

Claims Process for Administration of the YDC Settlement Fund

Revision 1.3
September 18, 2023

Preface

This Claims Process has been developed pursuant to NH RSA 21-M:11-a, IV (a). It governs the submission, administration, settlement, and resolution of claims of abuse at the Youth Development Center, as set forth in NH RSA 21-M:11-a (the “Statute”). In any case of conflict between this Claims Process and the Statute, the Statute shall govern. References in the form “Subsection x” are to subsections of the Statute.

This Claims Process was considered and approved by the Joint Fiscal Committee of the New Hampshire General Court on September 6, 2022. A revised version, prompted by changes to the Statute, was considered and approved by the Joint Fiscal Committee of the New Hampshire General Court on August 11, 2023. It may be revised from time to time pursuant to Subsection IV (b) of the Statute. Subsequent revisions will be posted on the websites of the Administrator and the Attorney General:

<https://www.ydcclaims.nh.gov>

<https://www.doj.nh.gov/ydc-claims-process/index.htm>

Interested parties are advised to check those websites or to contact the Administrator for the most up-to-date version of this Claims Process at:

**New Hampshire Youth Development Center
Claims Administration and Settlement Fund**

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Organization

This Claims Process is organized as follows:

Section 1: Submission of Claims to the Administrator 4

This section describes the process for filing and submitting a Claim with the Administrator, and how the Administrator will initially process Claims received.

Section 2: Evaluation of Claims by the AG Designee 7

This section describes how the AG Designee will evaluate each Claim and provide a position regarding each Claim. It also describes how the AG Designee will communicate with the Administrator and the Claimant, and how and when the AG Designee may suggest referral of a Claim to a Fact Facilitator to obtain further information or verification about a claim.

Section 3: Fact Facilitation 8

This section describes the information gathering process and when a Fact Facilitator will be used.

Section 4: Claimant's Options Following the AG Designee's Position 10

This section describes the Claimant's options after the AG Designee's position on their Claim is received.

Section 5: Administrator's Resolution Proceedings 11

This section describes what is required when a resolution proceeding is requested and how the proceeding will be conducted. It also contains provisions regarding the report the Administrator will make after the proceeding.

Section 6: Payment and Receipt of Awards 13

This section describes how the Claimant and counsel will receive an award.

Section 7: Miscellaneous Provisions 15

This section contains provisions not appropriate for inclusion in any the preceding sections.

- Duty to Update Contact Information
- Settlement Discussions
- Administrative Closure of Claims
- Confidentiality and Privacy
- Attorney’s Fees and Costs
- Face-to-Face Meetings
- Docketing and Organization
- List of Volunteers
- Law Enforcement Referrals
- Future Forms Development

Glossary..... 19

The defined terms used in the Statute and this Claims Process are compiled here, for ease of reference. Terms used only in the Guidelines are defined in the Guidelines.

The Guidelines for Valuing Claims for Settlement Purposes, and the Claim Packet, also approved by the Joint Fiscal Committee of the New Hampshire General Court on September 6, 2022, and as may be revised thereafter, are also a part of this Claims Process and are also available on the websites of the Administrator and the Attorney General.

A revised version of the Claim Packet was considered and approved by Joint Fiscal Committee on August 11, 2023.

Section 1: Submission of Claims to the Administrator

1. Who May File a Claim

- a. Any living Former YDC Resident who was personally subjected to sexual or physical abuse may file a Claim for that abuse.

“YDC” is used here in the same way it is defined in the Statute. It 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 Philbrick School, the Tobey Special Education School and the Youth Services Center.

- b. A person who is uncertain whether the facility in which they resided meets the definition of “YDC” may still file a Claim. 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.
- c. If a living Former YDC Resident has a guardian or conservator, their guardian or conservator may file a Claim on their behalf.

2. When to File a Claim

- a. Claims may be filed at any time from January 1, 2023, until December 31, 2024.
- b. Claims will not be accepted or reviewed if they are not postmarked or submitted and received by midnight on December 31, 2024.

