



2019

Annual Report

of the

State Drug Treatment Court

Advisory Committee

Submitted to the

Michigan Legislature and the Michigan Supreme Court

Pursuant to MCL 600.1082, Public Act 224 of 2004.

For the period

January 1, 2019 through December 31, 2019

State of Michigan

The Honorable Amy Ronayne Krause, Chair

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INTRODUCTION

This report of the State Drug Treatment Court Advisory Committee (SDTCAC) activities during the period of January 1, 2019 to December 31, 2019 is submitted in compliance with MCL 600.1082 (Public Act 224 of 2004).

OVERVIEW

MISSION STATEMENT

The mission of the State Drug Treatment Court Advisory Committee is to monitor and advocate for the effectiveness of drug treatment courts in Michigan.

ORIGIN AND SCOPE

Public Act 224 of 2004 created the State Drug Treatment Court Advisory Committee within the Legislative Council. In October 2012, the Legislature enacted Public Act 334 of 2012 which added a veterans' treatment court representative. The advisory committee consists of the State Court Administrator, or his or her designee, plus 17 members appointed jointly by the Senate Majority Leader and the Speaker of the House, as follows:

- A circuit court judge who has presided for at least 2 years over a drug treatment court.
- A district court judge who has presided for at least 2 years over a drug treatment court.
- A judge of the family division of circuit court who has presided for at least 2 years over a juvenile drug treatment court program.
- A circuit or district court judge who has presided for at least 2 years over an alcohol treatment court.
- A circuit or district court judge who has presided over a veterans' treatment court.
- A court administrator who has worked for at least 2 years with a drug or alcohol treatment court.
- A prosecuting attorney who has worked for at least 2 years with a drug or alcohol treatment court.
- An individual representing law enforcement in a jurisdiction that has had a drug or alcohol treatment court for at least 2 years.
- An individual representing drug treatment providers who has worked at least 2 years with a drug or alcohol treatment court.
- An individual representing defense attorneys who has worked for at least 2 years with drug or alcohol treatment courts.
- An individual who has successfully completed a drug treatment court program.
- An individual who has successfully completed a juvenile drug treatment court program.
- An individual who is an advocate for the rights of crime victims.
- An individual representing the Michigan Association of Drug Court Professionals.
- An individual who is a probation officer and has worked for at least 2 years for a drug or alcohol treatment court.



- An individual representing a substance use disorder services section of a Pre-Paid Inpatient Health Plan (previously known as a substance abuse coordinating agency).
- An individual representing domestic violence service provider programs that receive funding from the state domestic violence prevention and treatment board.

The SDTCAC members serve without compensation but may be reimbursed for their actual and necessary expenses incurred in the performance of their duties. Members of the advisory committee serve for terms of 4 years each.

The SDTCAC is charged with the responsibility of monitoring the effectiveness of drug treatment courts and veterans' treatment courts and the availability of funding for them. The Committee is required to present to the Michigan Legislature and the Michigan Supreme Court annual recommendations of proposed statutory changes regarding drug treatment courts and veterans' treatment courts. In addition, statute requires that the Committee meet at least quarterly, or more frequently at the call of the chairperson or if requested by 9 or more members. The business that the advisory committee performs is conducted at a public meeting held in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275, and any writing prepared, owned, used, in the possession of, or retained by the advisory committee in the performance of an official function is subject to the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246.

2019 COMMITTEE MEMBERS

A new member was appointed to the SDTCAC in 2019 when Ms. Alma Valenzuela, Director of Ottawa County Probation and Community Corrections, was appointed in June of 2019 to serve as the advocate for the rights of crime victims. The term for the juvenile drug treatment court graduate also expired in June of 2019 and the position is currently vacant.

SDTCAC Members Serving in 2019

Andrew Smith - The state court administrator, or his or her designee. Mr. Smith, SCAO Problem-Solving Courts Manager, was designated and began serving as the SCAO designee in July 2018.

Members appointed jointly by the Speaker and the Senate Majority Leader:

The Honorable Amy Ronayne Krause (Chair) – An individual representing domestic violence service provider programs that receive funding from the State Domestic Violence Prevention and Treatment Board. Judge Ronayne Krause of the 4th District Court of Appeals was appointed to the Committee on March 18, 2011 and is currently serving her fourth term that expires on June 13, 2023. Judge Ronayne Krause has served as Chair since May 28, 2013.

