

New Hampshire Youth Development Center Claims Administration and Settlement Fund

John T. Broderick, Jr.
Administrator

October 24, 2023

To: Chris T. Sununu, Governor, State of New Hampshire
Jeb Bradley, President, New Hampshire Senate
Sherman Packard, Speaker, New Hampshire House of Representatives
Kenneth Weyler, Chairman and Members of the New Hampshire Joint Legislative Fiscal
Committee

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

2023 Quarter Three

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.

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.

This Report provides information for claims and costs since claims processing began on January 1, 2023, through the end of Quarter Three on September 30, 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 – Q3)

Number & Total Claim Amount for Filed Claims

Total Filed by End of Q3: **180**

2023 Q1: **38**

2023 Q2: **54**

2023 Q3: **88**

Total Claim Amount in the aggregate for Filed Claims through Q3: **\$174,365,000.00***

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 Q3: **180**

Claims filed for both Sexual Abuse and Physical Abuse: **138**

Claims filed for Sexual Abuse only: **26**

Claims filed for Physical Abuse only: **16**

Section 2 – Pending Filed Claims at Close of 2023 Q3 Reporting Period

Number & Total Claim Amount for *Pending* Filed Claims

Total Pending at End of Q3: **148**

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

Under Evaluation by AGO: **45**

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

AGO Position Under Review by Claimant: **17**

In a Resolution Proceeding with CA: **22**

Total Claim Amount in the aggregate for Pending Filed Claims through Q3: **\$150,725,625.00***

Nature of Abuse in *Pending* Filed Claims

Total Pending at End of Reporting Period: **148**

Claims filed for both Sexual Abuse and Physical Abuse: **119**

Claims filed for Sexual Abuse only: **19**

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

Section 3 – Claims Resolved at Close of 2023 Q3 Reporting Period

Number & Amounts for Claims Resolved with Settlement from the Fund

Total Claims Resolved with Settlement from the Fund through Q3: **29**

Number of Claims Settled (Partial/Full) by Agreement with AGO: **28**

Number of Claims Settled (Partial/Full) following Resolution Proceeding with CA: **1**

Actual Settlement Amount for Resolved Claims: **\$13,390,625.00¹**

Actual Settlement Amount Resolved by Mutual Agreement (AGO): **\$13,078,125.00**

Actual Settlement Amount Resolved following Resolution Proceeding (CA): **\$312,500.00**

Note: For comparison, the Total Claim Amount identified in the filed claims that were resolved by settlement totals **\$20,054,375.00***.

Nature of Claims Resolved with Settlement from the Fund

Total Claims Resolved with Settlement from the Fund through Q3: **29**

Claims settled (Partial/Full) of Sexual Abuse and Physical Abuse: **17**

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

Claims settled (Partial/Full) of Physical Abuse only: **5**

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 without a Resolution Proceeding with CA: **1**

Denied after Resolution Proceeding with CA: **0**

Withdrawn by Claimant: **2**

Total Amount Represented by Other Claims: **\$3,585,000.00***

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

Total Claim Amount identified in Claims Withdrawn: **\$2,085,000.00**

¹ Report Note: This Actual Settlement Amount figure represents amounts resolved following a resolution proceeding or 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: **\$12,000,000.00**

Payments Made: **\$11,187,500.00**

Payments Pending: **\$812,500.00**

Note: The figures in this section are provided by the NH Department of Justice.

CA Costs to the Fund

Total Cumulative Payments Made from/Invoiced to the Fund through Q3: **\$462,670.45**

Payment Made in 2023 Q2

\$38,435.60 (For expenses incurred in 2022 Q4)

\$98,952.95 (For expenses incurred in 2023 Q1)

Payment Made in 2023 Q3

\$157,045.50 (For expenses incurred in 2023 Q2)

Pending Payment in 2023 Q4

\$168,236.40 (For expenses incurred in 2023 Q3)

Additional 2023 Q3 Expenses to be Invoiced to the Fund: **\$124,605.00**

Note: The figures in this section are provided by the Claims Administration.

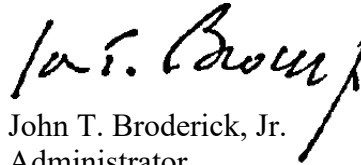
AGO Costs to the Fund (Special and Outside Expenses Only)

Payments Made from the Fund to Date: **\$0.00**

Estimated Costs for 2023 Q1-Q3 Expenses to be Paid in Q4: **\$712,000.00**

Note: The figures in this section are provided by the NH Department of Justice.

Respectfully submitted,



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Administrator

New Hampshire Youth Development Center

Claims Administration and Settlement Fund

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