3. Form Required for Submission of Claims

- a. Claims must be submitted using the Claim Packet. No other forms will be accepted.
- b. The Administrator and the AG Designee will make Claim Packets available for download on their respective websites, and in paper form upon request, including at the adult correctional facilities in New Hampshire through coordination with those facilities. Claim Packets may also be freely copied and distributed by others.

- c. Claims may be submitted to the Administrator by e-mail, by fax, by mail, or by hand-delivery (by appointment) to the address(es) provided in the Claim Packet Instructions.
- d. If a Claimant is unable to complete the Claim Form, Claimant should submit a Claim Form that is as close to complete as possible and the Administrator's staff will contact the Claimant to help complete the Claim Form.

4. Content Required for a Claim to be Considered Complete

To be considered complete, a Claimant's submission must include:

- a. The Claim Form, with as much requested information included as possible, signed under oath and notarized. If the Claimant has retained an attorney, the Claimant's attorney must also sign the Claim Form. The Administrator shall determine whether the information provided is sufficient as set forth in paragraph 6.
- b. A completed, signed Notice of Filing of Claim and [Partial] Stay (if a lawsuit has been filed)
- c. A copy of one of the following Identification Documents (or a substitute form of identification acceptable to the Administrator):
 - i. Claimant's driver's license,
 - ii. A government-issued ID card that contains Claimant's photo, or
 - iii. Claimant's passport.
- d. If a Guardian or Conservator is filing the Claim, a copy of the Guardianship or Conservatorship Order establishing their authority.
- e. If the Claimant has an attorney:
 - i. A copy of the fee agreement between Claimant and the attorney; and
 - ii. An affidavit detailing the time and work the attorney spent on the Claim.

5. Additional Information That Can Be Submitted

A Claimant may also provide other documents and information related to a Claim. The following documents and information are encouraged, but are not required:

- a. A Claim Worksheet
- b. Medical Records

- c. Mental Health Records
- d. Diaries, Notebooks, or Journals
- e. Photographs
- f. The Complaint in any related Lawsuit
- g. Statements from Witnesses

Resident Files which have been provided to Claimant by the Office of the Attorney General do not need to be provided. Pages of the Resident File may be referenced by number or selected pages may be submitted.

Resident Files obtained from other sources, or selected portions of those files upon which Claimant wishes to rely may need to be provided if they are not accessible to the AG Designee. A Claimant wishing to avoid unnecessary copying should contact the AG Designee to determine whether or not their Resident File is accessible.

Contact information for the AG Designee and information about how to access Resident Files from the New Hampshire Department of Health and Human Services is posted on the websites of the Administrator and the Attorney General:

<https://www.ydcclaims.nh.gov>

<https://www.doj.nh.gov/ydc-claims-process/index.htm>

6. Evaluation of Completeness of a Claim by Administrator

- a. Within 30 days of receipt of a Claim, the Administrator shall acknowledge receipt of the Claim in writing to the Claimant and provide a copy of the acknowledgement and the Claim to the AG Designee. Additionally, the Administrator shall certify the Notice of Filing of Claim and [Partial] Stay and deliver the original notice to the AG Designee for filing with the appropriate Court.
- b. Within 60 days of receipt of a Claim, the Administrator shall review the Claim and determine whether it is complete as described in paragraph 4 above, or if not, what information is missing that would be necessary before considering the claim complete as submitted for the AG Designee to process and evaluate the claim.
- c. The Administrator shall notify the Claimant and the AG Designee of their determination and of what missing information is required in order to consider the claim complete as submitted for the AG Designee to process and evaluate the claim, if any.

7. Completing Incomplete Claims

- a. The Administrator's staff shall provide assistance to the Claimant or advise the Claimant regarding additional resources available for further assistance, if needed, to help complete the Claim submission.
- b. The Claimant shall have 90 days from the date of notification that necessary information is missing to provide the missing information.
- c. A Claimant may request an extension of time to supply the missing information, in writing or by phone. The Administrator shall document any oral requests received with a writing.
- d. The Administrator shall notify the AG Designee, in writing, of requests for extension of time to supply missing information.
- e. The Administrator shall grant requests for extension of time that are supported by good cause.
- f. The Administrator shall provide the AG Designee with all additional missing information received from the Claimant.

