

# New Hampshire Youth Development Center Claims Administration and Settlement Fund

*John T. Broderick, Jr.*  
*Administrator*

January 17, 2024

Chris T. Sununu, Governor  
State of New Hampshire  
State House  
107 North Main Street  
Concord, NH 03301

Sherman Packard, Speaker  
New Hampshire House of Representatives  
State House, Room 311  
107 North Main Street  
Concord, NH 03301

Jeb Bradley, President  
New Hampshire Senate  
State House, Room 302  
107 North Main Street  
Concord, NH 03301

Kenneth Weyler, Chairman  
And Members of the New Hampshire Joint  
Legislative Fiscal Committee  
State House, Room 102  
107 North Main Street  
Concord, NH 03301

**Re: 2023 Quarter Four Report for the YDC Claims Administration and Settlement Fund**

During the last quarter of 2023 the YDC Claims Settlement Fund received 79 new filings. That brought the total for the first year to 259. Many of these recent filings involve claims originally filed in the Superior Court. The vast majority involve claimants represented by counsel. Claims are slowly migrating into the administrative claims process, but without some statutory changes, it is unlikely the Fund will attract significantly more claims this calendar year than it did last year.

As you know, the current deadline for filing a claim with the Fund is December 31, 2024. If statutory changes are implemented to encourage more claims to migrate from the Superior Court to the administrative claims process, perhaps the time deadline for filing should be extended by several months. Obviously, that is a legislative decision. If changes are adopted, I suspect that the vast majority of all claims currently in the Superior Court will migrate to the administrative claims process. We are hopeful that will happen, which will undoubtedly require an expanded budget and space modifications for our current operation. That would be a good investment.

We have held numerous resolution proceedings this fall where we heard directly from the claimants, and they have gone smoothly. All those hearings are conducted in a trauma-informed, and victim-centered manner as mandated by statute. Listening to the claimant in person is very helpful to achieving a thoughtful resolution. Almost all claimants have accepted my decision and executed waivers/releases to the State. I have made numerous Awards in accordance with the dictates of the statute and *Guidelines*, and the Attorney General's Office has settled numerous claims without our direct involvement. We have many resolution proceedings already scheduled through February and will shortly begin scheduling hearings for March and into April.

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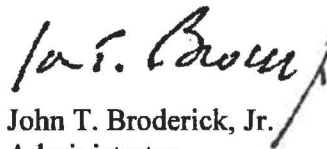
My small staff has devoted considerable time to developing needed technology for claims administration including an online portal for the ability to complete and submit the claim form online. This will make filing a claim easier and subsequent processing more efficient. It is anticipated that we will be ready to go live with this new system sometime in April or May. It will be hugely helpful.

We have continued our sessions and ongoing dialogue with claims counsel and the Attorney General's Office this quarter to streamline forms, process, and filings and to be available at set times to respond to questions and feedback.

We have successfully addressed safety and security measures with law firms who host our resolution proceedings at no cost to the state or the Fund. We have appreciated their assistance and understanding.

We are now working directly with Commissioner Hanks and her office to schedule resolution proceedings at department of corrections facilities in both Concord and Berlin. That requires sensitivity to correction requirements and we are making genuine progress. We hope to conduct our first hearings there later this quarter.

Respectfully submitted,



John T. Broderick, Jr.  
Administrator  
New Hampshire Youth Development Center  
Claims Administration and Settlement Fund

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Committee

## **Administrator's Quarterly Report for the YDC Claims Administration and Settlement Fund**

### **2023 Quarter Four**

The New Hampshire Legislature established the YDC Claims Administration and Settlement Fund under NH RSA 21-M:11-a, for victims of sexual and physical abuse at New Hampshire's youth detention center facilities in prior decades to provide an administration process as a trauma-informed, victim-centered alternative to litigation for the efficient and fair resolution of potential claims against the State of New Hampshire. 2022 HB 1677, *Statement of Purpose* for NH RSA 21-M:11-a.

This Quarterly Report is provided by Administrator Broderick pursuant to his duty under the statute to provide information, in consultation with the Attorney General's Office, about claims filed and anticipated to be filed, as well as administrative costs paid and anticipated. NH RSA 21-M:11-a, XV.

For information about claims, the statute requires reporting for the following data: the number and nature of claims made and settled, the amounts requested and paid in settlement to date, the claim amounts pending, an estimate of the likely amounts which will be approved and paid. NH RSA 21-M:11-a, XV. Information about Claims is based on the Administrator's docket at the close of the reporting period.

For information about costs, the statute requires reporting for the following data: costs which have been paid from the Fund, and an estimate of future costs to be paid. NH RSA 21-M:11-a, XV. Costs from the Fund include payments for resolved claims (including fees and costs of attorneys who represent claimants), costs for claims processing by the Claims Administrator ("CA"), and costs of the Attorney General's Office ("AGO") outside of the ordinary operational expenses of the Department of Justice. Information about CA costs for claims processing is provided by the Claims Administration. Other figures for information about costs are provided by the Department of Justice.

This Report provides information for claims and costs since claims processing began on January 1, 2023, through the end of Quarter Four on December 31, 2023 (with costs first incurred in late 2022). The format for reporting information about claims is structured to protect the privacy and anonymity of the claimants.

