drug abuse; and
  - presents an imminent danger or imminent threat of danger to self, family, or others as a result of alcohol and other drug abuse, or there exists a substantial likelihood of such a threat in the near future; and
  - can reasonably benefit from treatment.<sup>29</sup>

Note that the affected person is referred to in this information sheet as the “Respondent.”

**Warning** – Because of the complexity of this process, it is highly recommended that the Petitioner proceed only if represented by an attorney. The applicable law is R.C. 5119.90 to 5119.99, which in any event you should read carefully. While this information sheet refers to forms recommended by the Supreme Court of Ohio, which are posted on that court’s website,<sup>30</sup> those forms, which were issued in 2016, may not fully comply with recent changes in the applicable law,<sup>31</sup> especially the forms titled (i) Petition for Involuntary Treatment for Alcohol and Other Drug Abuse (Form 26.0),<sup>32</sup> and (ii) Certificate of Physician (Form 26.1).<sup>33</sup> The Court has posted proposed forms on its website.

- Initiation of Process. Unlike an Affidavit of Mental Illness, which may be filed by any person, in this proceeding only a spouse, relative, or guardian of the Respondent (the “Petitioner”)

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<sup>27</sup> See the Supreme Court of Ohio & The Ohio Judicial System - Bench Cards “Civil Commitment of the Mentally Ill,” <https://www.supremecourt.ohio.gov/JCS/CFC/resources/probateBenchCards/mentallyill.pdf>

<sup>28</sup> R.C. 5119.90 to 5119.98

<sup>29</sup> R.C. 5119.92

<sup>30</sup> See [https://www.supremecourt.ohio.gov/LegalResources/Rules/superintendence/probate\\_forms/Default.asp](https://www.supremecourt.ohio.gov/LegalResources/Rules/superintendence/probate_forms/Default.asp)

<sup>31</sup> Effective April 12, 2021, the Ohio legislature made significant changes to the applicable statutes.

<sup>32</sup> R.C. 5119.93(B), as amended April 12, 2021, sets forth the requirements for Form 26.0.

<sup>33</sup> R.C. 5119.93(C) set forth the requirements for Form 26.1.

can start the proceedings to cause a court order to have the Respondent detained and hospitalized by filing with the court a petition, known as Petition For Involuntary Treatment For Alcohol And Other Drug Abuse (Form 26.1) (the "Petition").

- Pre-filing Steps.
  - Who Can File the Petition? The Petition must be signed by a spouse, relative, or legal guardian of the Respondent.<sup>34</sup>
  - Identify Treatment Facility. Petitioner should determine (i) what medical facility should treat the person suffering from alcohol or other drug abuse (the "Respondent"), (ii) the estimated time of treatment, and (ii) the estimated cost of that treatment. The Clerk has a list of facilities that are approved by the Geauga County Board of Alcohol, Drug Addition and Mental Health Services. Before filing the Petition, the Petitioner will need to have obtained from the selected medical facility a form titled "Statement of Treatment" (Form 26.3).<sup>35</sup>
  - Cost of Treatment. Petitioner must determine how the estimated cost of treatment will be paid – e.g., (i) by the petitioner, other family member, or other person, or (ii) by insurance.
    - If an insurance company will pay the estimated cost of treatment, then obtain from the insurance company documentation evidencing the insurance coverage.
    - If an insurance company will not cover the full estimated cost of treatment, then the person who will pay the cost of treatment must sign a Guarantee of Payment, which is attached to the Petition.<sup>36</sup>
  - Physician Examination. Petitioner must have the Respondent examined by a physician, not more than two days before filing the Petition, so that the physician can determine whether the Respondent meets the Required Test. Before filing the Petition, the Petitioner will need to obtain from that physician a form titled Certificate of Physician (Form 26.3), by which that physician certifies to the Court that the Respondent meets the Required Test.
    - Affidavit of Refusal. If the Respondent refused to be examined by a physician, then the Petitioner must prepare and file with the Petition the form titled Affidavit of Refusal (Form 26.2).<sup>37</sup>

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<sup>34</sup> See R.C. 5119.93(A)

<sup>35</sup> See R.C. 5119.93(C)(2)

<sup>36</sup> See R.C. 5119.93(D)(2)(a)

<sup>37</sup> R.C. 5119.93(C)(1) –paragraph two

- Initial Filing Requirements.

