

MICHIGAN SUPREME COURT
STATE COURT ADMINISTRATIVE OFFICE

Trial Court Services



Court Performance Innovation Fund Grant

FY 2014

Application

**Court Performance Innovation Fund Grant
Application
FY 2014**

Grant Period: 10-1-2013 – 9-30-2014

Applicant Court(s) Name: Address:	22 nd Circuit Court 101 E. Huron St., P.O. Box 8645, Ann Arbor, MI 48107-8645
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Key members involved in the project: (For example: Chief Judge, Court Administrator, Financial Officer or other agency representative.)

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See Appendix (A.) for list of key collaborating partners

Project Description

Referring to the proposed outline in your pre-application, identify the goals of the project in improving court performance, and how progress toward reaching the goals will be measured. Please provide any statistical analysis related to establishing a goal, and measuring progress toward reaching it.*

Program Goals and Problem Statement

A.) As outlined in our pre-application for this court's proposed Peacemaking Court Project, the goals for performance improvement are:

- Increased understanding, communication, and tailored solutions that better meet the needs of all litigants who are involved in the project, as well as their communities, thereby improving litigants' relationships to the justice system and enhancing court efficiency across a variety of case types from all trial court levels. Judges Connors and Kuhnke (Circuit Court); O'Brien (Probate Court); and Simpson (District Court) are participating as referral sources for cases on this project.
- Reduction of recidivism in youth offenses (on appropriate circuit and district court cases) with a diversionary option to avoid a record that can preclude future educational and employment opportunities.
- More durable and tailored solutions for families that will enable the healing and restoration of important relationships, in contrast to the harm and polarization that too often results through the adversarial process.

B.) In terms of measuring progress, certain assumptions exist in our conceptual framework that are based on specific limitations inherent in the court system's current approach to adversarial problem solving. The limitations in this section (B.) are quantified as negatives; progress and success of the peacemaking court project will be determined by how well those limitations and negatives are removed and replaced with more comprehensive solutions that are harmonious, balanced, and integrative for the individual, the family and the community, as outlined in the following Section (C.).

- Binary decisions in conflict resolution lead to labels. *The adversarial system looks at problems through the narrow lens of X vs. Y, guilty or not guilty and so on. A single event occurs and the individual or relationship is then judged, defined and labeled solely by that event. We consider what rules were broken and then rubber stamp a narrow legal remedy to "fix" the problem. The label replaces the person, and in affixing the label and applying a formulaic remedy, we are prevented from solving the whole problem and all that underlies it.*
- Labels lead to separation and division. *When we label an individual, we separate and isolate him from the community. He is no longer a colleague, neighbor or community member, but a juvenile delinquent, felon, offender, neglectful parent, or abusive spouse. The justice system sets him aside and the community will continue to exclude, divide, and separate itself from the person.*
- Division and separation lead to imbalance and disharmony. *By labeling, separating, and dividing, we create disharmony because we do nothing to restore the individual, the community, and the actual harm that was done.*

- Imbalance and disharmony lead to poor decisions. *Neither the person who caused the problem nor the people who were impacted get their needs met by decisions that seek to punish without repairing harm and restoring relationships. Because we've resolved and restored nothing, the individual eventually accepts the label as truth and continues to live accordingly.*
- Poor decisions leads to future conflict. *When the label defines the person and the remedy does not address the real issues that caused the problem, the problem is not fully resolved. When the problem and underlying issues are not resolved, the harm is not repaired, community and family relationships are not restored, the conflict or event reoccurs because it was never fully addressed or understood at its source, same kind of decision-making is imposed, and the cycle continues. This mechanism leads to recidivism, polarization, and harmful relationships that tear the fabric of family and community. It is why we can expect the majority of youth who enter the justice system to re-enter the system. It is why disputing families leave the courtroom more polarized than when they entered. The system continues the cycle of narrowing the event, judging, and labeling and the goal becomes a question of how many and how fast can the system process through the cycle before the next event occurs (or reoccurs).*

C.) Peacemaking courts provide a model to replace the limitations of the adversarial system with more comprehensive, harmonious and balanced solutions that integrate the repairing of harm, healing of relationships, and restoration of the individual within their family and community. Peacemaking honors 3 values intrinsic to tribal courts: the “Three R’s”—**Respect, Responsibility, and Relationship**. We add a 4th R to these principles: **Restoration**...toward balance and harmony of healthy relationships. Peacemaking courts offer an effective antidote and contrast to the limitations of the adversarial system listed above by employing the Four R’s:

