



PROCEDURAL JUSTICE-INFORMED
ALTERNATIVES TO CONTEMPT

PROJECT BRIEF
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Reducing Child Support Debt in the Procedural Justice-Informed Alternatives to Contempt (PJAC) Demonstration

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INTRODUCTION

The Procedural Justice-Informed Alternatives to Contempt (PJAC) demonstration project integrates principles of procedural justice into enforcement practices in six child support agencies across the United States. Procedural justice is fairness in processes that resolve disputes and result in decisions. Research has shown that if people perceive a process to be fair, they will be more likely to comply with the outcome of that process, whether or not the outcome was favorable to them.¹

Child support agencies aim to secure payments from noncustodial parents to support the well-being of their children.² The PJAC demonstration project targets noncustodial parents who are at the point of being referred to the legal system for civil contempt of court because they have not met their child support obligations, yet have been determined to have the ability to pay. The goal of PJAC services is to address noncustodial parents' reasons for nonpayment, improve the consistency of their payments, and promote their positive engagement with the child support program and the custodial parent.

The PJAC demonstration was developed by the federal Office of Child Support Enforcement, which is within the Administration for Children and Families in the Department of Health and Human Services. MDRC, in collaboration with research

partners at MEF Associates and the Center for Court Innovation, is leading a random assignment study of the model's effectiveness. Between 2018 and 2020, over 11,000 noncustodial parents were assigned at random either to a group offered PJAC services or to a "business-as-usual" group who instead proceeded with the standard contempt process. Oversight of the evaluation is provided by the Georgia Division of Child Support Services. For an overview of the PJAC demonstration, see "[A New Response to Child Support Noncompliance: Introducing the Procedural Justice-Informed Alternatives to Contempt Project.](#)"³

This brief is the seventh in a series developed primarily for child support practitioners and administrators that shares lessons learned as the six participating child support agencies (the project sites) implement the PJAC model. Drawing on staff and parent interviews, a staff survey, child support administrative records, and participation data from

¹Swaner et al. (2018).

²The noncustodial parent is the parent who has been ordered to pay child support, and is generally a parent who does not live with a child. The other parent is referred to as the custodial parent.

³Mage, Baird, and Miller (2019).

the PJAC management information system, it describes PJAC's approach to forgiving noncustodial parents' child support debt as an incentive for positive behavior—for example, making consistent payments, being more involved with children, and participating in employment services.⁴

CHILD SUPPORT AGENCIES PARTICIPATING IN THE PJAC DEMONSTRATION

- ▶ Arizona Division of Child Support Services (Maricopa County)
- ▶ California Department of Child Support Services (Riverside and San Bernardino Counties)
- ▶ Michigan Office of Child Support (Muskegon County)
- ▶ Stark County Job and Family Services, Division of Child Support Enforcement (Ohio)
- ▶ Franklin County Child Support Enforcement Agency (Ohio)
- ▶ Virginia Division of Child Support Enforcement (Richmond and Newport News District Offices)

CHILD SUPPORT DEBT

Noncustodial parents with child support orders are required to make monthly payments. A parent's monthly obligation is set based on several factors, including the custodial and noncustodial parents' incomes, the number of children requiring support, and, in many states, the division of parenting responsibilities (how much time the child spends with each parent).⁵ It is not uncommon for noncustodial parents to fall behind in their monthly payments and accrue child support debt, or "arrear." Nationally, among all custodial parents owed child support

payments in 2017, 24 percent received only part of the amount they were owed during that year and 30 percent received no payments at all.⁶ And in 35 states—including the 5 states in the PJAC demonstration—child support arrears are subject to interest, increasing debt amounts.⁷

Child support arrears fall into two categories: arrears owed to the custodial parent and arrears owed to the state. Debt owed to the state can accrue in two ways: (1) If a custodial parent and children receive public assistance (for example, Temporary Assistance for Needy Families), the state may claim portions of child support payments as reimbursement for its financial support. (2) A noncustodial parent can incur fees associated with child support actions, such as processing fees for child support payments, and those fees can go unpaid.⁸ Outside of these circumstances, child support debt will be owed to the custodial parent.