- Petition for Involuntary Treatment. The Petitioner must prepare and file the form titled Petition for Involuntary Treatment for Alcohol and Other Drug Abuse (Form 26.0). Note that the Petitioner’s signature must be notarized.
- Physician’s Certificate. A physician must examine Respondent and then prepare and sign the form titled “Certificate of Physician” (Form 26.1), which must be filed with the Petition. That physician must have examined the Respondent no later than two days before filing the Petition.<sup>38</sup>
- Affidavit of Refusal. If the Respondent refuses to be examined by a physician, then the Petitioner must prepare and file the form titled “Affidavit of Refusal” (Form 26.2) together with the Petition in lieu of the form titled “Certificate of Physician” (Form 26.1).
- Treatment Provider Statement. The intended treatment provider must prepare and sign the form titled “Statement of Treatment” (Form 26.3),<sup>39</sup> which must be filed with the Petition.
- Payment of Treatment Cost. Please carefully review R.C. 5119.93(D). That provision was modified April 12, 2021. In summary, at the risk of misstating those provisions, the following is applicable:

First - The Petitioner must submit with the Petition one of the following:

- A security cost payment to the clerk that equals half of the estimated cost of treatment as shown on the form titled “Statement of Treatment” (Form 26.3), or
- Documentation that establishes that an insurance company will cover half of the estimated cost of treatment, or
- Other evidence of payment that is satisfactory with the Court to ensure payment of the estimated cost of treatment.

Second - The Petitioner must submit with the Petition one of the following:

- A guarantee of payment by the Petitioner or other person who qualifies for examination costs, hearing costs, and treatment cost, or
- Documentation that establishes that an insurance company will cover those costs, or
- Documentation that establishes that the Petitioner or other person who qualifies will cover some of those costs.

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<sup>38</sup> R.C. 5119.93(C)(1)

<sup>39</sup> R.C. 5119.93(C)(2)

- Examination of Petitioner.<sup>40</sup> Upon filing the Petition (and other required documents and payment), the Court will examine the Petitioner under oath to determine the accuracy of the allegations in the Petition. If the Court determines that there is probable cause to find that the allegations are true and that the Respondent will benefit from treatment,<sup>41</sup> then the Court shall do all of the following:
  - Schedule a hearing within seven days<sup>42</sup> to determine if there is clear and convincing evidence that the Respondent meets the Required Test and will reasonably benefit from treatment for alcohol and other drug abuse; and
  - Notify the Respondent and any known the spouse, parents, or nearest relative or friend of the Respondent, or legal guardian of Respondent concerning the allegations and contents of the Petition and of the date and purpose of the hearing; and notify Respondent that:
    - the Respondent may retain counsel and, if Respondent is unable to obtain an attorney, then Respondent may be represented by court-appointed counsel at public expense if Respondent is indigent. Upon the appointment of an attorney to represent the Respondent, the Court shall notify the Respondent of the name, address, and telephone number of the attorney appointed to represent the Respondent; and
    - the Court shall cause the Respondent to be examined, not later than 24 hours before the hearing date, by a physician for the purpose of a physical examination and by a qualified health professional for the purpose of a drug and alcohol addiction assessment and diagnosis; and
    - the Respondent may have an independent expert evaluation of Respondent's physical and mental condition conducted at Respondent's own expense; and
    - cause Respondent to be examined no later than 24 hours before the hearing date by a physician for the purpose of a physical examination and by a qualified health professional for the purpose of a drug and alcohol addiction assessment and diagnosis;
    - conduct the hearing within seven days after filing the Petition.
- Failure to Attend Examination.<sup>43</sup> If the Respondent fails to attend the examination to be conducted within 24 hours of the scheduled hearing, then the Court may issue a summons that orders the Respondent to appear for examination at a time and place specified in the summons. If the Respondent fails to abide by the summons, then the Court may order the sheriff or other police officer to transport the Respondent to the facility.