Section 2: Evaluation of Claims by the AG Designee

8. Notification of Claim Completion

The Administrator will notify the Claimant and the AG Designee when a Claim is deemed complete.

9. Evaluation of a Complete Claim by the AG Designee

- a. The AG Designee will evaluate each Claim deemed complete by the Administrator.
- b. The AG Designee shall indicate their position with respect to each complete Claim to the Claimant and Administrator within 30 days of receipt of notice of completeness.
- c. The AG Designee may request an extension of time to indicate their position. The request must be in writing and a copy must be provided to the Administrator and the Claimant.

- d. The Administrator shall grant requests for extension of time that are supported by good cause.
- e. The AG Designee may agree or disagree with the Claim, in whole or in part, and shall indicate whether the AG Designee believes that the Claim should be referred to a Fact Facilitator to further develop the Claim information. The Administrator will decide whether Claims should be referred to a Fact Facilitator as set forth in paragraph 10 below.
- f. For Claims referred to a Fact Facilitator, the AG Designee shall indicate their updated position with respect to the Claim to the Claimant and the Administrator within 30 days of receipt of the Fact Facilitator's report and any accompanying documents or information.
- g. The AG Designee may request an extension of time to indicate their updated position and the Administrator shall consider and decide upon such requests in the same manner as set forth in sub-paragraphs c. and d. above.

Section 3: Fact Facilitation

10. Referral of a Claim for Fact Facilitation

Following receipt of the AG Designee's position, the Administrator may refer a Claim to a Fact Facilitator if, in their independent judgment, additional information is needed. The choice of a Fact Facilitator to be assigned will be at the discretion of the Administrator.

11. Conduct of Fact Facilitation Process

- a. The purpose of the fact facilitation process shall be to verify a Claim, if possible, and it shall be conducted in a trauma-informed, respectful, and dignified manner.
- b. The Administrator may direct the Fact Facilitator to focus on a particular aspect of a Claim to obtain further information or verification, in which case the information gathering process shall be limited in scope to the identified issues.
- c. The Fact Facilitator may interview the Claimant, which interview may be conducted under oath and recorded, and may request and review additional records related to the Claim.

- d. The Claimant shall be entitled to the assistance of an advocate in connection with the information gathering process, who shall be allowed to accompany the Claimant during any interview.
- e. If the Claimant is represented by counsel, counsel may also attend any interview.
- f. The Claimant shall execute such documents, releases and authorizations as may be necessary to permit the Fact Facilitator to access records.
- g. A Claim may be denied if a Claimant refuses to cooperate with the Fact Facilitator.

12. Fact Facilitator's Report

- a. The Fact Facilitator shall present a report of their findings to the Administrator, which shall include a summary of any interviews conducted or records gathered, as well as copies of any such supporting documentation, records, and recordings.
- b. Except in extraordinary circumstances, the Fact Facilitator shall complete the information gathering process and provide their report to the Administrator within 90 days of assignment. In the event this process cannot be completed within 90 days, the Fact Facilitator shall provide an interim report to the Administrator within 90 days, providing the reasons the process has not been completed.
- c. The Administrator shall provide copies of all Fact Facilitator's reports and supporting documentation to the AG Designee and Claimant promptly upon receipt.

Section 4: Claimant's Options Following the AG Designee's Position

13. Notification to Claimant; When Required

- a. The Administrator shall notify the Claimant of their options for proceeding when the AG Designee's position is received in those cases where the AG Designee does not request that a Claim be referred to a Fact Facilitator and the Administrator does not independently refer a Claim to a Fact Facilitator.
- b. The Administrator shall notify the Claimant of their options for proceeding when the determination not to refer the Claim to a Fact Facilitator is made in those cases where the AG Designee requests that a Claim be referred to a Fact Facilitator, but the Administrator determines that a Fact Facilitator is not needed.
- c. In cases where a Fact Facilitator is assigned and provides a report, the Administrator shall notify the Claimant of their options for proceeding when the AG Designee's updated position is received.