Whatever the reason a noncustodial parent does not pay and whoever is owed the debt, child support arrears are bad for the entire family: Custodial parents are not receiving the financial help they need to care for the children, and, over time, noncustodial parents' debts can accumulate to large, overwhelming sums. Noncustodial parents will be subject to enforcement actions—such as a diversion of a substantial amount of their earnings—that can discourage them from maintaining formal employment and reduce their child support payments further.⁹ Additionally, parents with more child support debt tend to have less contact with their children.¹⁰ Most child support debt is owed by noncustodial parents who have low incomes, many of whom are Black and experience racial discrimination in the labor market, as well as in other important systems.¹¹ These parents are most likely to struggle to pay

⁴A management information system is a database that holds information on program operations and that can produce reports on a program's management.

⁵Ohio Department of Job and Family Services (2021); Judicial Branch of California (2021); Virginia Legislative Information System (2021a).

⁶Grall (2020). Note that this 2017 statistic is based on all families owed child support, not just those receiving services from the child support program.

⁷National Conference of State Legislatures (2019).

⁸Michigan Department of Health and Human Services (2021); California Child Support Services (2021); Virginia Legislative Information System (2021b).

⁹Cancian, Heinrich, and Chung (2009).

¹⁰Turner (2016).

¹¹Sorensen, Sousa, and Schaner (2007); Sorenson (1999); Brito, Pate, and Wong (2020).

their child support and thus are subject to the negative consequences of arrears at higher rates.¹²

Parents can see their arrears balances reduced in a few ways:

- ▶ **Payments.** Any payment a parent makes over the monthly obligation amount is applied toward arrears.
- ▶ **Forgiveness of arrears owed to the custodial parent.** Such forgiveness can occur through a *waiver* with no conditions or through a *compromise* wherein the noncustodial parent must first meet certain requirements (for example, the noncustodial parent agrees to pay X amount to the custodial parent in exchange for the custodial parent agreeing to forgive Y amount). At all the PJAC project sites, custodial parents have to grant approval before any debt owed to them is forgiven.
- ▶ **Forgiveness of arrears owed to the state.** Individual child support agencies have their own programs and criteria for waiving or compromising on state-owed arrears.

While any noncustodial parent struggling with child support debt can explore arrears forgiveness options, they are discussed more often in PJAC than they are in business-as-usual child support services, largely because PJAC case managers make a point of bringing them up and explore the option more fully. They do so in alignment with PJAC's focus on mediation and the project's emphasis on applying procedural justice principles, including the concept of *helpfulness*, and they are able to do so because their smaller caseloads allow them to pay more attention to each parent and actively pursue services appropriate to that parent. PJAC case managers are well suited to assess whether compromises of arrears owed to custodial parents may be appropriate for consideration given their [training](#) in procedural justice principles and dispute resolution, their use of [case conferences](#) to facilitate agreements between parents, and their increased authority to approve arrears forgiveness (described in more detail below).¹³

¹²Pratt (2016).

¹³Rodney (2019); Webster (2020).

PROCEDURAL JUSTICE

The five key elements of procedural justice as applied to the child support context

- ▶ **Respect:** Parents should believe they were treated with dignity and respect and their concerns were taken seriously.
- ▶ **Understanding:** Parents should understand the child support process and have their questions answered.
- ▶ **Voice:** Parents should have a chance to be heard by sharing their perspectives and expressing their concerns.
- ▶ **Neutrality:** Parents should perceive the decision-making process to be impartial.
- ▶ **Helpfulness:** Parents should feel that the child support agency was helpful and interested in addressing their situations.

CHILD SUPPORT DEBT AMONG PARENTS IN THE PJAC STUDY SAMPLE

Table 1 presents information on arrears among parents in the PJAC sample at study entry. The PJAC demonstration only serves noncustodial parents about to be referred to contempt proceedings for failure to meet their child support obligations, so all noncustodial parents in the study have child support debt. Across the PJAC project sites, most noncustodial parents owed arrears to custodial parents when they entered the study, while there is more variation in the percentage who owed arrears to the state (ranging from 59 percent of parents in California to nearly 100 percent at the two Ohio project sites). There are several reasons for this variation, including differences in state policies regarding public-assistance eligibility and child support fines and fees. The average total arrears owed ranges from \$15,678 in Michigan to \$41,226 in Arizona, amounts that can seem insurmountable to these noncustodial parents, many of whom struggle with