- Comprehensive, inclusive decision-making by those most affected and impacted by the problem, without allowing the event to label the person. *For true accountability and understanding to occur, there must be a link between one's actions and the resulting consequences. Peacemaking courts allow the parties and those most affected by the conflict to talk about the event, its impact on them, and to look at the whole conflict in a comprehensive context that leads to understanding and meaningful solutions that address the needs of all those involved. It honors the theory that “all of us know things together that we don't know separately.”*
- Avoiding labels leads to inclusion and community. *Treating individuals with **respect** leads to improved **relationships** that foster inclusion and integration with community. This **restores** balance and harmony to the individual and community.*
- Balance and harmony lead to informed, just, and comprehensive resolutions that address multiple aspects of the problem. *When participants are respected and the individuals responsible for causing the problem are part of the decision process and take **responsibility** for their actions in a meaningful way, the resolutions are more comprehensive and address the needs of everyone involved, as well as the issues that underlie the problem.*
- Comprehensive decision-making that addresses the full problem can avoid future

conflict. *When the problem is fully defined and understood, it can be solved in a way that comprehensively and meaningfully addresses the causes and effects, repairs the harm, and restores the individual within the family or community. Parties can also tailor their own agreement on how to move forward without reoccurrence. Another important difference between the traditional system and the peacemaking court process is that resolution is determined with the court instead of by the court.*

Tribal courts have long recognized the challenges inherent in measuring goals such as “increasing respect and responsibility by participants,” “improving relationships,” and “more meaningfully resolving problems and their underlying issues.” Yet, they know through continued follow-up contact with the peacemaking participants that relationships improve and heal and that disputes and litigants do not come back to the court and are successfully reintegrated into the community. Our success, in large part, will be determined by how well we adhere to the principles of peacemaking, represented by the Four R’s, that undergird these goals. This project will seek to determine how successfully these tribal peacemaking principles are transferable to a state court system.

Significant data is already available from previous ADR studies that underscore the importance of party self-determination as it applies to settlement durability, satisfaction with process, etc. We don’t expect the peacemaking court model to differ significantly on this data point. However, tribal court practice offers an additional resource that has not been utilized or measured by state courts. Peacemaking differs from mediation and other ADR processes that also value self-determination in that those processes are an intervention around settlement of an issue, whereas peacemaking is about relationships and restoring one’s place in the family or community. We will attempt to measure this factor to the extent possible through qualitative follow-up interviews.

There is some quantitative data available from other tribal and community programs and we will seek technical assistance from these resources, as well as an experienced program evaluator, on best practices in collecting both qualitative and quantitative evaluation data.

We have looked at other research data that is available from tribal court and community programs. As we noted in our pre-application, the Alaska Kake Circle Peacemaking Project, a tribal program, has measured its 97.5% success rate in sentence fulfillment over four years against the Alaskan court system’s 22% sentence fulfillment rate. Baltimore and other cities have implemented restorative justice (RJ) programs through community agencies that operate outside the court and schools to resolve referred cases from schools, courts, and the community. These programs are showing impressive data. For example, the Baltimore program, operated by the Community Conferencing Center, which began after studying Maori tribal traditions in New Zealand, has shown a 60% reduction in reoffending (less than 10% reoffend), 95% agreement rate, and a 95% success rate. Additionally, it found that victims are more likely to receive restitution when everyone is part of the decision making, costs are 90% less than it would cost a court to process a case, and the RJ process takes place closer to the precipitating event (within weeks instead of the lengthy waiting and delays on court cases), which can save time and

positively affect the quality of the resolution.

We know of only one other state court in the U.S. that has recently (as of January 2013) established a peacemaking court: the Red Hook Community Justice Center and Peacemaking Program. The Red Hook Peacemaking Program builds on several years of successful involvement with other projects and programs that have revitalized the community and improved the court's image by the citizens of Red Hook (See ABA Journal, June 2004). Very early data from Red Hook's new peacemaking program is beginning to show reduced recidivism, increased compliance rates with court orders, increased public support for the court, and increased public trust in the justice system. However, to our knowledge, we are the first state court to initiate a peacemaking court without the long history of intensive community activism and involvement prior to the start of the program that Red Hook has enjoyed. Thus, it may be a clearer path for us to determine whether any change or improvement in public perception of the court is a direct result of this specific program.