The Honorable Raymond P. Voet (Vice Chair) – A circuit or district court judge who has presided over a veterans' treatment court. Judge Raymond P. Voet of the Ionia County 64-A District Court was appointed to this position on September 19, 2013 and was reappointed to serve a second term that expires on September 18, 2021. Judge Voet was unanimously elected to serve as Vice Chair of the Committee at the July 18, 2017 SDTCAC meeting.

The Honorable Louise Alderson – A district court judge who has presided at least 2 years over a drug treatment court. Judge Alderson was appointed to the Committee on October 12, 2016 and was reappointed to a second term that expires on September 18, 2021. Judge Alderson is Chief Judge of the 54A District Court and presides over the specialized felony Sobriety Court.



Mr. Jesse Billings – An individual who has successfully completed a juvenile drug treatment court program. Mr. Billings of Troy was appointed on February 18, 2015 to fill the remainder of a term and to a full four-year term that expired on June 13, 2019. This position is currently vacant.

Ms. Heidi Cannon - An individual who is a probation officer and has worked for at least 2 years for a drug or alcohol treatment court. Ms. Cannon was appointed to the Committee on July 13, 2016 to fill the remainder of a four-year term that expires on August 4, 2019. Ms. Cannon is currently the Sobriety Court Probation Officer for the 2A District Court in Adrian. Ms. Cannon has served on the Committee since July 13, 2016 and was reappointed in 2019 to a second term that expires August 4, 2023.

The Honorable Susan L. Dobrich – An individual representing the Michigan Association of Drug Court Professionals. Judge Dobrich of the Cass County Probate Court was appointed to the Committee on February 18, 2015 and was reappointed to a third term that expires on June 13, 2023.

Mr. Andrew Konwiak – An individual representing drug treatment providers who has worked at least 2 years with a drug or alcohol treatment court. Mr. Konwiak is with the Sacred Heart Rehabilitation Center. Mr. Konwiak has served on the Committee since June 13, 2005 and was reappointed in 2016 to a fourth term that expires on July 17, 2020.

The Honorable Mark W. Latchana – A circuit court judge who has presided at least 2 years over a drug treatment court. Judge Latchana is the 67th District Court Judge but has been assigned by the State Court Administrative Office to serve as the judge of the 7th Circuit Court. Judge Latchana was appointed to the Committee on September 7, 2017 to fill the remainder of a four-year term that expired on November 6, 2017 and for a succeeding four-year term that expires on November 6, 2021.

Mr. Douglas R. Lloyd – A prosecuting attorney who has worked for at least 2 years with a drug or alcohol treatment court. Prosecutor Lloyd of Eaton County was appointed on September 19, 2013 and reappointed in 2016 to a second term that expires on September 18, 2020.

Sheriff Michael Main – An individual representing law enforcement in a jurisdiction that has had a drug or alcohol treatment court for at least 2 years. Sheriff Main of Isabella County was appointed on July 18, 2016. His four-year term expires on July 17, 2020.

Ms. Christina Nicholas, LMSW – A representative of substance use disorder services section of a Pre-Paid Inpatient Health Plan. Ms. Nicholas serves as the Director of Substance Use Disorder Prevention and Treatment Services with the Oakland Community Health Network and is the current chair of the ten pre-paid inpatient health plans Substance Use Director workgroup in Michigan. Ms. Nicholas was appointed to the Committee on December 7, 2017 and was reappointed to a second term that expires June 13, 2023.

The Honorable Julia B. Owdziej – A judge of the family division of circuit court who has presided for at least 2 years over a juvenile drug treatment court program. Judge Owdziej currently is the presiding judge of the Washtenaw County Juvenile Court Delinquency Division. She was appointed to the Committee on September 7, 2017 to fill the remainder of a four-year term that expires on June 13, 2021.

Mr. Mark Risk – An individual representing defense attorneys who has worked for at least 2 years with drug or alcohol treatment courts. Mr. Risk of Traverse City was appointed to the Committee on September 3, 2012 and reappointed in 2016 to a second term that expires on September 3, 2020.