TABLE 1
Baseline Child Support Debt Among Parents in the PJAC Study Sample, by Site

CHARACTERISTIC	ARIZONA	CALIFORNIA	MICHIGAN	FRANKLIN, OHIO	STARK, OHIO	VIRGINIA	TOTAL
Owed arrears (%)							
To the custodial parent	99.6	97.8	100.0	98.4	96.4	86.5	96.3
To the state	36.3	59.3	90.9	99.9	99.6	84.5	79.8
Average arrears owed (\$)							
To the custodial parent	38,928	24,265	11,581	17,830	14,471	14,927	19,901
To the state	2,298	8,760	4,097	3,310	2,705	5,774	4,281
Sample size	1,485	1,821	1,534	1,381	1,630	1,497	9,348

SOURCE: MDRC calculations based on child support administrative data.

NOTE: The sample includes noncustodial parents enrolled between 2/1/2018 and 2/29/2020, except in Arizona, where due to data limitations the sample includes those enrolled between 4/1/2018 and 2/29/2020.

[inconsistent employment or limited employment prospects](#).¹⁴ As one parent put it in an interview, “The arrears on that, that’s never going to be paid. It’s like six figures. I can’t pay six figures. We’re in a pandemic right now. Looking at my age ... I don’t see how in the world I’m going to pay something like that.”¹⁵ Across project sites, noncustodial parents owed far more to custodial parents than they owed to the state.

EFFORTS TO ADDRESS CHILD SUPPORT DEBT UNDER THE PJAC MODEL

The PJAC model focuses on several strategies to help parents reach agreements regarding resolving child support debt. The first of these strategies is the in-depth case review a PJAC case manager does for each noncustodial parent. Case managers take time to review the entire history of a noncustodial parent’s case(s) to gain a better understanding of what difficulties the parent may be facing in making payments and what service options could be most helpful. The case review allows PJAC case managers to conduct more personalized [outreach and engagement efforts](#) with both parents.¹⁶ It also allows them to identify previous errors that may have occurred

on a case—including those that resulted in incorrect arrears balances—providing an opportunity for case managers to demonstrate their *helpfulness* by correcting those errors.

For example, when noncustodial parents are incarcerated, their child support orders are supposed to be paused; they cannot earn income. Some case managers have noticed cases where noncustodial parents had been incarcerated but continued to accrue debt during that time. Those case managers were able to help waive the arrears for the time that the noncustodial parents were incarcerated. In another example, several PJAC case managers have conducted case reviews that showed the noncustodial and custodial parents had been living at the same address for several months. Generally in such a situation a child support case can be closed, but arrears were still accruing because nobody notified the child support agency. PJAC case managers were able to confirm that the parents had reunited and waive the arrears.


Arrears Owed to Custodial Parents

In business-as-usual child support services, case managers rarely raise the option that custodial parents might forgive debt owed to them. In part, they rarely raise it because their high caseloads require them to take a less intensive approach to case management; also, they are not often trained in skills such as conflict resolution or mediation that

¹⁴Cummings (2020).

¹⁵For more information on the effects of COVID-19 on the PJAC demonstration, see Baird, Hayes, Henderson, and Johnson (2020).

¹⁶Kusayeva (2020).



could help them negotiate forgiveness agreements. In a staff survey, only 46 percent of business-as-usual case managers reported receiving training in conflict resolution, compared with 92 percent of PJAC case managers. Similarly, 31 percent of business-as-usual case managers reported receiving training in mediation, compared with 89 percent of PJAC case managers.

At all the PJAC project sites, case managers make a point of introducing the option of forgiveness to custodial parents and explaining why they might waive or compromise on debts owed to them. They speak with custodial parents about the potential benefits of forgiving debt (more consistent payments moving forward, more noncustodial parent involvement with the children, etc.) to ensure they *understand* the options available to them, and they do so before raising the subject with noncustodial parents. During these discussions, they are careful to avoid coercion and emphasize that it is the custodial parent's decision and that they will *respect* whatever the custodial parent wishes to do. Some custodial parents are receptive to the idea while others are uninterested. This latter group of custodial parents may be frustrated after managing for long periods of time without support from the noncustodial parent or assistance from the child support agency. In interviews, some custodial parents say they have attempted to reach compromises over arrears in the past, but the noncustodial parents either would not agree to terms the custodial parents were comfortable with or did not follow through on agreements they did make.