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<sup>40</sup> R.C. 5119.94

<sup>41</sup> See Form 26.10 - Probable Cause Decision and Entry

<sup>42</sup> See Form 26.11 – Entry Setting Hearing & Ordering Notice

<sup>43</sup> R.C. 5119.96

- Emergency Involuntary Treatment.<sup>44</sup> Upon examination and certification by a qualified health professional that the Respondent meets the Required Test – i.e., the criteria specified in R.C. 5119.92, the Court may order the Respondent hospitalized for a period not to exceed 72 hours if the Court finds by clear and convincing evidence that the Respondent presents an imminent threat of danger to self, family, or others as a result of alcohol and other drug abuse. However, if the hearing to be held under R.C. 5119.94 (see below), then the Court may order the Respondent hospitalized until that hearing. In making its emergency treatment order, the Court will inform the Respondent that Respondent may immediately make a reasonable number of telephone calls or use other reasonable means to contact an attorney, a licensed physician, or a qualified health professional, to contact any other person or persons to secure representation by counsel, or to obtain medical or psychological assistance and that the Respondent will be provided assistance in making calls if the assistance is needed and requested.
  - Hearing.<sup>45</sup> If at the hearing the Court finds by clear and convincing evidence that the Respondent may reasonably benefit from treatment, then the Court may order the treatment after considering the qualified health professionals' recommendations for treatment that have been submitted to the Court. If the Court orders the treatment, then the Court will order the treatment to be provided by an appropriate health professional or facility, which may be inpatient or outpatient treatment. The Respondent's failure to undergo and complete any treatment ordered is contempt of court. If, at any time after the Petition is filed the Court finds that there is not probable cause to continue treatment or if the Petitioner withdraws the Petition, then the Court shall dismiss the proceedings against the Respondent. If there is sufficient evidence to establish that the Respondent overdosed and was (i) revived by an opioid antagonist (e.g., Narcan), (ii) in a vehicle, or (iii) in the presence of minor, then that meets the clear and convincing standard.
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### **Three Other Considerations.**

In addition to (i) the Civil Commitment process for a *mentally ill person subject to court order* and (ii) Involuntary Treatment for a person affected by alcohol or drug abuse, there are three other processes that may assist a challenged person.

- Emergency Guardianship. A person who is concerned about a challenged adult, whether the result of mental illness or addictive behavior, may also apply for authority to act on behalf of a challenged adult by applying for an “emergency” guardianship of the person for the challenged adult. For more detail see the Information Sheet titled “Guardianship of Incompetent Adult.” In some cases, guardianship of the person could be considered in conjunction with the two processes discussed above in this Information Sheet.
- Developmental Disabilities. If an adult is challenged as the result of developmental disabilities, typically the result of birth trauma or childhood illness or trauma, then R.C. Chapter 5123, and in particular R.C. 5123.701, permits a Court to order short-term care for

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<sup>44</sup> R.C. 5119.95

<sup>45</sup> R.C. 5119.94(D)

such challenged adult, who has an “intellectual disability.”<sup>46</sup> The process is started by a person preparing and filing with the Court an “Affidavit of Developmental Disability.”<sup>47</sup> Again, the Help Center highly recommends that a concerned person obtain legal advice before acting.

- Adult Protective Services. An adult, who is neither a *mentally ill person subject to court order* nor a person affected by alcohol or drug abuse, may suffer from abuse, neglect, or exploitation, typically an elderly adult. Geauga County Job & Family Services (“JFS”) is empowered and trained to assist such challenged adults. A person who is concerned about such a challenged adult should report the matter to JFS at 440-285-9141. JFS can file a Petition for Protective Services with the Court and offer a variety of services to protect that challenged adult.

