

INSTRUCTIONS: ELIGIBILITY AS FORMER YDC RESIDENT

A person must be a living Former YDC Resident to be eligible to file a claim for abuse under the Settlement Fund (Eligible Status). Under the current statute:

“YDC” includes the youth development center as identified in RSA 621, or its renamed or successor entity, and any predecessor entity performing the function of housing adjudicated delinquent or pre-adjudication detained youth, including the State Industrial School, the Philbrook School, the Tobey Special Education School and the Youth Services Center.

A person who is uncertain whether the facility in which they resided meets the definition of “YDC” may still file a Claim, with the understanding that filing a Claim does not by itself establish eligibility.

In the event the Claimant is ineligible, the Administrator will deny the Claim, but the Claim will still be forwarded to the AG Designee for informational purposes in the event the denial occurs during administrative review.

***Guidelines for Valuing Claims for Settlement Purposes* govern how claims of abuse will be valued and paid from the YDC Settlement Fund and identify Problems of Proof as a mitigating factor for a claim:**

“The degree of proof needed to support a Claim, an element of a Claim, or a defense will depend upon the nature of the Claim and should generally comport with what proof might be reasonably expected to exist in each instance. A Claim may be denied or the amount reduced where reasonably expected proof is lacking to such a degree that it calls into question the legitimacy or veracity of the Claim or element.”

Instructions for Claimant and AG Designee:

All parties bear a responsibility to protect the YDC Settlement Fund from ineligible or fraudulent claims.

To Claimant:

- The claimant must provide a written statement of eligibility for the Administrator’s evaluation that identifies information relied on for asserting **Eligibility** showing : (1) the location of residency; and (2) the reason for state custody during the time frame of abuse events.
- Examples of supporting information include:
 - o Resident file, court documents, other records
 - o Claimant statement under oath
 - o Other witness statement (such as a family member) under oath
- The claimant should provide supporting documents or records (if available), and at a minimum, the claimant must identify efforts taken to locate and obtain supporting documents (such as attempts to obtain residency file or court records).
- Written statement may be provided in the initial claim packet filing, or as part of pre-hearing submissions (for claims in a resolution proceeding stage).

To AG Designee:

- AG Designee should identify in writing whether the state affirms or contests **Eligibility** as a threshold item for compensability from the YDC Settlement Fund.
- If AG Designee contests Eligibility, the Administrator may request a brief written explanation and a list of documents/materials that led to contesting Eligibility.
- Written statement may be provided in AG Designee Position Letter, pre-hearing submissions (for claims in a resolution proceeding stage), or post-hearing submission (in the event AG Designee learns new information during a live hearing).