

FREQUENTLY ASKED QUESTIONS (FAQs)

Welcome to the New Hampshire Youth Development Center Claims Administration & Settlement Fund. John T. Broderick, Jr., was appointed as Claims Administrator in October of 2022, and the YDC Claims Administration opened for claims filing on January 1, 2023. This list of Frequently Asked Questions is a way to get started and will be updated as needed.

There are general FAQs along with FAQs that address people who are currently residing at Department of Correction facilities and would like to consider filing a claim.

Claims Settlement Process

Q. WHAT IS THE PURPOSE OF THE YDC SETTLEMENT FUND AND CLAIMS PROCESS? ISN'T THE COURT PROCESS THE BEST PATH TO RESOLVE MY RIGHTS AGAINST THE STATE OF NEW HAMPSHIRE?

A. The State of New Hampshire has investigated abuse at New Hampshire's youth development center facilities and acknowledges potential claims and suffering endured by victims. The State has set aside a settlement fund and created a settlement process for victims to pursue another pathway to resolve claims against the State of New Hampshire that is an alternative to litigation, if you so choose to. This alternative pathway is available through midnight on December 31, 2024.

You can file a claim for recovery from the Settlement Fund through the YDC Claims Administration.

Q. IF I CHOOSE TO FILE A CLAIM IN THE YDC CLAIMS PROCESS, IS THERE A DEADLINE FOR DOING THAT?

A. Yes. You have two years to file a claim for recovery from the Settlement Fund. The YDC Claims Administration opened to receive claims on January 1, 2023, and your claim must be filed by midnight on December 31, 2024.

Q. WHAT IS THE ROLE OF THE CLAIMS ADMINISTRATOR IN THE CLAIMS PROCESS?

A. The Claims Administrator (Administrator) is John T. Broderick, Jr. He serves as a neutral participant in the claims process for various stages.

First, the Administrator makes sure that a person who filed a claim uses and completes the required forms, and his staff sends the information to the New Hampshire Department of Justice (to a person called the Attorney General Designee, or AG Designee) to evaluate the claim.

Second, the Administrator may decide to refer a claim for additional information gathering by a facilitator or reviewer, after receiving the AG Designee's position about the claim. This could involve interviewing the claimant (who can be assisted by an advocate and/or lawyer) and gathering of additional records.

Third, if a claimant does not agree with the AG Designee's position and asks the Administrator to decide the claim, then the Administrator will schedule a resolution proceeding to consider the positions of the parties and issue a final decision. Sometimes the resolution process involves a hearing before the

Administrator or sometimes the resolution proceeding can go forward on materials submitted by the parties.

Fourth, After the resolution proceeding is concluded and the Administrator has issued a final decision, the claimant can ask to meet with the Administrator confidentially without the AG designee being present.

While the Administrator is an attorney and a retired judge, the Administrator does not provide legal advice or legal advocacy for anyone in the claims process. His role is to assist in providing a process for filing and settling claims through this fund that is fair, efficient, trauma-informed and victim-centered.

Q. WHAT IS THE ROLE OF A PERSON WHO FILES A CLAIM TO RECOVER UNDER THE YDC SETTLEMENT FUND?

A. A person who files a claim (called, the claimant) does so freely and participates willingly. He or she completes the forms, provides information, and chooses what value to request from the Settlement Fund as an alternative to a lawsuit. There are forms that must be completed and documents that must be provided. There are guidelines to help provide information and to determine payment amounts.

The Claim Form must be submitted **under oath** which requires you to sign and notarize the Claim Form. There is an Oath and Acknowledgement section in the *Claim Packet* for additional and important information.

If you file a claim, it is important to **keep your contact information updated** with Claims Administration staff throughout the processing period. Loss of contact with a claimant may result in denial and closure of a claim, as required by Section 7 of the *Claims Process*.

Completing the forms and gathering documents can be distressing and emotionally difficult, and a claimant may want to seek help during the process. Page 1 of the *Claim Packet* provides some contact information for help if you are experiencing distress. This information is also available on the YDC Claims Administration website (www.ydcclaims.nh.gov).

Q. WHAT IS THE ROLE OF THE ATTORNEY GENERAL DESIGNEE?

A. The Attorney General Designee is currently Senior Assistant Attorney General Jennifer Ramsey. She is involved in the claims process during various stages.