**LEGAL PRACTICE IN THE PROBATE COURT IS RESTRICTED BY LAW TO ATTORNEYS WHO ARE LICENSED BY THE SUPREME COURT OF OHIO AND INDIVIDUALS WHO ARE HANDLING THEIR OWN LEGAL MATTERS. IF AN INDIVIDUAL WISHES TO HANDLE HIS OR HER OWN CASE, THAT PERSON MAY ATTEMPT TO DO SO, HOWEVER DUE TO THE COMPLEXITY OF THE LAW AND THE DESIRE TO AVOID COSTLY ERRORS, MANY PERSONS WHO HAVE MATTERS BEFORE THE COURT ARE REPRESENTED BY AN ATTORNEY.**

**IF YOU CHOOSE TO REPRESENT YOURSELF AND USE THE COURT’S FORMS, BE AWARE THAT STATE LAW PROHIBITS THE JUDGE, MAGISTRATE, AND EMPLOYEES OF THE GEAUGA COUNTY PROBATE COURT, INCLUDING THE HELP CENTER STAFF, FROM PROVIDING YOU WITH LEGAL ADVICE. IF YOU NEED LEGAL ADVICE, THEN YOU SHOULD CONTACT AN ATTORNEY OF YOUR CHOOSING.**

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<sup>46</sup> Defined in R.C. 5123.01(N) as “a disability characterized by having significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period.”

<sup>47</sup> R.C. 5123.71

## FILINGS

### Available Standard Forms

1. Affidavit of Mental Illness [R.C. 5122.111]
2. Notification Form for Record Checks (available from BCI)
3. Application for Emergency Admission [R.C. 5122.10] - available from Ohio Department of Mental Health, form DMH-0025)

### Forms Filed by the Local Prosecutor

1. Motion For Continuance [R.C. 5122.141(B)]
2. Motion for Change of Place of Detention [R.C. 5122.15(L) or (N)]
3. Application for Continued Commitment [R.C. 5122.15(H)]
4. Motion for Court Ordered Medication and/or Treatment [R.C. 2101.24(A)(1)(u)]

### Forms Filed by the Local Board of Mental Health and Addiction Recovery Services (or Designee)

1. Prescreening Investigation Report [R.C. 5122.13]
2. Notice to Court or Agency [R.C. 5122.15(F)(1)] - available from Ohio Department of Mental Health, form DMH-0041

### Forms Must Be Created Locally by Probate Court

1. Certificate of Examination [R.C. 5122.11 & R.C. 5122.19]
2. Temporary Order of Detention [R.C. 5122.11]
3. Order Appointing Independent Evaluator [R.C. 5122.14] – may be optional, consult your appellate law
4. Order Referring Affidavit for Screening [R.C. 5122.13]
5. Order Granting Motion for Continuance [R.C. 5122.141(B)]
6. Entry Setting Full Hearing and Ordering Notice [R.C. 5122.12 & 5122.141(A)]
7. Notice to Respondent of Hearing and Service of Rights of an Involuntarily Detained Person [R.C. 5122.05(C) and R.C. 5122.29]
8. Rights of an Involuntarily Detained Person [R.C. 5122.05(C) & R.C. 5122.29]

9. Entry Appointing Counsel for Respondent [R.C. 5122.05(C)(2)]
10. Precipe for Subpoena Duces Tecum
11. Subpoena for Witness
12. Order to Produce Hospital Records (Subpoena Duces Tecum)
13. Decision and Judgment Entry of Commitment After Initial Full Hearing [R.C. 5122.15(C)]
14. Entry Ordering Continued Commitment [R.C. 5122.15(H)]
15. Entry Changing Least Restrictive Setting [R.C. 5122.15(F) & (N)]
16. Entry Granting Motion for Court Ordered Medication and/or Treatment [R.C. 2101.24(A)(1)(u)]