14. Content of Notifications to Claimants

- a. The Notice sent to a Claimant shall inform the Claimant that they have three options: (1) to accept the AG Designee's position or updated position, (2) to request that the Administrator decide the Claim, or (3) to withdraw the Claim from further processing and continue with any pending litigation.
- b. The Notice shall make clear that the Claimant has 30 days from the date of the Notice to respond, and that if no response is made, the Administrator will assume that the Claimant has accepted the AG Designee's position and is electing the first option.
- c. The Notice shall also make clear that if the Claimant elects the second option and also elects to accept the Administrator's final decision on the claim at the close of a Resolution Proceeding, then they will waive the right to seek other or additional monetary relief in any forum from the State of New Hampshire or any of its agents or employees, or from any of its political subdivisions or their agents or employees arising out of or relating to any incidents which are or could have been the subject of a Claim, except that the Claimant will not waive their right to seek or continue to seek relief in any forum from an individual whose direct, personal actions constitute sexual abuse or physical abuse, even if said individual was a state employee at the time of the acts.

- d. The Notice shall also inform the Claimant that they may request a face-to-face meeting with the Administrator at such time as the Claim is resolved.
- e. The Notice shall also inform the Claimant about the options for receiving payment in a lump sum, in installments from the Fund, or in the form of periodic payments under a structured settlement agreement.

15. Claimant's Response; Actions Required

- a. If the Claimant does not respond within 30 days of the Notice or the Claimant responds and elects option one, indicating that they are in agreement with the AG Designee's position on the Claim; the Administrator will proceed as outlined in Section 6 below.
- b. If the Claimant responds and elects option two, indicating that they wish for the Administrator to decide the Claim, the Administrator will proceed as outlined in Section 5 below.
- c. If the Claimant responds and elects option three, indicating that they wish to withdraw the Claim from further proceedings, the Administrator will acknowledge the Claimant's request in writing and take no further action with respect to the Claim. Claimant may file the Administrator's acknowledgement with a court, if needed, in order to request that any stay imposed under the Statute be lifted.

Section 5: Administrator's Resolution Proceedings

16. Scheduling; Preliminary Matters

- a. When a Claimant requests that the Administrator decide the Claim, the Administrator shall schedule the Claim for a resolution proceeding.
- b. Resolution proceedings shall be scheduled, to the extent practicable, in the order Claims are received and determined to be complete, while also giving consideration to the length of time litigation may have been pending prior to submission of the Claim. Consideration shall also be given to efficiency in scheduling.

17. Conduct of Resolution Proceedings

- a. Resolution proceedings shall take place within New Hampshire, though parties and witnesses may, in the discretion of the Administrator, participate by telephone or video from within or outside New Hampshire. All witnesses and Claimants shall be sworn and their testimony taken under oath.
- b. In the resolution proceeding the position of the Claimant shall be as stated in their completed Claim and the position of the AG Designee shall be as stated in the position or updated position regarding the Claim which has previously been provided. The parties shall not disclose to the Administrator any other positions taken or communications made in an attempt to resolve their differences regarding a Claim. Such discussions shall be treated as settlement discussions conducted under NH Rule of Evidence 408.
- c. The Administrator may require or the parties may choose to provide additional written submissions, additional documents or other information in support of their positions. The parties may also be asked by the Administrator to provide answers to specific questions in advance of the scheduled proceeding.
- d. Claimant's counsel, if any, may also update and resubmit their fee affidavit as part of a resolution proceeding.
- e. Claims may be resolved on written submission, through an evidentiary hearing, and/or by oral argument based upon the previously developed record. In addition to the positions and other submissions of the parties, any Fact Facilitator's report shall also be considered as part of the record.
- f. No hearing in a resolution proceeding shall be scheduled to last more than three hours. Proceedings, including hearings and arguments, shall be conducted in a victim-centered, trauma-informed manner to the greatest extent possible.
- g. The Claimant shall be entitled to the assistance of an advocate in any resolution proceeding, who shall be allowed to accompany the Claimant during any hearing or meeting.
- h. The AG Designee or their counsel, as well as Claimant's counsel, if any, may also attend and participate in any hearing or meeting.