The Honorable Geno Salomone – A circuit or district court judge who has presided at least 2 years over an alcohol treatment court. Judge Salomone of the 23rd District Court in Taylor was appointed to the Committee on July 13, 2016 to fill the remainder of a four-year term that expired on June 13, 2017. In 2017, he was reappointed to a full four-year term that expires on June 13, 2021.



Ms. Stacy Salon – An individual who has successfully completed an adult drug treatment court program. Ms. Salon of Traverse City has served on the Committee since September 4, 2012 and was reappointed to a second term that expires on September 3, 2020.

Mr. Gary P. Secor – A court administrator who has worked for at least 2 years with a drug or alcohol treatment court. Mr. Secor is the Court Administrator of the 61st District Court and was appointed to the Committee on February 18, 2015 and reappointed to second term that expires on September 3, 2020.

Ms. Alma Valenzuela – An individual who is an advocate for the rights of crime victims. Ms. Valenzuela is the Director of Ottawa County Probation and Community Corrections. She was appointed to the Committee on June 14, 2019 to serve a four-year term that expires June 13, 2023.

2019 COMMITTEE MEETINGS

The State Drug Treatment Court Advisory Committee held four (4) full committee meetings in 2019:

January 8, 2019

July 23, 2019

April 16, 2019

October 15, 2019

2019 STUDY SUBCOMMITTEES

In 2019, eight (8) subcommittees examined various subjects under review by the State Drug Treatment Court Advisory Committee.

Affordable Health Care Act Impact Subcommittee

Members: Christina Nicholas (Chair), Andrew Konwiak, Mark Risk

This subcommittee was initiated in November 2012 to monitor the impact of the Affordable Care Act and its specific application to treatment court participants who now may have increased access to other public funding for their care.

Changes to the Affordable Care Act (ACA) continue to be monitored due to the significant impact it would have on many individuals participating in treatment courts. The ACA provides individuals with substance use disorders coverage for substance use treatment services resulting in better access to care. In 2019, the subcommittee continued to follow attempts to repeal the ACA. In December 2019, the U.S. Court of Appeals for the 5th Circuit ruled that the requirement to carry insurance is unconstitutional. This resulted in the appeals court sending back to the lower court the question of whether the rest of the law can remain intact. In addition, preparations to assist people in complying with Michigan Medicaid work requirements began in 2019 and will continue. Going forward, any changes that may further impact individuals with substance use disorders will be monitored and reported to the advisory committee to inform treatment court participants that are impacted.

Defense Attorney Participation Subcommittee

Members: Mark Risk (Chair)

This subcommittee was created at the January 23, 2007 meeting to examine the defense attorney's role in the drug court process and funding for defense counsel involvement.

The subcommittee found that treatment courts continued to gain acceptance among defense attorneys in 2019. As more people have been exposed to these courts, (i.e. families and employers of participants), the benefits of participation are better known and appreciated. Public perception of the criminal judicial system as a whole has benefited greatly.

The subcommittee chair is of the opinion that treatment courts are the best thing that has happened to



the criminal justice system in his time of practice, some 39 years. There should be further expansion of treatment courts. In addition, further funding of these courts will make them more effective.

The subcommittee has identified that a lack of income hampers the ability of some participants in treatment courts to pay for testing and mental health services. Access to in-patient mental health programs is very problematic and access to treatment and the length of treatment are also serious concerns. Treatment courts are saving lives and making communities safer. More funding for treatment courts to cover these costs is urged and an expansion of current funding levels will make the treatment court program even more effective.

The subcommittee will continue to press for adequate funding in these areas.

Family Dependency Court Subcommittee

Members: The Honorable Susan Dobrich (Chair), Mark Risk

This subcommittee was created in October of 2015. The subcommittee is charged with looking at recruiting family dependency court membership, and developing objectives, including examination of current legislation and funding.