## DEFINITIONS (as outlined in R.C. 5122.01 & R.C. 5119)

- A. “Mental illness” means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, or capacity to recognize reality, or ability to meet the ordinary demands of life. [R.C. 5122.01(A)]
  - An anti-social personality disorder may qualify as a “mental illness” under Ohio law if the disorder is “substantial” and there is “gross” impairment. *State v. Welch*, 125 Ohio App. 3d 49, 707 N.E. 2d 1133, 1997 Ohio App. LEXIS 5335 (Ohio Ct. App., Portage County 1997)
- B. “Mentally ill person subject to court order” means a mentally ill person who, because of the person’s illness:
  1. Represents a substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm;
  2. Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm, or other evidence of present dangerousness;



3. Represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's basic physical needs because of the person's mental illness and that appropriate provision for those needs cannot be made immediately available in the community;
4. Would benefit from treatment for the person's mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or the person;
5.
  - (a) Would benefit from treatment as manifested by evidence of behavior that indicates all of the following:
    - (i) The person is unlikely to survive safely in the community without supervision, based on a clinical determination.
    - (ii) The person has a history of lack of compliance with treatment for mental illness and one of the following applies:
      - I. At least twice within the 36 months prior to the filing of an affidavit seeking court-ordered treatment of the person under R.C. 5122.111, the lack of compliance has been a significant factor in necessitating hospitalization in a hospital or receipt of services in a forensic or other mental-health unit of a correctional facility, provided that the 36-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the 36 months.

II. Within the 48 months prior to the filing of an affidavit seeking court-ordered treatment of the person under R.C. 5122.111, the lack of compliance resulted in one or more acts of serious violent behavior toward self or others, or threats of, or attempts at, serious physical harm to self or others, provided that the 48-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the 48-month period.

(iii) The person, as a result of the person's mental illness, is unlikely to voluntarily participate in necessary treatment.

(iv) In view of the person's treatment history and current behavior, the person is in need of treatment in order to prevent a relapse or deterioration that would likely result in substantial risk of serious harm to the person or others.

(b) An individual who meets only the criteria described in division (B) (5) (a) of this section is not subject to hospitalization. [R.C. 5122.01(B)(1 - 5)]



When the affiant is seeking inpatient treatment, boxes 1 - 4 usually are checked; when the affiant is seeking outpatient treatment, box 5 is checked.

## EMERGENCY HOSPITALIZATION

1. **CUSTODY & TRANSPORT FOR MEDICAL EXAMINATION** – Any psychiatrist, licensed clinical psychologist, licensed physician, health officer, parole officer, police officer, or sheriff may take a person into custody if he or she has reason to believe that the person is a mentally ill person subject to court order under [R.C. 5122.01\(B\)](#) and that the person represents a substantial risk of physical harm to self or others if allowed to remain at liberty pending examination.
  - a. The person should be taken into custody in the least conspicuous manner.
  - b. The person taking the respondent into custody shall explain their name, professional designation, that the custody is not a criminal arrest, and that the person is being taken for examination by mental-health professionals. [\[R.C. 5122.10\]](#)
2. **APPLICATION FOR EMERGENCY ADMISSION** – A written statement must be given to the hospital by the transporting party stating the circumstances under which the person was taken into custody and the reasons for the transporting parties’ belief that the person is a mentally ill person subject to court order under [R.C. 5122.01\(B\)](#) and that the person represents a substantial risk of physical harm to self or others if allowed to remain at liberty pending examination. [\[R.C. 5122.10\]](#)
3. **INITIAL EXAMINATION (CERTIFICATE OF EXAMINATION)** – Persons transported to a hospital shall be examined within 24 hours after arrival at the hospital. [\[R.C. 5122.10 & R.C. 5122.19\]](#)
4. **INVOLUNTARY HOLD** – The chief clinical officer may detain a patient for not more than 3 court days (after the initial 24 hours). During the 3 court days, the chief clinical officer may admit the person as a voluntary patient, discharge the patient, or file an AFFIDAVIT with the probate court. [\[R.C. 5122.10\]](#) See also, *In re John Doe*, 2002 Ohio 5210 and 150 Ohio App.3d 532.