As with other community and tribal court programs, the peacemaking court model will depend on voluntary participation by litigants. A random selection of cases from this group will be compared to a randomized control group of cases that did not utilize the peacemaking process and were adjudicated through the traditional state court system.

Objectives, Activities, and Measurements; Also see Logic Model, Appendix (B.)

Objective 1

Enhance efficiency for disputes on the docket of the 22nd Circuit Court family and Probate dockets and for family and community disputes on the 14A District Court docket, and improve litigants' experience with and perception of the justice system through tribal court peacemaking principles.

Rationale:

Our threshold inquiry is very basic – “Can tribal court peacemaking principles be successfully implemented in a state court?” We believe they can and that the peacekeeping model will bring similar benefits to a state court as it does to a tribal court, resulting in increased understanding and communication by the parties, as well as tailored solutions that better meet the needs of all participants, and their communities. We believe circuit and district courts can benefit from this project through increased efficiency, savings in resources, and improved community perception. We also foresee a secondary benefit resulting from this unique partnership between state and federal courts: the improvement of tribal / state relations through a communication, cooperation, and collaboration model.

Activities

- Contract with project director, evaluation consultant, trainers, and technical assistance providers.
- Consult/meet with tribal court partners, local referring judges, FOC, probation, and local partners and stakeholders to determine appropriate case criteria and efficient referral, case oversight, follow-up, and evaluation procedures for this project.

- Select members and form advisory committee to meet monthly.
- Schedule and conduct technical assistance site visits with key tribal court partners to learn how to successfully integrate tribal principles into docket and resolution of cases.
- Review and observe peacemaking practice and procedures on tribal court cases and Red Hook state court cases.
- Survey current gaps and assets; develop procedures and instruments for referral, intake, tracking, follow-up, satisfaction surveys and evaluation / reporting.
- Schedule, plan training for facilitators.
- Select trainees and stakeholders to invite to training and send invitations.
- Convene and conduct training.
- Begin facilitation of selected case referrals.
- Develop and disseminate program brochure/descriptive materials
- Conduct community outreach and informational meetings.
- Conduct regular facilitator debrief meetings.
- Invite community members to participate in discussions and ensure a diverse group of stakeholders.

Measurement

- Evaluate types of cases that are most amenable to the peacemaking model by measuring and comparing success and durability of agreements by case categories;
- Assess how the peacemaking process timeline compares to the normal court process on the different case types;
- Determine whether the time factor to reach resolution impacts court costs and resources by comparing cases in this project to other cases of the same type that go through the traditional system;
- The peacemaking court model will depend on voluntary participation by litigants. We will therefore identify this group as a population that elects to follow a different path toward problem solving than that which the state court system offers. We will assess this population's satisfaction with the peacemaking process by administering a pre and post interview and survey –
 - The pre-conference instrument will determine what the participants' needs and expectations are for the peacemaking process;
 - The post-conference instrument will determine whether or not the participants' needs and expectations were met, whether they felt part of the process and solution, and whether they found more or less satisfaction in this or would have preferred a court ordered solution;
- Survey community member responses to the peacemaking model and how it affects their view of the judicial system.

Objective 2

Improve youth delinquency case outcomes on appropriate Circuit and District Court cases through implementation of the tribal court peacemaking process.

Rationale:

We believe the peacemaking model will result in reduced recidivism in youth delinquency cases and will provide an effective diversionary mechanism to avoid obtaining a juvenile record in appropriate cases.

Note: the court will provide continuous oversight on delinquency cases until case closure, will approve any agreements and keep copies of agreements in the court file.

Activities

In addition to consultation, training, and procedural tasks for all cases listed under Objective 1:

- Consult with tribal courts, schools, police, prosecutor, public defender, victim advocates, and probation to identify which juvenile offenses for circuit and district court cases are appropriate for referral.
- Meet with community resources for provision of youth services on cases.
- Determine additional procedures for referrals, intake, diversion and follow up with youth and families on youth DL cases.
- Develop evaluation procedures for measurement of recidivism rates. (Note: we realize the need for ongoing assessment to measure this data in future years. One year's time will not be adequate to measure recidivism rates.)