First, the AG Designee evaluates claims she receives from the Administrator and gives a position whether she agrees or disagrees with the filed claim in whole or in part. Sometimes the AG Designee may ask the claimant to provide additional information to help the evaluation.

Second, the AG Designee may state that she believes that further information about a claim should be gathered by the Administrator's facilitator or reviewer. It is, however, the Administrator's decision to assign an independent facilitator or reviewer to seek more information.

Third, the AG Designee may discuss claims directly with a willing claimant or his or her legal counsel, and then may update an initial position based on those discussions or on the basis of additional information gathered by the facilitator or reviewer.

Fourth, the AG Designee participates in any resolution proceeding that a claimant may request with the Administrator.

Fifth, if claims are settled with the AG Designee or decided by the Administrator, the AG Designee assists in finalizing the resolution and processing the claim for payment.

Q. IS THERE ANYONE ELSE INVOLVED IN THE CLAIMS PROCESS?

A. Yes. You may seek help from a lawyer or others during the claims process. You may also get help from a victim witness advocate or mental health counselor in the event that the Administrator refers the claim for further information gathering by a facilitator or reviewer and you find yourself upset. Also, the YDC Claims Administration has different staff members who assist the Administrator. The AG Designee has different staff members to assist her as well.

Q. WHY ARE “FACILITATORS” USED IN THE CLAIMS PROCESS?

Facilitators or reviewers of claims may be assigned by the Administrator, when needed to assist in gathering information to help verify a claim.

Any further information gathering by an assigned Facilitator will be respectful, dignified, and trauma-informed to assess each claim as submitted. Each claimant may have the assistance of a victim advocate and also may have an attorney present to help if the claimant has one.

First Steps

Q. WHEN DECIDING WHETHER TO FILE A CLAIM, SHOULD I GET A COPY OF MY YDC RESIDENT FACILITY FILE OR OTHER RECORDS?

A. It may be very helpful for you to access records to decide whether to file a claim and to decide the kinds of information to include in a claim packet. Individuals are encouraged to provide as much information as possible to support their claim and assist in the review. For example, the *Claims Process* provides a list of documents and information that individuals are encouraged to provide with their claim. The *Claims Process* also gives some explanation about Resident Files that the AG Designee may have and some that may not be accessible to the AG Designee.

The document available on the YDC Claims Administration website called *How To Access Resident Facility Files* explains who to reach out to for requesting a copy of your resident files from the NH Department of Health and Human Services (DHHS).

Q. HOW LONG DOES IT TAKE TO ACCESS MY YDC RESIDENT FACILITY FILES OR OTHER RECORDS?

A. It depends. You may contact DHHS to find out the average time it takes to receive your files. The AG Designee may be able to address some general questions about timetables for DHHS records, too.

For any other records you may seek to access (such as medical or mental health records), you can reach out directly to the facility who has the records to find out how to make a request and how long it takes to receive records.

Q. IF I DECIDE TO FILE A CLAIM, HOW DO I GET A CLAIM PACKET AND OTHER MATERIALS THAT I NEED?

A. The Claim Packet and other materials are publicly available and can be printed from the website for YDC Claim Administration: www.ydcclaims.nh.gov. Also, you can request a *Claim Packet* and materials by emailing YDC Claims Administration at claims@ydcclaims.nh.gov, or by writing to YDC Claims Administration, P.O. Box 1930, Concord N.H. 03302-1930, or by calling YDC Claims Administration at 603-415-2136.

Legal materials available on the website include: (1) *Claim Packet*, (2) *Claims Process for Administration of the YDC Settlement Fund***, (3) *Guidelines for Valuing Claims for Settlement Purposes*, and (4) a copy of YDC Claims Administration and Settlement Fund statute (N.H. RSA 21-M:11-a). Other helpful resources are available on the website as well. If you are currently residing at a New Hampshire Department of Corrections facility and not able to access the internet, you can ask your case manager to assist in getting you a paper packet or write to our staff for a paper packet.

Some of the forms and materials must be completed before your claim can be processed and reviewed. Other materials are optional to complete or submit but may help streamline the claims process. We encourage you to provide as much information as possible to support your claim and assist the review.