In some counties, the involuntary hold is referred to as a “pink slip.”



If a hospital uses the Application for Emergency Admission available from the Ohio Dept. of Mental Health (form DMH-0025), the date the application is “approved” by the chief clinical officer may be the date of the beginning of the involuntary hold.



[R.C. 5122.141](#) should be used for the initial hearing before a person is detained.

5. **AFFIDAVIT** – Filed in any county according to form and content specified in [R.C. 5122.111](#).
  - a. In the case of emergency hospitalization, the affidavit usually is completed by a psychiatrist.
  - b. An affidavit may be filed by a member of the public presenting to the probate court when the person alleged to be mentally ill resides in the community.
6. **DETENTION ORDER AND NOTICE**
  - a. Probate court issues a temporary order of detention; if hospital outside county, court retains jurisdiction. [\[R.C. 5122.11\]](#)
  - b. Person may be observed and treated until the hearing, provided for in [R.C. 5122.141](#) or [R.C. 5122.15](#).
  - c. Any person who is involuntarily detained in a hospital or otherwise in custody under [R.C. 5122](#), immediately upon being taken into custody, shall be informed and provided with a written statement that the person may do any of the following:
    - i. Immediately make a reasonable number of telephone calls or use other reasonable means to contact an attorney, a licensed physician, or a

- licensed clinical psychologist, to contact any other person or persons to secure representation by counsel, or to obtain medical or psychological assistance, and be provided assistance in making calls if the assistance is needed and requested;
- ii. Retain counsel and have independent expert evaluation of the person’s mental condition and, if the person is unable to obtain an attorney or independent expert evaluation, be represented by court-appointed counsel or have independent expert evaluation of the person’s mental condition, or both, at public expense if the person is indigent;
  - iii. “Independent expert evaluation” means an evaluation conducted by a licensed clinical psychologist, psychiatrist, or licensed clinical physician who has been selected by the respondent or the respondent’s counsel. [R.C. 5122.01(P)]
  - iv. Have a hearing to determine whether or not the person is a mentally ill person subject to court order. [R.C. 5122.05(C)(1 - 3)]
7. **PRESCREENING INVESTIGATION REPORT** – Within 2 business days, the affidavit is referred to the board of alcohol, drug addiction, and mental health services or community mental health services provider the board designates for investigation. [R.C. 5122.13]
  8. **APPOINTMENT OF INDEPENDENT EVALUATOR** – Immediately after acceptance of an affidavit, the court may appoint a psychiatrist, or a licensed clinical psychologist and a licensed physician to examine the respondent. At the first hearing, the psychiatrist, psychologist, and/or physician shall report to the court his or her findings as to the mental condition of the respondent, and need for custody, care, or treatment in a mental hospital. [R.C. 5122.14]
  9. **SCHEDULING THE HEARING** - The hearing must be held within 5 court days from the day on which the person is detained or an affidavit is filed, whichever occurs first. The hearing may be

conducted in a hospital in or out of the county. [R.C. 5122.141(B)]

10. **NOTICE OF HEARING** – Upon receipt of an affidavit under R.C. 5122.11, the court shall issue written notice by mail, or, as the court directs, to the following:
  - a. The respondent;
  - b. The legal guardian for the respondent, or the spouse of the respondent, or the respondent’s parents if a minor, if these persons’ addresses are known or can be obtained through exercise of reasonable diligence;
  - c. The person who filed the affidavit;
  - d. Any one person designated by the respondent and if the respondent does not make a selection, to an adult next of kin;
  - e. To respondent’s counsel along with a copy of the affidavit and the temporary order of detention;
  - f. The director, chief clinical officer, or designee of the hospital, board, community mental health service provider, or facility to which the person has been committed;
  - g. The board of alcohol, drug addiction, and mental services serving the respondent’s county of residence or a services provider designated by the board.