Measurement

- Administer pre and post-conference satisfaction surveys for all participants;
- Track cases and progress through follow-up sessions and consultation with professionals with case oversight while case is open;
- Create a tracking system to identify long-term juvenile recidivism rates;
- Project staff follow-up with youth and parents after case closure.

Objective 3

Develop a sustainable and collaborative model for family and community cases across the state court system – Circuit, Probate, and District courts.

Rationale:

We believe the peacemaking model will result in successful disposition of family and appropriate community cases by providing for more durable, tailored solutions that meet the needs of the parties and enable healing of important relationships.

Activities

In addition to consultation, training, and procedural tasks for all cases listed under Objective 1:

- Schedule, convene, and arrange training for trainers and additional facilitators for

sustainability beyond Year 1.

- Begin production of a "manual" for replication of peacemaking court model by other state courts.
- Prepare and submit financial and narrative progress reports as required by grantor.
- Collect, assess and measure program data.
- Court to provide oversight on all cases until case closure.

Measurement

- Administer pre and post-conference surveys to determine expectations, whether they were met and satisfaction with the process;
- Post-conference surveys to measure satisfaction with the agreement;
- Post-conference surveys to inquire as to whether feelings toward various participants have changed and if so, how they've changed;
- Follow-up interviews to inquire about durability of the agreement, as well as feelings and relationships with other participants;
- Court oversight on cases until closure will assist measurement of the durability of the solutions.

*** FOR STATISTICAL ANALYSIS, SEE DESCRIPTION OF PLAN FOR PROJECT EVALUATION AND OUTCOME SECTION, BELOW.**

See Program Theory, Logic Model, and Outcomes of Interest, Appendix (B.)

Provide a time line for implementing the project and evaluating progress toward reaching the goals.

The first fiscal year will focus on training and outreach, with a phased implementation of cases, to ensure sustainability in coming years.

See Project Time Line, Appendix (C.)

If this project is intended to be on going, explain the plan for financially sustaining changes adopted through this project, if additional CPIF funds are not available.

We will continue to pursue national funding sources from organizations that have an interest in innovative and alternative court programs. Note that training of facilitators, trainers, technical assistance, and consultation are key components of Year One of this proposal. If additional funds are unavailable through state or national funders, we will have completed the training, outreach and the majority of the technical assistance and consultation component in Year One so that we can pursue local court and community support in following years for sustainability of referrals, case management, case implementation, and evaluation.

Describe the plan for evaluating the project and its outcome.

Evaluation will produce quantitative and qualitative data and will be guided toward expected goals, objectives and outcomes. An independent evaluator will be responsible for designing the research plan, instruments, and reporting compliance.

Measurable and Process Outcomes data will be used to inform the evaluator and project team regarding progress toward the goal and objectives, and ultimately, how well the goal and objectives were achieved. Data collected will also provide direction for project plan adjustment, if needed. The project team will meet monthly to discuss progress and challenges based on quarterly reports, formative evaluation data and team observations. The Team will create action plans for mitigating any problems or challenges that arise as necessary that include steps to be taken, persons responsible, and timeframes. Quarterly and year-end progress reports will be prepared by the Project Director with the assistance of the Project Team and the evaluator. Between meetings, the Project Team will communicate regularly in person, during regularly scheduled staff meetings and via phone and/or email.

The proposed project and measures indicated in the above section will answer research

questions including the following:

- What are the perceptions of the process as reported by staff, litigants, and respondents
- Does the process improve the perceived quality of decision-making by staff to address client needs
- What are the frequencies of case by type presented
- Does the process have an impact on compliance by clients
- What relationship exists between case characteristics, disposition of case (including length of time of disposition), results, and case outcomes for compliance
- Does the process reduce the frequency of complaints on the same issue, post-mediation
- To what extent does the process reduce court petitions on the same issue, post-mediation

*A number of statistical analyses will used.

- Paired-samples *t-test*, specifically, a repeated measures design will answer if the mean differences between scores on the pre-post program scores are significantly different from zero.
- Multivariate analysis of variance (MANOVA) will evaluate whether the population means on a set of variables may vary across factors. The MANOVA will be used to identify relationships across project variables.
- Two Independent –Samples Test: The Mann-Whitney U test will evaluate if medians on a project variable differs significantly between two groups. A comparison of individuals who participate with those who do not will be conducted.
- Descriptive statistics will be completed to accurately portray distributions of program variables (e.g. frequencies, means, ranges).