**Please be aware that the *Claims Process* Revision 1.2 (October 25, 2022) is in the process of being modified to reflect the recent change in law which allows claimants to seek a resolution proceeding for evaluation of a claim by the neutral Administrator without first fully waiving your legal rights against the State. If you decide to accept the Administrator's decision, then you will need to complete waiver and release forms

Q. THE CLAIM PROCESS DOCUMENT LISTS DIFFERENT KINDS OF MATERIALS TO SUBMIT IN ORDER TO FILE A CLAIM. IS THERE A WAY TO ORGANIZE THEM ALL TO HELP?

A. Yes. The YDC Claims Administration has posted instructions on its website (www.ydcclaims.nh.gov) for organizing claim documents, called *Administrator's Instructions on How-To-File*.

Q. IF I CHOOSE TO FILE A CLAIM, HOW QUICKLY COULD IT BE RESOLVED?

A. Your claim could be resolved in six or seven months ordinarily. The time period for processing depends on some possible pathways for a claim. For example, there are opportunities in the process for a claimant to request time extensions. The AG Designee may request time extensions or ask for additional information to be gathered. As another example, if a claimant asks the Administrator to decide a claim (because the claimant and the AG Designee could not reach an agreement), then the time for final resolution will take time (an estimate of three months). The timing for a resolution proceeding will depend on the amount of overall claims that the Administrator is processing at the time.

The YDC Settlement Fund statute has different time deadlines for the Administrator, the AG Designee, and the claimant to follow. For example, the Administrator has 60 days to review a filed claim for completeness, the AG Designee has 30 days to indicate a position, and a claimant has 30 days to decide whether he or she agrees with that position.

Filing your claim as organized as possible will help a quicker review process. The YDC Claims Administration website has information on how to do so (*Administrator's Instructions on How-To-File*).

Q. DO I NEED TO PAY A FILING FEE TO FILE A CLAIM IN THE YDC CLAIMS PROCESS?

A. No.

Q. IF I CHOOSE TO FILE MY CLAIM ELECTRONICALLY, CAN I USE A SECURE SHARE FILE LINK?

A. Yes. If you would like to file electronically through claims@ydcclaims.nh.gov by using a secure share file platform of your choice, please first connect with YDC Claims Administration staff to make those arrangements. A staff member will be happy to assist.

Claims also can be filed by mailing a paper copy of your claim packet to the YDC Claims Administration at PO Box 1930, Concord, N.H. 03302-1930, or by hand delivery by making an appointment with our staff, or by faxing your claim to (603) 798-3420.

Q. DO I NEED TO HIRE A LAWYER TO FILE A CLAIM IN THE YDC CLAIMS PROCESS?

A. No. But lawyers might be of real value to you in putting your claim together and assisting you in gathering documents, reports, records and information that will be supportive of your claim. Lawyers might also be a help to you in advocating on your behalf with the AG Designee in order to settle your claim or to assist you at a resolution proceeding with the Administrator if you choose that path.

Q. IF I DON'T HAVE A LAWYER BUT WOULD LIKE TO HIRE OR CONSULT ONE, HOW WOULD I DO THAT?

A. You are free to consult with others in an effort to find an attorney. You might also choose to contact the New Hampshire Bar Association Lawyer Referral Service by phone or email for a recommendation and referral to counsel. Their email address is: lrsreferral@nhbar.org and their telephone number is 603-2290002. There are also several lawyers who have volunteered to assist you in determining whether you should file a claim. The YDC Claims Administration can provide a list of their names and contact information upon request, and that list is also available on the website (www.ydcclaims.nh.gov).

If you are currently residing at a state prison facility or a house of corrections in New Hampshire, your case manager may be able to assist you in printing the list of volunteer lawyers. Also, the Lawyer Referral Service has a dedicated phone number for you to call: 603-715-3281 or you can write to them at: Lawyer Referral Service, NHBA, 2 Pillsbury Street, Suite 300, Concord, N.H. 03301.

Q. CAN I USE ELECTRONIC NOTARIZATION FOR NOTARIZING MY CLAIM FORM?

A. Yes. Any licensed notary can attest your signature and state law will allow remote notarization (N.H. RSA 456-B). The YDC Claims Administration website has a helpful list (*Notaries Public and Justices of the Peace*).