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## Information about Claims

### Section 1 – All Filed Claims in 2023 (Q1 – Q4)

#### Number & Total Claim Amount for Filed Claims

Total Filed by End of Q4: **259**

2023 Q1: **38**

2023 Q2: **54**

2023 Q3: **88**

2023 Q4: **79**

Total Claim Amount in the aggregate for Filed Claims through Q4: **\$255,751,250.00\***

Note: The calculations with asterisk (\*) throughout this report are based on the sum of “Total Claim Amount” valued by each Claimant in their respective claim packet form. To the extent a Claimant provides a valuation in excess of the \$1.5 million aggregate statutory cap, then the aggregate cap amount is used in the calculations.

#### Nature of Abuse in Filed Claims

Total Filed by End of Q4: **259**

Claims filed for both Sexual Abuse and Physical Abuse: **208**

Claims filed for Sexual Abuse only: **33**

Claims filed for Physical Abuse only: **18**

### Section 2 – Pending Claims at Close of 2023 Q4 Reporting Period

#### Number & Total Claim Amount for Pending Filed Claims

Total Pending at End of Q4: **177**

Under Administrative Review/Processing by CA: **64**

Under Evaluation by AGO: **38**

Assigned by CA to Neutral Fact Facilitator: **0**

AGO Position Under Review by Claimant: **16**

In a Resolution Proceeding with CA: **56**

Administrator’s Final Decision Under Review by Claimant: **3**

Note: Claims pending in the resolution proceeding stage range from pre-hearing process to award/no award decisions issued under review by a claimant.

Total Claim Amount in the aggregate for Pending Filed Claims through Q4: **\$187,306,875.00\***

#### Nature of Abuse in Pending Filed Claims

Total Pending at End of Reporting Period: **177**

Claims filed for both Sexual Abuse and Physical Abuse: **153**

Claims filed for Sexual Abuse only: **14**

Claims filed for Physical Abuse only: **10**

### **Section 3 – Resolved Claims at Close of 2023 Q4 Reporting Period**

#### **Number & Amounts for Claims Resolved with Settlement from the Fund**

Total Claims Resolved with Settlement from the Fund through Q4: 78

Number of Claims Settled (Partial/Full) by Agreement with AGO: 66

Number of Claims Settled (Partial/Full) following Resolution Proceeding with CA: 12

Actual Settlement Amount for Resolved Claims: **\$36,263,625.00<sup>1</sup>**

Actual Settlement Amount Resolved by Mutual Agreement (AGO): **\$28,364,875.00**

Actual Settlement Amount Resolved following Resolution Proceeding (CA): **\$7,898,750.00**

Total Claim Amount identified in Resolved Filed Claims (AGO/CA): **\$64,609,375.00\***

Total Claim Amount for Claims Resolved by Mutual Agreement (AGO): **\$52,544,375.00**

Total Claim Amount for Claims Resolved following a Resolution Proceeding (CA): **\$12,065,000.00**

#### **Nature of Claims Resolved with Settlement from the Fund**

Total Claims Resolved with Settlement from the Fund through Q4: 78

Claims settled (Partial/Full) of Sexual Abuse and Physical Abuse: 53

Claims settled (Partial/Full) of Sexual Abuse only: 18

Claims settled (Partial/Full) of Physical Abuse only: 7

### **Section 4 – Other Claims Information**

#### **Number & Amounts of Other Claims No Longer Pending**

Other claims are no longer pending for payment under the Fund for various reasons. For example, some claims have been withdrawn or denied for ineligibility.

Denied for Procedural Reasons: 1

Denied after Resolution Proceeding with CA: 0

Withdrawn by Claimant: 3

Total Amount Represented by Other Claims: **\$3,835,000.00\***

Total Claim Amount identified in Claims Denied: **\$1,500,000.00**

Total Claim Amount identified in Claims Withdrawn: **\$2,335,000.00**

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<sup>1</sup> **Report Note:** This Actual Settlement Amount figure represents amounts resolved following a resolution proceeding and by mutual agreement, where the resolved claim amount is progressing to payment processing with the AGO under the *Claims Process for Administration of the YDC Settlement Fund*.

**Information about Costs**

**Approved Claim Payments from the Fund**

Total Authorized Payments by AGO: **\$32,875,000.00**

Payments Made: **\$25,451,250.00**

Payments Pending: **\$7,423,750.00**

**CA Costs to the Fund**

Total Cumulative Expenditure of CA Costs through 2023 Q4: **\$923,570.03**

Cumulative Expenditure through 2023 Q3: **\$462,670.45**

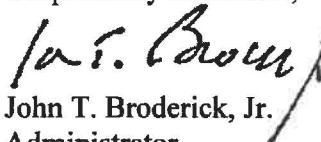
2023 Q4 Expenditure Invoiced to the Fund: **\$460,899.58**

**AGO Costs to the Fund (Special and Outside Expenses Only)**

Payments Made from the Fund to Date: **\$874,966.50**

Estimated Costs for Expenses to be Paid in 2024 Q1: **\$469,462.00**

Respectfully submitted,



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New Hampshire Youth Development Center

Claims Administration and Settlement Fund

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