In 2019, family dependency treatment courts received the best practices manual prepared by NADCP along with National Family Drug Court TTA program and Center for Children and Family Futures. The family treatment court best practice standards were written to reflect the practice that is now occurring in family dependency courts—a shift to person-centered, strength-based, family-focused, and action-oriented practice. FTC or family dependency court identifies the Court with a jurisdiction of cases of child abuse or neglect, although the name may vary from jurisdiction. These are cases managed usually on a juvenile court docket. An FTC is defined as a juvenile or family court docket for cases of child abuse or neglect where parental substance disorders often co-occurs with mental health disorders as contributing factors for the reason children being removed from their homes. The Courts, along with Court personnel, attorneys, child protective services, foster care services, treatment professionals, and other community partners, collaborate on and coordinate service with the goal of ensuring that children have safe, nurturing and permanent homes and that the family members receive the needed support, services and stability within the federal time frames. FTC's are also referred to as family drug courts, family dependency treatment courts, family recovery courts, and family healing to wellness courts. Unfortunately, unlike other states, Michigan has not fully embraced FTC's because they are more labor intensive than the other type of treatment court. However, with the change in the administration at the Department of Health and Human Services, the current administration is looking favorably at FTC programming and is encouraging the type of practices such as family-center and principles used in drug courts. There also is a movement towards considering all drug courts as family courts in that whether it involves a criminal case or a family case, the use of alcohol/drug addiction affect the entire family.

The subcommittee chair is also involved in a child welfare leadership work group which is co-chaired by Justice Megan Cavanagh and Justice Elizabeth Clement, and includes other judges in Michigan as well as other providers for child protective services, representatives from SCAO, the chief deputy for children protective services from DHHS, and University of Michigan. This committee is carefully looking at adding additional family dependency courts in the State of Michigan and SCAO has considered writing a Federal grant to ensure additional funding for FTC.

Today, there are approximately 500 FTCs across the country whose teams collaborate in working the child welfare services, substance dependency disorder, mental health treatment agencies, with early access to comprehensive care, increased case management, judicial oversight to stabilize families and possibly prevent children's traumatic experience with out of home placement to improve the children's long-term outcomes.

It is anticipated that family treatment courts will continue to expand particularly in light of the new national standards for FTC which is an important step in defining these courts. The



subcommittee chair was honored to serve as a peer review in helping develop those standards and incorporating evidence-based practices into FTC programs.

Juvenile Issues Subcommittee

Members: The Honorable Julia B. Owdziej (Chair), Jodi Latuszek, Mark Risk

Created at the September 26, 2006 meeting, this subcommittee is charged with reviewing the differences inherent to juvenile drug court and family court. The objectives of the subcommittee include examination of the current drug court legislation and how the legislation differs from juvenile court procedures and promotion of juvenile drug courts as unique, adolescent-specific therapeutic jurisprudence interventions.

The subcommittee continued to monitor the efforts being made by the National Center for State Courts and the State Court Administrative Office in conducting a study of juvenile sobriety courts in Michigan. The study remains in the process of the 5-year plan and is currently in the implementation of changes stage.

Legislative Subcommittee

Members: Heidi Cannon (Chair), The Honorable Harvey Hoffman, The Honorable Amy Ronayne Krause, The Honorable Raymond Voet

This subcommittee was created at the July 23, 2010 Strategic Planning Session to monitor legislative activities. At the January 8, 2019 SDTCAC meeting, the Honorable Raymond Voet's role on the subcommittee was transitioned to a regular member and Ms. Heidi Cannon was appointed Chair of the Legislative Subcommittee. Throughout 2019, the subcommittee continued to monitor legislation that impacted or could impact treatment courts in Michigan. Public Act 657 of 2018 became effective on March 28, 2019 which provides for a Medication-Assisted Treatment Program. Discussion took place on securing long-term funding for trial courts in rural areas. Members participated in the ground-breaking ceremony with the Governor for long term supportive housing for individuals with opioid addiction in Blackman Township. In addition, The Honorable Geno Salomone and Chair Heidi Cannon attended the Traffic Injury Research Foundation technical assistance review regarding Michigan's Interlock legislation to provide feedback and assistance between multiple organizations. A Legislative Day took place October 29, 2019 with an informational session for members of treatment courts and Legislative representatives throughout the state.

Program Standardization and Funding Alternatives Subcommittee

Members: The Honorable Geno Salomone (Chair), Dawn Monk, Gary Secor

Created in 2007, this subcommittee continued to review program standardization funding alternatives for drug treatment courts in Michigan. At the July 26, 2016 SDTCAC meeting, the subcommittee accepted the additional responsibility of reviewing efforts to develop program standardization and best practices among specialty courts.