Q. WHO IS ELIGIBLE TO FILE A CLAIM WITH THE YDC SETTLEMENT FUND?

A. Any living former YDC Resident who was personally subjected to sexual or physical abuse may file a claim for that abuse. “YDC” under the Settlement Fund statute means youth detention center facilities 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. The YDC Settlement Fund statute gives the definition of qualifying facilities.

A claimant needs to be living at the time a claim is filed to be eligible for recovery under the YDC Settlement Fund. But if an eligible claimant dies after a claim is filed, then his or her executor or administrator may continue to pursue the claim in the YDC claims process.

Q. HOW MUCH CAN I BE AWARDED IN THE YDC CLAIMS PROCESS?

A. The legislature established certain dollar amount caps on the amount you can recover for certain types of abuse with limits for both sexual abuse and physical abuse for claims eligible under the YDC Settlement Fund. The limit for all sexual abuse and physical abuse combined for any specific individual claimant is limited to \$1.5 million by the legislature. The *Claims Process* and *Guidelines* provide more explanation.

The *Guidelines for Valuing Claims for Settlement Purposes* gives step-by-step guidance for valuing a claim, including how to consider the presence of mitigating or exceptional factors in calculating awards. The *Claim Packet* has an optional *Claim Worksheet* to help.

Q. DO I NEED TO WAIVE MY RIGHTS AGAINST THE STATE OF NEW HAMPSHIRE, IN ORDER TO FILE A CLAIM IN THE YDC CLAIMS PROCESS?

A. No. A claimant does not waive any legal rights against the State of New Hampshire *by simply filing* a claim. If you have a lawsuit in court, then you will need to agree to temporarily pause (or “stay”) that lawsuit in order to have a claim for recovery from the Settlement Fund processed. You only waive your legal claims against the State of New Hampshire when you actually settle your claim with the AG Designee, or after you have concluded your resolution proceeding with the Administrator and he has issued a final decision that you choose to accept. Only you can elect to submit your claim to the neutral Administrator for final resolution. You cannot be required by the AG Designee to file for resolution with the Administrator. That decision is yours.

You are free to withdraw from the claims process at any time and pursue any earlier filed lawsuit or to file a lawsuit. Only after you accept the AG Designee’s position on your claim or accept the Administrator’s final decision on your claim are you required to fully waive your rights against the State of New Hampshire.

Even if you settle your claim with the AG Designee or receive a final order from the Administrator that you accept, you remain free to pursue legal rights, outside of this claims process, for any claims you may have against individual perpetrators even if they were state employees at the time you were abused.

Q. IF I HAVE ALREADY FILED A SUIT IN THE SUPERIOR COURT AGAINST THE STATE FOR SEXUAL ABUSE AND/OR PHYSICAL ABUSE WHILE A FORMER YDC RESIDENT, AM I STILL ABLE TO FILE A CLAIM IN THE YDC CLAIMS PROCESS?

A. Yes. If you are represented by counsel or are able to consult counsel, you should seek their advice before you make a choice. If you choose to file a claim in the YDC claims process, your court action will be stayed, or paused, as long as you remain in the claims process. If your case is not resolved in the claims process or you choose for any reason to withdraw from the claims, you can again pursue the lawsuit.

The Administrator cannot provide legal advice for any impact that the stay may or may not have on any lawsuit you may choose to pursue.

Q. WHAT DOES IT MEAN TO “STAY” THE ABILITY TO SEEK A LAWSUIT DURING THE TIME A CLAIM IS BEING PROCESSED?

A. The YDC Settlement Fund statute does not allow a person to pursue a lawsuit against the State of New Hampshire and, *at the same time*, have a claim processed with the YDC Claims Administration for recovery from the YDC Settlement Fund. So, if you choose to file a claim with the YDC Claims Administration, then you will need to complete and sign a form called a *Notice of Filing of Claim and [Partial] Stay*. This *Notice* form is located at the end of the *Claim Packet*. A fillable PDF version of the *Notice* form is also available on the YDC Claim Administration website. The *Notice* form explains that any lawsuit you have filed against the State of New Hampshire will be stayed (put on pause) by the court while your claim is being processed.

