

New Hampshire Youth Development Center Claims Administration and Settlement Fund

John T. Broderick, Jr.
Administrator

April 24, 2024

Chris T. Sununu, Governor
State of New Hampshire
State House
107 North Main Street
Concord, NH 03301

Sherman Packard, Speaker
New Hampshire House of Representatives
State House, Room 311
107 North Main Street
Concord, NH 03301

Jeb Bradley, President
New Hampshire Senate
State House, Room 302
107 North Main Street
Concord, NH 03301

Kenneth Weyler, Chairman
And Members of the New Hampshire Joint
Legislative Fiscal Committee
State House, Room 102
107 North Main Street
Concord, NH 03301

Re: 2024 Quarter One Report for the YDC Claims Administration and Settlement Fund

I am enclosing our Quarter 1 report for 2024. As the numbers reflect, we are beginning to see a substantial increase in claim filings. During the current quarter we received 159 new claims. By comparison, in the fourth quarter of 2023, we received 79, and in the third quarter of 2023, we received 88. Since we began operations on January 1, 2023, we have received a total of 418 claims. Almost all our claims involve represented clients, although a small percentage involve *pro se* claimants. An increasing number of our filings are claims transferring from the Superior Court.

I fully expect that number will rise significantly between now and June 30, 2025, (1) as a result of the legislative amendments to the Settlement Fund statute that seem on a path to passage (increasing the capped amounts on awards and adding new categories of compensable abuse), and (2) a representation by Nixon Peabody that it will recommend to the vast majority of its clients who have pending cases in the Superior Court that they should file in our administrative claims process after the statutory amendments are approved.

The statutory amendments, if approved, and claims counsel's recommendation to their clients to use our trauma-informed, victim-centered administrative claims process are significant and positive developments. I fully expect that hundreds of claims will migrate from the Superior Court docket to us over the next 13 to 14 months before the deadline for filing new claims comes to a close on June 30, 2025 (once revised by legislative amendment).

P.O. Box 1930, Concord, NH 03302-1930

Phone: 603-415-2136

Fax: 603-798-3420

email: claims@ydcclaims.nh.gov

www.ydcclaims.nh.gov

This development will result in a substantially reduced number of jury trials in the Superior Court and considerable savings to the state and to claimants/claimants' counsel. It also will certainly impact our processing of claims. We will need to add more hearing days and some additional staff. We have been conducting resolution proceeding hearings 2 to 3 days a week (2 per day). I expect our weekly scheduled hearings will grow to 4 or 5 days a week beginning this fall. The legislative amendment wisely anticipates giving me authority, with the approval of the Joint Fiscal Committee, to select an Assistant Administrator to head a second hearings team. I will be doing that in order to address the expected increase in volume. Our goal has been and will continue to be keeping our process user-friendly, considerate, and timely. Whatever additional costs the state might incur to keep our operation both timely and efficient will pale in comparison to its savings on litigation.

In March we conducted several in-person hearings at the state prisons in Concord and Berlin. Thanks to the cooperation of Commissioner Hanks, her staff and the Department of Corrections, the hearings went well. We expect to conduct more hearings at correctional facilities later this year.

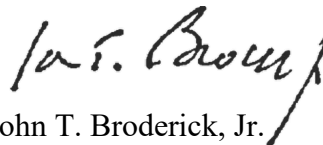
In June we expect to have electronic claim filing online, which will aid claimants and our staff. The statutory and *Guidelines* changes will require some amendments to the claim forms. Awaiting those amendments has slowed us some but we're optimistic if the new forms and *Guidelines* are ready soon we can implement meaningful efficiencies earlier in the year. We also expect our customized CMS (claims management system) to be ready this spring, as well. Once that is in place, it will simplify our daily tasks in claims processing and eliminate a lot of time-consuming manual work.

Under the proposed statutory amendments, I have the responsibility to advise both the Attorney General and the Joint Fiscal Committee if the amount in the Settlement Fund is at risk of exceeding the legislative allotment for the fiscal year. Since there are several draws on the Fund and since the Attorney General's Office can and does settle YDC claims directly, I will work collaboratively with them to be certain the Fund balances are accurate.

I am very pleased by the progress we are making. My staff has been exceptionally diligent and both the legislature and claimants' counsel have worked hard on legislative amendments to ensure that more claimants get the benefit of a reasonably prompt, confidential, trauma-informed and victim-centered process. We appreciate the cooperation and suggestions we have received from claims counsel across the board, and also from the Attorney General Designee.

If you have any questions or concerns, please do not hesitate to let me know.

Respectfully submitted,



John T. Broderick, Jr.

Administrator

New Hampshire Youth Development Center
Claims Administration and Settlement Fund

CC: Michael Kane, Legislative Budget Assistant
John M. Formella, Attorney General
Jennifer S. Ramsey, Senior Assistant Attorney General