Adult and competent persons, other than the respondent, may waive notice. [R.C. 5122.12]

11. **CONTINUANCE** – A continuance of the hearing may be granted for no more than 10 calendar days from the day on which the person is detained or the affidavit is filed, whichever occurs first. [R.C. 5122.141(B)]
12. **RIGHTS OF THE RESPONDENT AT THE HEARING** –
  - a. To attend the hearing and to be represented by counsel of the respondent’s choice or by court-appointed counsel if the respondent is indigent.
  - b. To subpoena witnesses and documents and to examine and cross-examine witnesses.

- c. To have all relevant documents, information, hospital records, and other evidence.
  - d. To testify, but the respondent may not be compelled to testify. [R.C. 5122.15(A)]
13. **FULL HEARING** – By clear and convincing evidence, court finds respondent mentally ill and subject to court order, court may order respondent, for not more than 90 days, to: See 1 - 6 in R.C. 5122.15(C).
- a. Burden of Proof. See, *Addington v. Texas*, 441 U.S. 418 and *State v. Castrataro*, 2007 Ohio 2764 App. LEXIS 2552 (Ohio Ct. App., Cuyahoga County June 7, 2007).
  - b. “Totality of the Circumstances” – Test is to be used to determine whether an alleged mentally ill person is subject to hospitalization under R.C. 5122.01(B). See, *In re Burton*, 11 Ohio St. 3d 147, 464 N.E. 2d 530, 1984 LEXIS 1123 (Ohio 1984).
  - c. Three-part Test for Involuntary Commitment – See, *In re TB.*, 2006 Ohio 4789, 2006 Ohio App. LEXIS 4639 (Ohio Ct. App., Franklin county, Sept. 12, 2006).
    - i There must be a substantial disorder of thought, mood, perception, orientation, or memory. [R.C. 5122.01(A)]
    - ii The substantial disorder of thought, mood, perception, orientation, or memory must grossly impair judgment, behavior, or capacity to recognize reality, or the ability to meet the ordinary demands of life. [R.C. 5122.01(A)]
    - iii The mentally ill person must be hospitalized for one of the reasons set forth in R.C. 5122.01(B).
  - d. Closed Hearing – The hearing shall be closed to the public. Counsel for the respondent, with the permission of the respondent, may request the hearing be open to the public. For good cause shown, the court may admit persons who have a legitimate interest in the proceedings, but the respondent may object. [R.C. 5122.15(A)(5) & (6)]; [Sup. R. 55]

## COMMITMENT OF A PERSON RESIDING IN THE COMMUNITY

1. A person, who resides in the community and is not hospitalized at the time of the hearing, may be found mentally ill and subject to court order prior to being taken into custody. Proceedings have to be initiated under R.C. 5122.11 (i.e., an affidavit must have been filed with the probate court).
2. Pursuant to R.C. 5122.141(A) and (B), an initial hearing, rather than a full hearing which is held when a person is hospitalized, may be conducted and the respondent shall have the right to counsel, notice, and be afforded all other procedural due-process safeguards that apply when a full hearing is held, pursuant to R.C. 5122.15. An initial hearing shall be held within 5 court days from the day on which the respondent is detained or an affidavit is filed, whichever occurs first or within 10 calendar days from the day on which the respondent is detained or the affidavit is filed, whichever occurs first.
3. If a person who resides in the community has been found by the court to be mentally ill and subject to court order, the court may issue an interim order of detention ordering any health or police officer, or sheriff to take the person into custody. See R.C. 5122.10.
  - a. When the interim order of detention is issued, the court must have an agreement from the receiving hospital to admit the respondent or the order may be ineffective.
  - b. The court’s finding of mentally ill and subject to court order must be based on clear and convincing evidence. When a person is at large in the community, the prosecutor may be challenged to find a medical professional to testify as to the person’s current medical condition and mental state.
  - c. An individual who meets only the criteria described in R.C. 5122.01(B)(5)(a) is not subject to hospitalization.