If the project successfully attains its goals, how might other courts benefit from this project?

If the goals of this project are met, other courts can benefit from the same advantages that we have outlined in our Goals section. Other courts will benefit from the additional knowledge that this model has been tested and proven in a state court. We will develop this program as a replicable model for other state courts. From the tribal court training, technical assistance, and our implementation, we will have identified tribal court techniques and best practices that are proven to be successfully transferable to state court procedures. A peacemaking court program “manual” of objectives and guidelines for program development in other state courts will be in process by the end of Year One. We will have very preliminary evaluation results and procedures by the end of Year One for other courts to examine, adopt / adapt, and build upon. We will of course add to this information as the program progresses past Year

One.

Conclusion

Multiple factors (outlined in Section B of this application) point to the need to “widen the circle” and move peacemaking principles beyond the tribal communities and into the state court system. As U.S. Supreme Court Justice Sandra Day O’Connor wrote in 1996, “The Indian tribal courts’ development of further methods of dispute resolution will provide a model from which the federal and state courts can benefit as they seek to encompass alternatives to the Anglo-American adversarial model.” (See Center for Court Innovation, “Widening the Circle: Can Peacemaking Work Outside of Tribal Communities? citing 9 *St Thomas L.Rev.* 117 (Fall 1996) and 9 *Tribal ct. Rec.* 12, 14 (1996))

James Zion, Anglo-American former solicitor to the courts of the Navajo Nation, explains, “Anglo law is all about rules and principles, whereas in Indian justice the process is very important. Disputes are resolved not by rules but by the idea of relationships. The basic concepts of Indian justice are relationships, reciprocity, solidarity and process, as opposed to hierarchy.... Central to Navajo justice is the concept of ‘what I do has an impact on you and what you do has an impact on me.’ The Anglo world has a lot to learn from this concept. In the Anglo world, the individual trumps relationships, and that’s destructive. We need to look at Indian concepts of relationships. People are not simply individuals in society. Everyone owes special obligations to others.” (See : Mirsky, L., “Restorative Justice Practices of Native American, First Nation and Other Indigenous People of North America: Part One” (2004), http://www.iirp.edu/iirpWebsites/web/uploads/article_pdfs/natjust1.pdf)

The adversarial model simply does not work in every case as well as it should. Too often, it harms important relationships instead of healing them. It cannot always bring the closure and relief that litigants expect. And it does not always solve the whole problem, so that conflict is too often renewed between the litigants after becoming more polarized through the court process.

This is why Voltaire said, “I was never ruined but twice; once when I lost a lawsuit and once when I won one.”

And it is why Abraham Lincoln famously said: “Discourage litigation....the nominal winner is often a real loser.....As a peacemaker, the lawyer has a superior opportunity of being a good man.”

We would add that as a peacemaking forum, the court has a superior opportunity of being a model for solving problems in a way that is respectful, responsible and that heals rather than harms relationships.

This proposal seeks to provide such an alternative for the state court system.

Budget

Identify expense categories and amount required for each category.

Budget Summary:	
Categories	Amount
A. Contracted consultant	\$75,000
B. Fringe benefits	\$0
C. Other contractual: Evaluation	\$15,000
D. Travel	\$9,854
E. Training	\$27,146
F. Equipment	\$900
G. Supplies, brochures	\$2,000
H. Other: Outreach, Contract with DRC, Tribal Technical Assistance	\$20,100
See Budget Spreadsheet, Appendix (D.)	

Budget Narrative

Provide detail for each expense category. (e.g. cost of unit X number of units = total)