The opiate/heroin abuse epidemic continues. This year saw increased education regarding the use of Medication Assisted Treatment/Medications for Opioid Use Disorder (MAT or MOUD). The use of the medications, such as methadone, buprenorphine, and naltrexone, is one of the evidence-based practices that all programs helping persons with Opioid Use Disorder should utilize. The prescribing of these medications generally will also include some therapy and other support services. Treatment courts also saw an increase in the number of Peer Recovery Coaches available to be treatment court team members. Early anecdotal evidence supports the use of these coaches and the success of participants utilizing their services.

With regard to alternative funding, Michigan treatment courts still rely on public grants for a significant amount of funding for their operations. During the past year, some large private foundations, such as the Bloomberg Foundation and Blue Cross/Blue Shield, agreed to fund projects and/or services that help treatment courts participants. While it has not included direct funding to treatment courts, it does



allow the courts to access the privately-funded services. Hopefully, more private funding becomes available this year.

Veterans' Treatment Court Subcommittee

Members: The Honorable Raymond Voet (Chair), Andrew Smith, Mark Risk

Created at the May 24, 2011 meeting, this ad hoc committee was instrumental in the enactment of two pieces of legislation in 2012. The Veterans' Treatment Court Ad Hoc Committee was changed to subcommittee status by action taken at the April 22, 2014 SDTCAC meeting. Public Act 335 of 2012 authorized the establishment of veterans' treatment courts and provided direction for the development of treatment programs for veterans who are substance abusers or mentally ill. Public Act 334 of 2012 added a veterans' treatment court judicial representative to the State Drug Treatment Court Advisory Committee and included veterans' treatment courts under the types of courts the SDTCAC is to monitor. Both public acts went into effect on October 16, 2012. The subcommittee continued to provide input and closely monitor veterans' treatment court issues in 2019 but did not identify any specific areas that require change or improvement at this time.

Vision Subcommittee

Members: Douglas Lloyd (Chair), The Honorable Patrick Bowler

This subcommittee was created at the January 22, 2008 meeting to monitor and provide long-range goals for the State Drug Court Treatment Advisory Committee. In 2019, the Vision Subcommittee observed that numerous specialty courts had been created around the state and are being monitored by SCAO. The Vision Subcommittee suggested that it might be time to bring more legislators to the specialty courts so that they may gather a greater understanding of the needs and accomplishments of these courts. The Vision Subcommittee also continues to monitor other groups and organizations as a guide for future input as to the direction this subcommittee should proceed.

CURRENT AND POTENTIAL SOURCES AND LEVELS OF FUNDING

The Committee is charged with the responsibility of monitoring the effectiveness of drug treatment courts and the availability of funding for them. According to the State Court Administrative Office (SCAO), there were 132 operational drug courts in the State of Michigan in 2019. The amount of state and federal funds available to those courts was discussed and current funding sources were identified.

Current and potential sources of funding for drug treatment courts were identified as follows: (Information provided by the State Court Administrative Office)

STATE ADMINISTERED FUNDING PROGRAMS

State Court Administrative Office

Michigan Drug Court Grant Program (MDCGP)

<http://courts.mi.gov/administration/admin/op/problem-solving-courts/drug/pages/default.aspx>

The State Court Administrative Office administers a program that provides funding assistance for drug courts through its Michigan Drug Court Grant Program. Funding must be appropriated annually by the Legislature. SCAO awarded \$8,459,891.00 to the courts in FY 2019, which included funding for Medication Assisted Treatment (MAT).

The Michigan Drug Court Grant Program is modeled after the federal Drug Court Grant Program and requires compliance with the 10 Key Components of Drug Courts as outlined in the federal guidelines. Adult Drug Court programs, Juvenile Drug Court programs, Family Dependency Drug Court programs, DWI Sobriety Court programs (focused on drunk driving cases), Regional DWI/Hybrid programs, and Hybrid Drug/DWI Court programs are eligible to receive funding from the Michigan Drug Court Grant Program. Information on the availability of grant funding and the grant deadlines are announced in the spring of each year.