18. Decision of Administrator; Request for Reconsideration

- a. Within 30 days of the conclusion of the proceeding, or 30 days of the receipt of any additional information or documentary materials requested by the Administrator during the proceeding and submitted thereafter (whichever is later), the Administrator shall issue a written decision on the Claim.
- b. The Administrator's decision may, but need not, include findings of fact or conclusions of law. It shall include a calculation of an approved Claim amount, in a form similar to the Claim Worksheet in the Claim Packet with the addition of any consideration to be given to Mitigation or Extreme Factors, as set forth in the Guidelines. The decision shall also include the Administrator's determination, if any, that the Claim should be paid in installments over a period of up to 10 years.
- c. The Administrator's decision shall be final and non-appealable, except that either party may ask the Administrator to reconsider a decision on grounds that it contains mathematical mistakes or miscalculations.
- d. Any request for reconsideration shall be made in writing and delivered to the Administrator with a copy to the other party, within 30 days of issuance of the decision.
- e. Any reply to a request for reconsideration shall be made in writing and delivered to the Administrator with a copy to the other party, within 15 days of the date of the request for reconsideration.
- f. The Administrator shall make a decision regarding any request for reconsideration within 30 days of its receipt.

Section 6: Payment and Receipt of Awards

19. Proceeding to Payment

A Claim shall proceed to payment when:

- a. the Claimant and the AG Designee stipulate to a disposition of the Claim in writing as described in paragraph 24 below, and provide their stipulation to the Administrator;

- b. the Claimant elects to accept the AG Designee's position or updated position pursuant to Section 4, paragraph 15 above, either expressly or by not responding; or
- c. the Administrator's decision in a resolution proceeding becomes final.

20. Claimant's Election Regarding Installments or Structured Settlement

- a. If the Claim has proceeded to payment under paragraph 19 b. or c. and the AG Designee has recommended or the Administrator has made a determination that the Claim should be paid in annual installments, the Claimant may indicate whether or not they wish to receive installment payments from the Fund. The Claimant's wishes in this regard shall be honored.
- b. Additionally, the Claimant may alternatively request that they receive an award in the form of periodic payments under a structured settlement that (i) is the subject of a qualified assignment that satisfies the conditions of Internal Revenue Code Section 130 and releases the Fund from any liability for the periodic payments; and (ii) is funded by an annuity contract issued by a life insurance company domiciled in the United States, licensed in New Hampshire and rated A or better by A.M. Best. The Claimant's wishes in this regard shall be honored.

21. Execution of Waiver and Release Forms Prior to Payment

- a. Before authorizing payment from the Fund, the AG Designee shall provide the Claimant with a waiver form and related documents, which may include releases, waivers, stipulations of dismissal, or other documents (together "Waiver and Release Forms").
- b. The Waiver and Release Forms must be executed by Claimant and Claimant's attorney, if any, and returned to the AG Designee. Any Stipulations of Dismissal or similar documents will be filed with the Court by the AG Designee.
- c. The Waiver and Release Forms shall provide that Claimant permanently and finally waives and relinquishes the right to seek other or additional monetary relief in any forum from the State of New Hampshire or any of its agents or employees, or from any of its political subdivisions or their agents or employees arising out of or relating to any incidents which are or could have been the subject of a Claim, except that the Claimant will not waive their right to seek or continue to seek relief in any forum from an individual whose direct, personal actions constitute sexual abuse or physical abuse, even if said individual was

a state employee at the time of the acts. The Waiver and Release Forms are to be developed by the Attorney General.

