

New Hampshire Youth Development Center Claims Administration and Settlement Fund

John T. Broderick, Jr.
Administrator

July 21, 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 Two

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.

The claims process has further developed throughout Quarter Two. Yet, portions of claims processing, particularly Resolution Proceedings with the Administrator, are in the inception stage as Quarter Three begins. This Report has a modified presentation as compared to the Quarter One Report to provide further detail and clarification. The Administrator and the Attorney General's Office will continue to contemplate how to develop future reports to provide projections about claims and anticipated payments.

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.

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This Report provides information for claims and costs since claims processing began on January 1, 2023, through the end of Quarter Two on June 30, 2023. The format for reporting information about claims is structured to protect the privacy and anonymity of the claimants.

Information about Claims

Number of Claims Filed

This section identifies the number of claims filed as of the end of the Quarter Two Reporting Period.

Total Filed at End of Reporting Period: **92**

2023 Q1: **38**

2023 Q2: **54**

Number of Claims Resolved

This section identifies claims that have been resolved and are no longer pending in claims processing. Some claims have been resolved with a settlement amount to be paid from the Fund that has been mutually agreed upon by the parties, whether through a Stipulation of Agreement or by the Claimant accepting the AG Designee's Position. These settlement amounts are either partial or in full of the Total Claim Amount identified by a Claimant in the claim filed with the Claims Administrator. Other claims have resolved with no settlement amount awarded from the Fund for different reasons, such as ineligibility (e.g., claimant was not living at the time the claim was filed). No claimant has progressed through the conclusion of a Resolution Proceeding as of the end of the 2023 Quarter Two Reporting Period.

Total Resolved at End of Reporting Period: **11**

Number Settled (Partial/Full) by Agreement with AGO: **8**

Number Settled (Partial/Full) following Resolution Proceeding with CA: **0**

Denied for Procedural Reasons without a Resolution Proceeding with CA: **1**

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

Withdrawn by Claimant: **2**

Number of Claims Pending

This section identifies claims that are pending in different stages of the claims process as of the end of the 2023 Quarter Two Reporting Period. The Administrative Review/Processing by CA stage includes claims intake, assessing for administrative completeness, assisting claimants with missing information and providing claimants with notice of options.

Total Pending at End of Reporting Period: **81**

Under Administrative Review/Processing by CA: **40**

Under Evaluation by AGO: **18**

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

AGO Position Under Review by Claimant: **21**

In a Resolution Proceeding with CA: **2**

Nature of Claims Filed

This section aggregates claims by categories of abuse identified in claim submissions. Ultimately, each claim represents a unique experience of a Claimant with different types of abuse events identified in a specific claim.

Total Filed at End of Reporting Period: **92**

Claims filed for both Sexual Abuse and Physical Abuse: **61**

Claims filed for Sexual Abuse only: **17**

Claims filed for Physical Abuse only: **14**

Nature of Claims Resolved by Settlement

This section aggregates claims by categories of abuse identified in claim submissions for those claims that have been resolved by settlement (through mutual agreement or following a Resolution Proceeding).

Total Claims Resolved (Partial/Full) by Settlement (AGO/CA): **8**

Claims settled (Partial/Full) of Sexual Abuse and Physical Abuse: **6**

Claims settled (Partial/Full) of Sexual Abuse only: **2**

Claims settled (Partial/Full) of Physical Abuse only: **0**

Status of Claim Amounts

This section shows Total Claim Amounts for all filed claims, including those resolved and those pending. The calculations 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.

Total Claim Amount identified in Claims Filed by End of Reporting Period: **\$82,933,750.00**

Total Claim Amount identified in Claims Resolved by Settlement (AGO/CA): **\$5,637,500.00**

•Actual Settlement Amount of Claims Resolved (AGO/CA): **\$4,887,500.00¹**

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

¹ **Report Note:** This Actual Settlement Amount figure represents amounts resolved by mutual agreement of AGO and Claimants, where the resolved claim amount is progressing to payment processing with the AGO under the *Claims Process for Administration of the YDC Settlement Fund*.

Report Note: 2023 Quarter One Report contained a numeric error that is corrected in the calculations for the 2023 Quarter Two Report. Specifically, the Amount of the single claim approved for payment in Quarter One is **\$170,000.00**, not “\$170,00.00.”

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

Total Claim Amount identified in Claims Pending: **\$73,711,250.00**

Information about Costs

Approved Claim Payments from the Fund

Total Authorized Payments by AGO: **\$1,982,500.00**

Payments Made: **\$1,982,500.00**

Payments Pending: **\$0.00**

CA Costs to the Fund

Estimated costs for the Claims Administrator's expenses relate to (i) some expenses incurred prior to 2023 Quarter Two that have been paid from the Fund, and (ii) some expenses incurred during 2023 Quarter Two claims processing that have been invoiced to the Attorney General's Office for payment from the Fund, pursuant to a Memorandum of Understanding. Some Quarter Two expenses incurred at the end of the Reporting Period (such as staffing, consultants and leases) have not yet been invoiced for payment from the Fund and will be identified in the next Quarterly Report.

Payments Made from the Fund in Q2: **\$137,388.55**

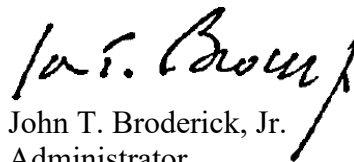
Estimated Costs for Q2 Expenses to be Paid in Q3: **\$157,045.50**

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

Payments Made from the Fund in Q2: **\$0.00**

Estimated Costs for Q2 Expenses to be Paid in Q3: **\$350,000.00**

Respectfully submitted,



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New Hampshire Youth Development Center
Claims Administration and Settlement Fund

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