The *Notice* form will be filed in court and publicly available. If you do not want to identify your name in public, there are ways to protect your privacy. The next Q/A, below, gives guidance on how to do so.

Q. CAN A PSEUDONYM BE USED INSTEAD OF THE CLAIMANT’S GIVEN OR REAL NAME ON THE NOTICE OF FILING OF CLAIM AND [PARTIAL] STAY THAT IS PUBLICLY FILED IN COURT?

A. Yes. Because the Notice of Filing of Claim and [Partial] Stay will be filed in court, you can use the pseudonym that was used in the lower court when completing the *Notice* form. If you do so, then your attorney of record must sign his or her name and indicate that counsel is signing on behalf of the claimant as client. For example: John Doe #xx by his or her attorney.

There are other ways to protect your privacy. For example, an individual claimant could fill out the Notice form using his or her actual name, and then the Administrator can inform the AG Designee to protect your real name from public disclosure to protect your privacy. This could happen by the AG Designee filing the *Notice* form redacted (hiding your name) or filing the *Notice* form unredacted but under seal. Either way, your name would be kept private and out of the public.

If you need assistance, please contact the YDC Claims Administration for help.

Q. IS THERE ANY STATUTE OF LIMITATIONS DEFENSE OR OTHER LEGAL DEFENSE THAT MAY APPLY TO A CLAIM FILED IN THE YDC CLAIMS PROCESS?

A. It depends. A document called *Guidelines for Valuing Claims for Settlement Purposes* explains some mitigating or exceptional factors that may be applied when evaluating a claim. Only legal issues that are factually unique to a claim may be considered in the claims process. The *Guidelines* discuss some common legal issues that might be raised when evaluating your claim for recovery from the Settlement Fund. For example, if a claimant had actual knowledge of the potential to file a sexual and/or physical abuse claim during a limitations period, then that fact for your claim may be a mitigating factor under the *Guidelines* but would not automatically defeat your claim.

Q. CAN I BE REQUIRED TO COOPERATE IN ANY CRIMINAL INVESTIGATION AS A CONDITION TO FILING A CLAIM IN THE YDC CLAIMS PROCESS?

A. No.

Q. HOW DO I KNOW IF MY CLAIM IS STARTING TO BE PROCESSED?

A. If you choose to file a claim, the YDC Claims Administration will review your claim and make sure some initial requirements are followed. Then, the YDC Claims Administration will send you a letter that assigns you a claim number and a receipt date for your filed claim. This Acknowledge Receipt letter will let you know that your claim has been forwarded to the AG Designee and is being further processed by staff for the Administrator to follow the *Claims Process* to determine whether the claim is complete or if there is missing information.

It is important to file your claim with as much information as possible even if you're not sure that your *Claim Packet* is complete. There is a stage in the processing where the YDC Claims Administration reviews your filed claim for required documents and will let you know if more information or documents are needed. The needed information for a claim to be considered complete is listed in the *Claims Process* document.

Once the Administrator determines the filed claim is complete, staff will let you know and then the AG Designee has 30 days to provide a position about the claim.

You are encouraged to provide additional information, beyond the required documents, to help the evaluation of your claim by the AG Designee and by the Administrator (if you choose to seek a resolution proceeding).

Q. IF I FILE A CLAIM IN THE YDC CLAIMS PROCESS, WHAT KIND OF INVOLVEMENT CAN I EXPECT WITH THE YDC CLAIMS ADMINISTRATION?

A. YDC Claims Administration staff might reach out to you to discuss your claim filing. Sometimes the claims process may require an interview under oath by a Facilitator assigned by the Administrator. If that occurs, you can choose to have a lawyer (if you have one) and/or an advocate with you. If your claim goes to a resolution proceeding (at your choosing), then you would be presenting your claim to the Administrator which could happen in writing or in person or virtually when necessary. Even though the resolution proceeding is informal and is not litigation, all testimony is under oath. You may have a lawyer

(if you have one) and/or an advocate with you. After the Administrator has issued a final decision on your claim, you may ask to meet with him confidentially without the AG Designee being present.

Confidential Process

Q. IS MY CLAIM INFORMATION TREATED AS CONFIDENTIAL?

A. Yes. All claims (and all documents and information created in connection with claims) are treated as confidential by the Administrator and by the AG Designee to the greatest extent permitted by law, with limited exceptions. Physician and hospital records and reports, therapy and counseling notes and records, pharmacy records and the like do not lose their confidentiality if you use them in the claims process.

