

**Legislative Amendment regarding Youth Development Center Claims Administration  
and Settlement Fund (NH RSA 21-M:11-a)**

*(Excerpts from 2023 Session HB 2-FN-A-LOCAL (23-1064))*

**Effective 7/1/2023**

**Amend RSA 21-M:11-a, I(g) to read as follows:**

(g) "[~~Investigator~~] ***Fact facilitator***" means one or more individuals assigned by the administrator to independently investigate a claim.

**Amend RSA 21-M:11-a, VIII (c)-(f) to read as follows:**

(c) Once a claim is considered complete, the AG designee shall have 30 days to indicate to the claimant and the administrator its position regarding the claim. The AG designee may agree or disagree with the claim in whole or in part, and shall indicate whether he or she believes the claim should be referred to [~~an investigator~~] ***a fact facilitator***. The administrator may grant the AG designee an extension of time to indicate its position for good cause shown.

(d) Following receipt of the AG designee's position, the administrator may refer a claim to [~~an investigator~~] ***a fact facilitator*** if, in the administrator's independent judgment, an investigation is needed. The administrator shall direct the investigator as to any particular aspects of the claimant's claim for which the administrator seeks further information or verification, and in such case, the investigation shall be limited to that scope. If the administrator elects not to refer a claim to [~~an investigator~~] ***a fact facilitator***, then the administrator shall so notify the AG designee and the claimant, and advise the claimant in writing regarding his or her options: to accept the AG designee's position, to request the administrator decide the claim, or to withdraw his or her claim from further processing. Within 30 days of receiving the position of the AG designee, the claimant shall indicate to the administrator and the AG designee whether he or she agrees with the AG designee's position, whether he or she wishes for the administrator to decide the claim, or whether he or she wishes to withdraw his or her claim from further processing. In the absence of an indication from the claimant, the administrator may assume that the claimant is in agreement with the position of the AG designee.

(e) The purpose of an investigation shall be to verify a claim, as submitted, if possible. The investigation shall, to the greatest extent possible, be conducted in a trauma-informed, respectful, and dignified manner. The investigation may include an interview of the claimant, which may be conducted under oath and recorded. The [~~investigator~~] ***fact facilitator*** may also request to review additional records related to the claim. The claimant shall be entitled to the assistance of an advocate in connection with the investigation process who shall be allowed to accompany the claimant during any interview. The claimant shall execute such documents or authorizations as may be necessary to permit the [~~investigator~~] ***fact facilitator*** to access records. If the claimant is represented by counsel, counsel shall also be allowed to attend any interview of the claimant. A claim may be denied if a claimant refuses to cooperate with the investigation. Except in extraordinary circumstances, investigations should be completed within 90 days of referral.

(f) The [investigator] *fact facilitator* shall present a report to the administrator of his or her findings, which shall include a summary of any interviews conducted or records gathered, a copy of any such supporting documentation, records and recordings. The administrator shall provide a copy of the [investigator's] *fact facilitator's* report and supporting documentation to the claimant and the AG designee once received.

**RSA 21-M:11-a, IX(a) to read as follows:**

IX.(a) When a claimant requests that the administrator decide the claim, the administrator shall schedule the claim for a resolution proceeding according to the procedures approved by the joint fiscal committee. All resolution proceedings shall take place in the state of New Hampshire, although parties and witnesses may attend by telephone or video conference in the discretion of the administrator. To the greatest extent possible, claims shall be scheduled for resolution in the order that they are received and determined to be complete, except that the administrator may also give consideration to the time for which litigation may have been pending prior to the filing of a claim. ~~[By requesting a resolution proceeding,]~~ ***When a claimant accepts the administrator's decision on the claim,*** a claimant fully waives his or her 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 does not waive his or her 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 administrator shall require a claimant to execute appropriate dismissals, waivers, releases, or other documents as a condition of scheduling a resolution proceeding, provided that such documents expressly preserve the right to pursue claims against individual perpetrators as described.