State Court Administrative Office

Office of Highway Safety Planning Grant (Federal Funds)

The Office of Highway Safety Planning (OHSP) grant funds come to SCAO through the Michigan Office of Highway Safety Planning which is a division of the Michigan State Police (MSP). The Michigan Office of Highway Safety Planning is federally funded by the National Highway Traffic Safety Administration (NHTSA), which is a division of the U.S. Department of Transportation. The specific funding stream is called the Fixing America's Surface Transportation Act (FAST Act), Section 405(d) Impaired Driving Countermeasures. The FAST Act is the surface transportation bill that authorizes the federal surface transportation program including the highway safety programs for federal fiscal year 2016 through 2020. States are eligible for this funding by having an alcohol-related fatality rate of 0.05 or below per 100 million vehicle miles of travel or satisfying several programmatic eligibility criteria which includes the operation of DWI courts. The amount awarded to the courts in FY 2019 was \$1,328,828.00.

State Court Administrative Office

Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) (Federal Funds)

The Byrne JAG grant funds come to SCAO through the MSP's Grants Management Section. The MSP is responsible for administering federal criminal justice grants in the state of Michigan. These federal funds come to the MSP from the Department of Justice (DOJ). The DOJ provides funding to states for the use of drug treatment programs that provide alternatives to prison for persons who pose no danger to the community. The amount awarded to the courts in FY 2019 was \$1,500,000.00.

FEDERALLY ADMINISTERED FUNDING PROGRAMS

Bureau of Justice Assistance

Drug Court Planning Initiative

<https://www.ndci.org/resource/training/treatment-court-design/adult-drug-court-planning-initiative/>

The Drug Court Planning Initiative (DCPI) is a training initiative that helps communities develop effective adult, juvenile, family, and tribal drug court programs. Communities interested in planning a drug court program are encouraged to register for DCPI training.

Bureau of Justice Assistance

Drug Court Discretionary Grants

Adult Drug Court Implementation Grants

Adult Drug Court Enhancement Grants

Statewide Drug Court Enhancement Grants

<https://bia.ojp.gov/program/drug-court-discretionary-grant-program/overview>

The Drug Court Discretionary Grant Program (DCDG) provides financial and technical assistance to states, state courts, local courts, units of local government and American Indian tribal governments to develop and implement treatment drug courts that effectively integrate substance abuse treatment, mandatory drug testing, sanctions and incentives, and transitional services in a judicially supervised court setting with jurisdiction over nonviolent, substance abusing offenders. Programs funded by DCDG are required by law to target nonviolent offenders and must implement a drug court based on **10 Key Components of Drug Courts**. The types of activities funded under this program have focused on adult drug court implementation, enhancement, and statewide enhancement.

Bureau of Justice Assistance

Drug Court Discretionary Grants

Office of Juvenile Justice and Dependency Prevention (OJJDP)

Juvenile Drug Court Implementation Program

<https://ojjdp.ojp.gov/funding/current>

The Juvenile and Family Drug Court Discretionary Grant Program is designed to assist states, state courts, local courts, units of local government, and Indian tribal governments in developing and establishing drug courts for substance-abusing juvenile offenders. Drug court programs funded by the Juvenile and Family Drug Court Discretionary Grant Program are required by law to target nonviolent offenders. The program supports the following activities: juvenile drug court implementation, family drug



court implementation, single jurisdiction drug court enhancement, and statewide drug court enhancement and planning efforts.

OTHER POTENTIAL SOURCES OF FUNDING FOR DRUG TREATMENT COURTS

National Association of Drug Court Professionals

www.nadcp.org

The association provides training and technical assistance for drug courts and is a resource for training and funding opportunities.

FOUNDATION FUNDING

Kellogg Foundation

<http://www.wkkf.org>

Skillman Foundation

<http://www.skillman.org/>

Local Charities and Foundations

SUMMARY

Throughout 2019, the members of the State Drug Treatment Court Advisory Committee monitored and actively participated in a number of drug treatment court issues. We hope our activities over this past year as outlined in this report show our continued dedication and enthusiasm for the drug court movement. We will remain vigilant in our efforts to champion the effectiveness and long-term future of drug courts here in Michigan and look forward to continuing our service to the Michigan Legislature in the coming year.