Page 7 of the *Claim Packet* form provides important Legal Notice about Privacy and Confidentiality. In the event that some records of claims processing are required to be disclosed to members of the public, your personally identifying information will be withheld to protect your privacy to the greatest extent permitted by the law. The Settlement Fund statute expressly protects your privacy.

You may choose to waive confidentiality. It is important to know that the YDC Claims Administration will send you materials and respond to your questions using the contact information that you provide.

Individuals who are Currently Residing at a Department of Corrections Facility

Q. IF I FILE A CLAIM IN THE YDC CLAIMS PROCESS, CAN I USE MY N.H. STATE-ISSUED PRISON ID TO ESTABLISH MY IDENTITY IF I NEED TO?

A. Yes.

Q. HOW DO I GET MY CLAIM FORM SIGNED UNDER OATH AND NOTARIZED IF I AM RESIDING AT A DEPARTMENT OF CORRECTIONS (DOC) FACILITY?

A. The state prisons and all the houses of corrections in New Hampshire can provide this service. All New Hampshire facilities have at least one notary on site.

Q. IF I AM CURRENTLY AT A DOC FACILITY AND I DON'T HAVE MONEY FOR POSTAGE TO SEND MY CLAIM TO THE YDC CLAIMS ADMINISTRATION, HOW DO I GO ABOUT GETTING MY CLAIM TO YOUR STAFF?

A. Most county jails provide one or two free postage items a week. And most will provide postage to those who are indigent. If you are at the New Hampshire state prison, you will need to speak to your case manager and show you are not able to pay for the department to review if they can help pay to send your packet.

Q. WHILE I AM AT A DEPARTMENT OF CORRECTIONS FACILITY, HOW DO I SEEK HELP FOR DISTRESS I AM EXPERIENCING WHEN FILLING OUT THE FORM AND PARTICIPATING IN THE CLAIMS PROCESS?

A. Staff for the Department of Corrections will make sure that help is available through your case manager, victim witness advocate, and mental health counselor. If these staff are not on site, nursing can assist you.

Q. I AM CURRENTLY AT A DOC FACILITY AND KEEP TRYING TO REACH THE YDC CLAIMS ADMINISTRATION BY PLACING COLLECT CALLS. HOW CAN I REACH YDC CLAIMS ADMINISTRATION STAFF TO LEAVE A MESSAGE?

A. Those residing at a New Hampshire State Prison facility can call (603) 415-2136 to be directly connected to the toll-free YDC Claims Administration phone line.

If you are located at a NH house of corrections, you can use the following toll-free phone line to call (1) 833-423-2136 and leave a voice message or talk to a staff person during phone-line or appointment hours. You may also send a letter with your inquiry. YDC Claims Administration staff is working with the Department of Corrections to make phone call access easier.

Help Needed

Q. WHERE CAN I GET HELP TO FILL OUT THE CLAIM FORMS, IF I HAVE QUESTIONS?

A. If you are not represented by an attorney, you should first review the YDC Claims Administration website for helpful information. You are free to call the YDC Claims Administration with questions about the claims process. Identifying what kind of help is needed will assist us in providing a helpful response for you. Staff can schedule a call with you to provide further guidance needed to complete claim forms.

Resolution Options

Q. IF THE AG DESIGNEE AND I DO NOT REACH AN AGREEMENT ON MY CLAIM, WHAT ARE MY OPTIONS?

A. You have three options:

(1) you can discuss your claim with the AG Designee and try to reach a settlement directly with the AG Designee, or

(2) you can choose to take your claim to a final resolution process before the neutral Administrator, or

(3) you can elect to withdraw your claim (and pursue a remedy in a judicial forum, if you so choose).

Q. DO I HAVE TO WAIVE MY RIGHTS AGAINST THE STATE OF NEW HAMPSHIRE IF I CHOOSE TO HAVE A RESOLUTION PROCEEDING WITH THE NEUTRAL ADMINISTRATOR?