It is worth underlining that to pursue compromises over arrears owed to custodial parents, agencies participating in PJAC need strong safety protocols to prevent coercion (including speaking with the custodial parent first, in-depth reviews of case history, and extensive domestic violence screening), and need to train case managers in advanced dispute-resolution skills, so they can facilitate agreements that both parents view as beneficial.

With custodial parents who are open to the possibility of arrears negotiation, PJAC case managers strive to facilitate communication between parents and broker mutually beneficial compromises that give both parents *voice*. In interviews, case managers have discussed a variety of compromise types, the specifics of which differ based on the details of

each case and the desires of the parents. For example, a noncustodial parent might agree to make a single payment of a certain amount or a set number of months of consistent payments in exchange for the custodial parent forgiving a certain amount of arrears. PJAC case managers also have described compromises that do not involve payments, but instead center on noncustodial parents spending time with their children or completing employment classes in exchange for reduced arrears. Several PJAC case managers have spoken of case conferences as a prime opportunity to negotiate compromises. ([Case conferences](#) are a unique component of the PJAC model wherein the PJAC case manager facilitates a meeting with parents either in person or by telephone or video call, or engages with each parent separately, going back and forth between them to develop a plan to achieve payment compliance.)¹⁷

One more PJAC strategy focuses on developing new administrative processes that can be used when custodial parents decide to waive arrears owed to them. In Virginia and Stark County, Ohio, new rules have been implemented that allow PJAC case managers to *help* parents navigate the process, whereas previously both parents had to petition the court themselves to get debts formally forgiven. Virginia created an agreement approach that requires parents to come to a compromise wherein the noncustodial parent makes some form of payment in return for the custodial parent forgiving some amount of arrears. In Stark County, arrears owed to custodial parents can be forgiven through a "mutual agreement" process that does not necessarily require the noncustodial parent to pay anything. A custodial parent can waive arrears without the noncustodial parent's permission and the parents need not petition the court, as they would if they were receiving business-as-usual child support services.

Arrears Owed to the State

All of the participating PJAC agencies are able to make compromises with noncustodial parents re-

¹⁷Decisions regarding whether to facilitate such an exchange, and if so, how (in person, by phone, or through the PJAC case manager shuttling back and forth between parents), are made based on information from the case review and conversations with the parents regarding sensitive issues such as a history of domestic violence, mental health, or other safety concerns. For more information on case conferences, see Webster (2020).

↑ guarding arrears owed to the state as part of their business-as-usual services. Arrears owed to the state are subject to state laws, so there are fewer opportunities for PJAC case managers to implement creative, case-specific strategies that focus on this type of debt. However, PJAC case managers do use approaches that are not available under business-as-usual child support services. These strategies focus on longer-term positive case outcomes by giving parents incentives to make consistent payments or complete programs to improve their employment opportunities.

- ▶ **Streamlined entry into forgiveness programs.** Business-as-usual arrears-forgiveness programs often have strict eligibility criteria and require a burdensome amount of paperwork. In the PJAC demonstration, Franklin and Stark counties in Ohio have made it easier to enter their programs either by making noncustodial parents in the PJAC services group automatically eligible or by reducing the required paperwork. PJAC staff members generally reported that there is more support and less red tape for noncustodial parents in the PJAC services group seeking forgiveness of debts owed the state.
- ▶ **Expansion of the arrears eligible for compromise and the actions that can result in forgiveness.** Many business-as-usual arrears-forgiveness programs place strict limits both on the amount of debt that can be forgiven and the actions that can earn forgiveness of debt (commonly consistent payments or lump-sum payments). Virginia's PJAC project offers forgiveness in return for consecutive monthly payments, with greater arrears reductions offered in return for added consecutive months of payment. PJAC services group members in Stark County are offered debt compromises in return for completing employment courses or completing their PJAC case action plans.¹⁸
- ▶ **Greater discretion for PJAC case manager to waive debts.** Business-as-usual arrears-

forgiveness programs often require the approval of a manager or the courts, limiting what case managers can offer parents immediately. While California's arrears compromise program is available to all noncustodial parents, PJAC case managers there say they have more authority to approve waivers than business-as-usual case managers do.