22. Authorization and Processing of Payment

Once decisions regarding form of payment have been made by the Claimant, and verification of the execution of Waiver and Release Forms has occurred, the AG Designee will promptly obtain IRS Form W-9s from Claimant and claimant's attorney and process payment according to the terms of the decisions made by the Claimant. Payments will be processed by the Department of Justice. The AG Designee will provide notice to both the Administrator and the Claimant when processing is scheduled to occur. The notice shall make clear that payment may take up to 4 weeks after authorized by the Department of Justice.

Section 7: Miscellaneous Provisions

23. Duty to Update Contact Information

Claimants and their counsel shall keep the Administrator's staff apprised of their current contact information at all times. Loss of contact with a Claimant may result in denial and closure of a Claim, as set forth in paragraph 25 below.

24. Settlement Discussions

At any time during the pendency of a Claim, the AG Designee and the Claimant (or Claimant's counsel) may engage in discussions separate and apart from their stated Claim positions in an effort to resolve any disagreements regarding a Claim, or to discuss resolution of matters which may fall outside the Claim. These discussions shall remain confidential as set forth in Section 5, paragraph 17, b. above, and in paragraph 26, b. below.

If settlement discussions result in an agreement for resolving a Claim, the parties shall stipulate to their agreement in writing and present it to the Administrator. The stipulation shall include the form of payment elected by the Claimant. The Administrator, upon receipt of the parties' stipulation shall take no further action regarding the Claim, other than to finalize and close the Claim according to the parties' agreement.

25. Administrative Closure of Claims

The Administrator shall deny and administratively close a Claim when any of the following circumstances exists and cannot reasonably be cured in the judgment of the Administrator:

- a. When critical missing information is not provided, assistance by the Administrator's staff has been offered and/or utilized, and a Claim cannot be determined to be sufficiently complete under Section 1, paragraph 7 above, to proceed to an AG Designee evaluation;
- b. When the Claimant fails to cooperate with the fact facilitation being conducted under Section 3 above;
- c. When the Claimant fails to provide current contact information or ceases communication or cooperation with the Administrator; or
- d. If the Claimant fails or refuses to execute Waiver and Release Forms as required for authorizing payment.

The effect of an administrative closure under any of these circumstances shall be the same as if the Claimant had withdrawn the Claim under Section 4 above.

26. Confidentiality and Privacy

- a. The Administrator and the AG Designee shall respect the privacy of Claimants and the confidentiality of proceedings under this Claims Process to the greatest extent permitted by law.
- b. With the exception of settlement discussions, which shall remain confidential until any resolution proceeding is concluded, the Claimant may disclose information regarding a Claim or Claim proceedings at any time.

27. Attorney's Fees and Costs

When the Administrator is required to determine the portion of an award that may be paid to an attorney to compensate the attorney for the fees and costs associated with representing the Claimant, the Administrator's determination shall be guided by these provisions.

The Administrator shall approve only those fee requests that are reasonable. In determining whether a fee request is reasonable, the Administrator shall consider

any fee agreement or contract for payment of attorney's fees and case costs between the Claimant and Claimant's attorney, but in no event may the Administrator approve an attorney's fee award in excess of one third (33.33%) of the amount awarded. No award of attorney's fees shall be made without the submission of an attorney affidavit setting forth the work performed on the Claimant's behalf and attesting that the attorney's fee request complies with the requirements of NH Rule of Professional Conduct 1.5.

28. Face-to-Face Meetings

The Claimant may request, and the Administrator shall hold, a face-to-face meeting with the Administrator, where the Claimant may speak with the Administrator privately about their experiences without the AG Designee being present. The Claimant may also have an advocate present at the meeting. Such a meeting may not occur until after the rendering of a final decision on a Claim.