Categories	
A.	Contracted Project Director @ \$50/hour X 30 hours per week = \$75,000
B.	Fringe benefits = \$0 (No fringe benefits for contractual personnel)
C.	Project Evaluation Consultant = 10% of budget = \$15,000
D.	<p>Travel = \$9,854</p> <p>1. Travel (Site visits from Ann Arbor to tribal courts and Red Hook) = \$4,807</p> <p>Site visits to Pokagon (Dowagiac-282 mi.), Grand Traverse (Suttons Bay – 520 mi), and Little River (Manistee -480 mi.) Band Tribal Peacemaking Courts by judge, project coordinator, and court or probation staff member. Mileage at State rate of \$0.567/mile (X 2 vehicles) = \$1454 Lodging per diem at State rate of \$75 (X3 program representatives X 5 nights) = \$1125 Meal allowance per diem at State rate of \$38.50 total (X 3 program representatives X 8 days – incl. travel days) = \$924</p> <p>Site visit from Ann Arbor to Red Hook NY = \$1304. Airfare (X2) = \$1,000 Lodging per diem at State rate of \$75 (X 2 program representatives X 1 night) = \$150 Meal allowance per diem at State rate of \$38.50 total (X 2 program representatives X 2 days) = \$154.</p> <p>2. Travel (Technical assistance from tribal courts to Ann Arbor) = \$5,047</p> <p>Mileage – peacemaking consultants (Pokagon, Grand Traverse, Little River) = \$727 (see above distances @ \$0.567/mi.) Airfare – peacemaking consultant (Red Hook) = \$500. Lodging – 4 peacemaking consultants 8 nights @ \$75/night X 8 X 4 = \$2400 Meals – 4 peacemaking consultants 10 days @ \$38.50X4X10= \$1420</p>

<p>E.</p>	<p>Training of facilitators and trainers = \$27,146</p> <p>1. Initial Training of Facilitators = \$16,084</p> <p>Peacemaking Facilitator Skills Training provided by tribal representatives from Grand Traverse, or Little River Band program trainers – Trainer fees @ \$750 per day per trainer X 3 trainers = \$11,250</p> <p>Mileage at State rate of \$0.567/mile X 520 mi. X 3 vehicles = \$885. Meals per diem State rate of \$38.50 total = (X3 trainers X8 days – incl. 2 travel days) = \$924 Lodging per diem State rate (X3 trainers X 5 nights) = \$1125 Training materials for Trainees (Kinko’s copying) = \$700 Food for training (snacks only – trainees will lunch on own) = \$1200 Training Facility: training will take place in county facility at N/C to project \$0 Supplemental Mediation Skills Training provided by Project Coordinator at N/C to project = \$0</p> <p>2. Training of trainers and additional facilitators at year end for project sustainability = \$11,156</p> <p>Peacemaking Facilitator Skills Training provided by tribal representatives from Grand Traverse, or Little River Band program trainers – Trainer fees @ \$750 per day per trainer X 2 trainers = \$7500 Mileage at State rate of \$0.567/mile (~ 520 mi X 2 vehicles) = \$590 Meals per diem State rate of \$38.50 total = (X2 trainers X8 days – incl. 2 travel days) = \$616 Lodging per diem State rate (X2 trainers X 5 nights) = \$750 Training materials for Trainees (Kinko’s copying) = \$500 Food for training (snacks only – trainees will lunch on own) = \$1106 Training Facility: training will take place in county facility at N/C to project \$0 Supplemental Mediation Skills Training provided by Project Coordinator at N/C to project = \$0</p>
<p>F.</p>	<p>Equipment = \$900</p> <p>Laptop computer / software for agreement writing during peacemaking conferences = \$900</p>
<p>G.</p>	<p>Supplies = \$2,000</p> <p>Paper, postage, pens, notebooks, filing supplies, copying, etc. = \$1500 Brochures, printing costs = \$500</p>
<p>H.</p>	<p>Other = \$20,100</p> <p>1. Outreach activities / Advisory Committee, etc. = \$2600 Attorney, police, schools, community, court and other stakeholder outreach/education misc. expenses (15 meetings) = \$200 Advisory committee meetings (12 meetings) expenses = \$200 Expenses facilitator meetings (8 meetings) = \$200 Food for peacemaking case participants = \$2000 Community participants in peacemaking will volunteer at N/C to program Additional trained peacemaking facilitators will volunteer initially at N/C to program</p> <p>2. Contract with Washtenaw Co. Community Dispute Resolution Center to provide facilitators and community members (up to 50 cases @ \$150 per case) = \$7500</p> <p>3. Facilitation by private facilitators (up to 40 cases @ \$150 per case) = \$6,000</p>

	<p>3. Technical Assistance from tribal consultants Peacemaking consultants from Michigan tribal courts – technical assistance (4 consultant visits at \$400/day X 10 days) = \$4,000</p>
	<p>Appendix (Attachments) A. Technical Assistance and Collaborating Partnerships B. Project Theory, Logic Model, and Outcomes of Interest C. Project Time Line D. Budget Summary – Spreadsheet</p>

Non Supplanting

It is imperative that grantees understand that the non-supplanting requirement mandates that CPIF may be used only to supplement (increase) a grantees’ budget and may not supplant (replace) state, local, or tribal funds that a grantee otherwise would have spent on positions if it had not received CIPF award.