Interviews with non-PJAC staff members revealed that while they do see compromises on arrears owed to the state as a tool to promote payments to custodial parents—particularly in cases where the noncustodial parent could never pay the full amount—such compromises are not used as frequently under business-as-usual child support services. They are used less often because case managers do not make a point of offering them and because the process is probably more cumbersome than it is under PJAC.

HOW OFTEN PJAC SERVICES GROUP MEMBERS HAD DEBTS FORGIVEN

Table 2 presents information from the PJAC management information system on how often debts have been forgiven at the six project sites. Stark County has the highest overall percentage of parents with debts forgiven: 15 percent of noncustodial parents have received forgiveness of debts owed to custodial parents, the state, or both. Stark County also has the highest overall percentage of noncustodial parents who have received forgiveness of debts they owed custodial parents (10 percent), while Virginia has the highest percentage who have received forgiveness of debts they owed the state (8 percent). The fact that higher percentages of parents had state-owed arrears forgiven in Virginia and Stark County may indicate that case managers emphasize the forgiveness programs in these locations (described above).

Overall, though, not many parents received debt forgiveness: just 7 percent of noncustodial parents in the PJAC services group received it within a year of entering the study. This percentage reflects the challenges PJAC case managers and parents face when trying to enact arrears waivers and compromises. State policies limit eligibility for programs that forgive debts to the state, and many paths toward arrears compromises require either payments or other concrete actions from noncustodial parents that may be difficult for them to complete.

¹⁸A case action plan is a document established by the PJAC case manager, the noncustodial parent, and the custodial parent (if participating) that sets agreed-upon next steps to address reasons for nonpayment and achieve consistent payments in the future.

TABLE 2

Arrears Forgiveness Among PJAC Services Group Members Within One Year of Study Enrollment, by Site

MEASURE (%)	ARIZONA	CALIFORNIA	MICHIGAN	FRANKLIN, OHIO	STARK, OHIO	VIRGINIA	TOTAL
Parents who had arrears forgiven ^a	10.1	2.5	2.2	4.1	15.3	9.5	7.3
Owed to the custodial parent	9.7	0.3	1.6	2.9	10.3	1.6	4.4
Owed to the state	1.4	2.3	0.8	1.2	6.6	8.0	3.4
Sample size	1,023	1,180	995	899	1,062	975	6,134

SOURCE: MDRC calculations based on PJAC management information system data.

NOTES: The sample includes noncustodial parents enrolled between 2/1/2018 and 2/29/2020.

^aThere may be some apparent discrepancies in sums because categories are not mutually exclusive.

Meanwhile, the forgiveness of debts to custodial parents comes with its own challenges. It requires the willingness, participation, and follow-through of *both* parents, and it is difficult for PJAC case managers even to reach and engage many custodial and noncustodial parents.¹⁹ As described above, when PJAC case managers do reach custodial parents, some may be uninterested in forgiving money owed to them, and PJAC case managers take care to avoid inadvertently manipulating or pressuring them. PJAC staff members have also described situations in which they put significant effort into negotiating compromises between parents, only to have the agreements fall through before any arrears were eliminated (for example, because the relationship between the parents deteriorated or a noncustodial parent’s financial circumstances changed).

CONCLUSION

The PJAC model allows case managers to pursue innovative strategies to reduce child support debt while incorporating procedural justice principles into the process. These strategies focus on case-specific, mutually beneficial solutions that give both parents a *voice*. The solutions can include noncustodial parents having some arrears forgiven if they provide consistent, ongoing child support payments; make lump-sum payments; complete employment programs; or spend more time with their children.

Even though PJAC case managers have said it can be challenging to broker agreements between parents

and get both parties to follow through, they view arrears forgiveness as a beneficial tool that contributes to parent engagement. In one success story, a PJAC case manager brainstormed incentives with a custodial parent. They came up with the plan that for every \$200 paid by the noncustodial parent, the custodial parent would waive \$400 of arrears. The noncustodial parent agreed to these terms, and at the time the case manager recounted this story, the noncustodial parent had been making consistent \$200 monthly payments for four months.

Overall, the PJAC approach to arrears forgiveness suggests that, while arrears compromises may only be feasible with a smaller subset of cases, under the right circumstances—if case managers promote them and adopt a collaborative process—they can benefit both parents.

¹⁹Kusayeva (2020).

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