29. Docketing and Organization

a. The Administrator shall assign a Claim number and, when applicable, a resolution proceeding number to each Claim received.

b. The Administrator shall maintain a docket, including:

the name of the Claimant,
Claim number,
claimed amount,
date of initial submission of the Claim,
date of determination of administrative completeness of the Claim,
date of filing of any related civil litigation (and the docket number of the litigation),
date of receipt of the AG Designee's position regarding the Claim,
date of referral to a Fact Facilitator, if applicable,
date of completion of the report by a Fact Facilitator, if applicable,
date of receipt of the AG Designee's updated position regarding the Claim,
date a resolution proceeding is requested, if applicable,
date of resolution proceeding, if applicable,
date of disposition of the Claim,
amount paid for disposition of the Claim, if any,
and such other information as the Administrator deems appropriate.

c. The docket shall be shared with the AG Designee but shall not be released to others or made publicly available without redaction or anonymization to protect the confidentiality and privacy of Claimants.

- d. Information from the docket related to a given Claimant may be shared with that Claimant and that Claimant's counsel.
- e. If, when Claims are filed, it is determined that a significant number of Claimants are currently residing in a correctional facility, the AG Designee and the Administrator shall work with the Department of Corrections to develop a prison sub-docket. The prison sub-docket may be used as a basis for efficiently conducting interviews, fact facilitation, and holding hearings for Claimants residing in a correctional facility.

30. Lists of Volunteers

- a. The Administrator shall maintain and make available to Claimants a list of volunteer attorneys willing to consult with any Claimant regarding whether or not to file a Claim, preparation or submission of their Claim, and the Claimant's options after receipt of notice of the AG Designee's position or updated position on the Claim.
- b. The Administrator may also maintain a list of trained victim's advocates who are willing to assist Claimants.
- c. The Administrator may also maintain a list of structured settlement specialists who are willing to work with Claimants.

31. Law Enforcement Referrals

- a. A Former YDC Resident's participation in the Claims Process is voluntary. A Claimant shall not be required to cooperate in a criminal investigation as a condition of participating in the Claims Process. Perpetrators of sexual abuse or physical abuse identified by Claimants may be referred to law enforcement by the Administrator, but only with the consent and cooperation of the Claimant.
- b. A Claimant who the Administrator believes to have deliberately submitted a false Claim in order to fraudulently obtain compensation from the Fund may also be referred to an appropriate law enforcement agency.

32. Future Forms Development

The Administrator may develop forms for communication and reporting where specified in this Claims Process without further approval by the Joint Fiscal Committee.

Glossary

"Administrator" means an independent, neutral attorney admitted to the practice of law in New Hampshire, chosen in the manner set forth in Subsection III of RSA 21-M:11-a to administer youth development center claims pursuant to that statute.

"AG Designee" means one or more individuals within the attorney general's office designated by the attorney general.

"Claim" means a request for compensation related to one or more incidents of sexual abuse and/or physical abuse perpetrated upon a Former YDC Resident by or at the behest of a member of the YDC staff.

References to the **"Claim Form"** and **"Claim Worksheet"** are to the documents contained in the **"Claim Packet"** approved by the Joint Fiscal Committee.

"Claimant" means an individual who has filed a Claim.

"Former YDC Resident" means an individual who resided at YDC at any time. (A current YDC resident is also a "Former YDC Resident.")

"Fund" means the YDC settlement fund established by RSA 21-M:11-a.

"Fact Facilitator" means one or more individuals assigned by the administrator to independently obtain further information or verification about a claim.

"Physical abuse" means an incident of conduct that would constitute an offense under RSA 631:1, RSA 631:2, or RSA 631:2-a, and that is not justified under RSA 627:6, or a common law cause of action for assault or battery.

"Resident File" means the file maintained by the Youth Development Center for each resident pursuant to RSA 621:15 or a similar file maintained by any other facility covered by the definition of "YDC."

"Sexual abuse" means an incident of conduct which would constitute an offense under RSA 632-A:2, RSA 632-A:3, or RSA 632-A:4, or a common law cause of action for assault or battery that involves sexual contact or sexual penetration as defined by RSA 632-A:1.

"Statute" means RSA 21-M:11-a.

"YDC" means the Youth Development Center, as identified in RSA chapter 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 Philbrick School, the Tobey Special Education School and the Youth Services Center.