The initial hearing may be waived, but a mandatory full hearing shall be held by the 30th day after the original involuntary detention of the respondent.

[R.C. 5122.141(D & E)]

## CONTINUED COMMITMENT HEARINGS

1. A full evidentiary hearing must be held at the end of the first 90-day period of civil commitment, and at least every 2 years thereafter; this hearing may not be waived. [R.C. 5122.15(H)]
2. A full evidentiary hearing must be held every 180 days if requested by respondent or respondent's counsel. [R.C. 5122.15(H)]

## FORCED MEDICATION ORDERS

The state's *parens patriae* power can override a mentally ill patient's decision to refuse antipsychotic medication. A person need not be adjudicated incompetent before the state's *parens patriae* power may be legitimately exercised in a forced-medication hearing. A court may issue an order permitting the administration of antipsychotic medication, by hospital employees, against a patient's wishes and without a finding that the patient is dangerous, when the court finds by clear and convincing evidence that:

1. The patient lacks the capacity to give or withhold informed consent regarding treatment;
2. The medication is in the patient's best interest; **AND**
3. No less intrusive treatment will be as effective in treating the mental illness. *Steele v. Hamilton County Community Mental Health Board*, 90 Ohio St. 3d 176, 180, 185, 2000-Ohio 47.

Procedural due-process concerns:

1. An attorney must be appointed to represent the patient;
2. An independent psychiatrist or licensed clinical psychologist and a licensed physician must be appointed to examine the patient, to evaluate the recommended treatment, and to report such findings and conclusions to the court regarding the patient's capacity to give or withhold informed consent, as well as the appropriateness of the proposed treatment;
3. The patient, appointed counsel, and treating physicians must receive notice of all hearings;
4. Patient must be provided the opportunity to be present at all hearings and to present and cross-examine witnesses. *Id.* at 189, 190.

## TRANSFERS

1. The director of mental health and addiction services or his or her designee may file a motion with the court to seek an order to transfer an involuntary patient if the transfer is consistent with the medical needs of the patient. [R.C. 5122.15(N) & R.C. 5122.20]
2. If the transfer is to a more restrictive setting, the involuntary patient may request a hearing on the transfer. The hearing shall be held with all the rights of a full hearing under R.C. 5122.15.
3. The hearing shall be held within 10 days of the transfer and may be continued for up to an additional 10 days. [R.C. 5122.20]
4. Written notice of the transfer of an involuntary patient shall be given to the patient's legal guardian, parents, spouse, counsel, and, if none, to the patient's nearest-known relative or friend. [R.C. 5122.20]

## DISMISSAL & EXPUNGEMENT

1. Patients may consent to voluntary treatment and court may dismiss case. [R.C. 5122.15(G)(1)]
2. If treatment needs could be met in less restrictive setting, court may dismiss case. [R.C. 5122.15 (F)(2)]
3. Board and treatment provider may recommend the court discontinue court-ordered treatment if respondent fails to comply with treatment plan. [R.C. 5122.15(N)]
4. If a person taken into custody under R.C. 5122.10 or R.C. 5122.11 is released from custody prior to a hearing, the probate court shall expunge any records of the person. [R.C. 5122.09]

## CONFIDENTIALITY

All records, other than court journal entries or court docket entries, shall be kept confidential and shall not be released except as otherwise allowed under R.C. 5122.31.

## REPORTING CIVIL COMMITMENTS TO BCI



The reporting to BCI of a civil commitment pursuant to R.C. 5122.311 can be accomplished via the Ohio Courts Network (OCN) portal, using the Mental Illness Adjudication Reporting (MIAR) module. In addition to being an efficient paperless-notification method, the MIAR module permits courts to modify and view previously submitted commitment records. For information on using the MIAR module in OCN, contact the OCN Help Desk at [OCNHelp@sc.ohio.gov](mailto:OCNHelp@sc.ohio.gov) or 614.387.9980.