A. No. Effective July 1, 2023, the Legislature amended the YDC Settlement Fund statute so that claimants may seek a resolution proceeding with the neutral Claims Administrator without first fully waiving their rights to seek monetary relief from the State of New Hampshire for eligible claims under the Fund. Any claimant who is unsuccessful in resolving their claim directly with the AG Designee may seek an independent review in a resolution proceeding with the Administrator and receive a final evaluation in the claims process. At that point, the claimant will need to decide whether to accept the Administrator's decision as final and binding, or withdraw from the claims process and pursue their rights against the State of New Hampshire in court.

Q. CAN THE AG DESIGNEE FORCE ME TO RESOLVE MY CLAIM BEFORE THE ADMINISTRATOR?

A. No. Only you can elect a final resolution process with the Administrator. If you do, the State of New Hampshire cannot opt out and is required to participate. If you don't choose this final resolution process to settle the claim and you have not been able to reach agreement on your claim with the AG Designee, then you are free to leave the claims process entirely.

Q. IF I REQUEST THAT THE ADMINISTRATOR DECIDE MY CLAIM, IS THE RESOLUTION PROCEEDING OPEN TO THE PUBLIC OR THE PRESS?

A. No.

Q. IF I FILE A CLAIM IN THE YDC CLAIMS PROCESS, IS IT POSSIBLE IT COULD BE RESOLVED IN MY FAVOR WITHOUT A HEARING?

A. Yes. If the AG Designee agrees with your completed claim submission or you are able to settle any disagreements with the AG Designee and reach a settlement, then your claim will be considered resolved and the Administrator will issue an award in the amount agreed to. This process stage does not involve any hearing.

If you cannot agree with the AG Designee and you choose to request that the Administrator decide the claim, then the processing will continue through a resolution proceeding. That resolution proceeding could involve an informal hearing but it does not have to. The Administrator could resolve the claim based on written submissions. Having a claimant provide a personal account through testimony (under oath) at an informal hearing may assist the Administrator's evaluation of the claim.

Decision of the Administrator and Finality

Q. IF I AM UNABLE TO SETTLE MY CLAIM WITH THE AG DESIGNEE IN THE CLAIMS PROCESS AND I ELECT TO HAVE THE ADMINISTRATOR RESOLVE IT, AM I BOUND BY HIS DECISION AND IS THE STATE OF NEW HAMPSHIRE BOUND, TOO?

A. Yes. If you accept the Administrator's evaluation decision, you will need to complete written waiver and release forms. Both you and the State will be bound by that decision. There is no appeal.

Q. IF I RESOLVE MY CLAIM IN THE YDC CLAIMS PROCESS EITHER THROUGH AGREEMENT WITH THE AG DESIGNEE OR THROUGH A RESOLUTION PROCEEDING, DO I HAVE THE OPPORTUNITY TO MEET PRIVATELY WITH THE ADMINISTRATOR TO SHARE WITH HIM MY THOUGHTS AND EXPERIENCES ABOUT THE TRAUMA I SUFFERED AS A RESULT OF THE YDC ABUSE AND IS ANY PRIVATE MEETING AND DISCUSSION CONFIDENTIAL?

A. A meeting can be arranged in person or by video where necessary and your discussion with the Administrator will be confidential to the greatest extent possible under the law.

Financial Recovery

Q. IF I RECEIVE AN AWARD, WHAT ARE MY OPTIONS FOR PAYMENT?

A. You have three options. You can choose:

- (1) a lump sum payment, or
- (2) periodic payments over time through the fund, or
- (3) a structured settlement.

Once you make a selection, then payment should be made or payments started within four to six weeks.

Q. WHAT IS THE ADVANTAGE OF A STRUCTURED SETTLEMENT?

A. A structured settlement gives you payments over a period of time. This can be a good option, in place of getting a single lump sum payment that you then have to manage and invest in order to preserve the full value of your money over time.

A structured settlement pays you your guaranteed award in installments on a regular basis (monthly, quarterly, or annually) over many years. It can be set up to include periodic lump sum payments as well. There are tax advantages to structured settlements. Investment growth and financial guarantees are built into the structured settlement to make certain your money lasts.

A structured settlement may be most appropriate for larger settlements.

If you are interested in learning more, our website identifies, in a document entitled, "Structured Settlement Specialists" two structured settlement brokers who are willing to assist you.