

Washtenaw County Peacemaking Court

Year End Summary: 2016

WHO are we?

We are a part of the Washtenaw County Trial Court, established in 2013 with the support of the Michigan Supreme Court. Our training comes from Native American communities both within and without our Michigan border. Our current application is in the family and civil court. The Peacemaking Court hopes to create a resiliency based court model for future application to conflict resolution. In doing so, we strive to better serve our youth, our families and our community through healing rather than harming ongoing relationships.

WHAT do we do?

We rely on four fundamental concepts to build bridges, not walls, in resolving conflict: relationships; responsibility; respect and resiliency. The conflict involved does not define the participants. The solution to that conflict does. In focusing on core values to fashion solutions, certain values frequently surface: respect, love, bravery, wisdom, honesty, humility and truth. These seven values were shared with us as guiding principles for Peacemaking by our Native American neighbors. The implementation of peacemaking in state justice systems is a long term goal of the Michigan Tribal-State-Federal Forum, a forum created by the Michigan Supreme Court.

WHEN do we do it?

Before, during and after our court's jurisdiction ends. Examples of this temporal support and application include peace circles for youth in high schools; parent partnerships for families in the child welfare system and court-community partnerships with the Dispute Resolution Center and other organizations to address conflicts within our community and our families.

WHERE do we do it?

Onsite at the Washtenaw County Courthouse, offsite at the Dispute Resolution Center or locations convenient for the parties involved.

HOW does peacemaking differ from mediation or restorative justice?

The following summation is reprinted with permission from the Author, Shawn Watts, Columbia Law School Professor and member of the Cherokee Nation in Oklahoma.

	COURT	MEDIATION	PEACEMAKING
Participation	Restricted; limited to parties and party reps. But, often public is permitted to watch	Restricted; limited to parties, party representatives or supporters	Open; community may attend and participate
Third-party "neutral"	100% in charge with authority to level penalty and impose decision	No authority to make decisions; limited activity	Equal to parties in authority and activity
Issues	Broken laws; civil liability	Civil relationships	Community relationships
Focus	Past conduct; individual responsibility; legal responsibilities	Past, present and future conduct; party responsibility; needs of parties	Past, present and future conduct; individual and community responsibility; individual and community needs
Tools	Incarceration; imposed restrictions; imposed damages; coercion	Self-determination; voluntary restrictions; voluntary damages; trust	Reintegration; restoration; support; trust
Procedure	Fixed rules	Fixed rules; flexible guidelines	Flexible guidelines
Results	Winner/Loser	Agreement; no agreement	Common ground to maximize all interests

Confidentiality	Public record	Strict; few exceptions	Honored; exceptions
Decision-Making	Adversarial; state imposed	Consensus; party determined	Consensus; community determined

WHY do we do it?

Because it works.

In 2016, Washtenaw County reduced children in foster care by 35% (over a two year period), as compared to a 9% reduction average statewide.

A survey conducted in its first year revealed:

94% of cases resulted in an agreement from both parties.

82% agreed or strongly agreed that the result of the peacemaking meetings were fair as compared to what might have occurred in a court setting.

91% agreed or strongly agreed that after hearing everyone talk, the participant had a better understanding of the other person's perspective

94% agreed or strongly agreed that they would recommend peacemaking to others.

WHY does it work?

"I learned that the others and myself all had truth; it just needed to be pieced together"
– Peacemaking Circle Participant

"I learned never to say never...we did something I thought impossible" – Peacemaking Court Participant

"That there are many different versions/perspectives to the truth...you need to be open to being empathetic and make an effort to accept the other's views/beliefs...not to try to change them but to accept them as their truth" – Peacemaking Court Participant

"I have no doubt in my mind, that if this guardianship petition would have gone through the normal court procedure, there would be no mother/daughter relationship today...the Peacemaking Court saved one of the most important relationships one can experience – the parent/child relationship" - Attorney