This means that if your court plans to:

- (a) Hire new positions (including filling existing vacancies that are no longer funded in your agency’s budget): It must hire these additional positions on or after the official grant award start date, above its current budgeted (funded) level of positions;
- (b) Rehire personnel who have *already been laid off* (at time of the application) as a result of state, local, or tribal budget cuts: It must rehire the personnel on or after the official grant award start date and maintain documentation showing the dates(s) that the positions were laid off and rehired;
- (c) Maintain personnel who are (at the time of application) *currently scheduled to be laid off on a future date* as a result of state, local, or tribal budget cuts: It must continue to fund the personnel with its own funds from the grant award start date until the date of the scheduled lay-off (e.g., if the lay-off is scheduled for October 1, then funds may not be used to fund the personnel until October 1, the date of the scheduled lay-off), and maintain documentation showing the date(s) and reason(s) for the lay-off. [Please note that as long as your agency can document the date that the lay-off would occur if the CPIF were not available, it may transfer the personnel to the CPIF on or immediately after the date of the lay-off without formally completing the administrative steps associated with a lay-off for personnel.]

Documentation that may be used to prove that the scheduled lay-offs are occurring for local economic reasons that are unrelated to the availability of CPIF may include (but are not limited to) council or departmental meetings, memoranda, notices, or orders discussing the lay-off; notices provided to the individual personnel regarding the date(s) of the layoff; and/or budget documents ordering departmental and/or jurisdiction-wide budget cuts. These records must be maintained with your court’s CPIF grant in the event of an audit, monitoring, or other evaluation of your grant compliance.

Assurances

1. Applicants must provide assurance that there has been, and will continue to be, appropriate consultation with all affected agencies in planning and implementation of the court performance innovation fund grant. (In PSC-there is a section regarding having a MOU, not sure this language is necessary?)
2. If the project is intended to be on going, applicants must provide assurance of the intention of the jurisdiction(s) to continue the program after funding from the Court Performance Innovation Fund (CPIF) has been exhausted.
3. Applicants must provide assurance that all recipients of funding under this grant program are required to comply with nondiscrimination requirements contained in various federal and state laws. Each applicant court should have a copy of their Equal Employment Opportunity plan on file and available for review by the State Court Administrative Office (SCAO) upon request.
4. Applicants must assure that they and any subgrantees will not use funds from the CPIF for lobbying and that they will disclose any lobbying activities related to the CPIF.
5. Recipients of funding under this grant agree that all expenditures, including personnel services, contractual services, and supplies, shall be in accordance with the standard procedures of their court. The grantee's accounting system must maintain a separate fund or account to support expenditures. Recipients of funding agree to maintain accounting records, following generally accepted accounting principles for the expenditure of funds for purposes identified in the budget and any budget amendments.
6. State funds may not be used to replace (supplant) funds that have been appropriated for the same purpose.
7. Recipients of funding will assure that the Michigan Supreme Court, the SCAO, the local government audit division of the Michigan Department of Treasury, the State Auditor General, or any of their duly sworn authorized representatives shall have access to and the right to examine, audit, excerpt, copy, or transcribe any pertinent financial transactions, accounting records, or other fiscal records related to this grant. Such records shall be maintained for a period of five years after completion of the grant project or until all SCAO audits are complete for the fiscal period, whichever is later. Recipients shall provide quarterly reports on the funds expended by the court in the form required by the SCAO.
8. Applicants agree to collect and provide program data in the form and manner required by the SCAO, and to participate in follow-up and evaluation activities.

9. The SCAO may suspend funding in whole or in part or terminate funding for the following reasons:

a. Failure to comply substantially with the requirements of the grant program, which includes the submission of the required reports submitted within the time frames listed.

b. Failure to make satisfactory progress toward the goals or strategies set forth in this application.

c. Failure to adhere to the requirements of the grant contract.

d. Proposing or implementing substantial plan changes to the extent that the application would not have been selected for funding.

e. Filing a false certification in this application or other report or document

f. Other good cause shown.