

New Hampshire Youth Development Center Claims Administration and Settlement Fund

John T. Broderick, Jr.
Administrator

Diane Nicolosi
Assistant Administrator

April 16, 2025

The Honorable Ken Weyler, Chairman
Fiscal Committee of the General Court
State House
Concord, NH 03301

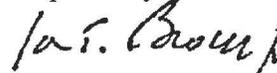
INFORMATIONAL ITEM

Pursuant to RSA 21-M:11-a, XVI, the Youth Development Center Claims Administration and Settlement Fund hereby submits the attached 2025 Quarter One report and accompanying transmittal letter. The New Hampshire Legislature established the YDC Claims Administration and Settlement Fund under NH RSA 21-M:11-a, for victims of sexual and other 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. 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.

This Report provides information for claims and costs since claims processing began on January 1, 2023, through the end of 2025 Quarter One on March 31, 2025 (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.

This Report also will be provided to Governor Ayotte, President Carson, and Speaker Packard.

Respectfully submitted,



John T. Broderick, Jr.

Administrator

New Hampshire Youth Development Center
Claims Administration and Settlement Fund

Attachments

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New Hampshire Youth Development Center Claims Administration and Settlement Fund

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April 16, 2025

Kelly A. Ayotte, 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

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

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

Re: 2025 Quarter One Report for the YDC Claims Administration and Settlement Fund

Dear Governor Ayotte, President Carson, Speaker Packard, Chairman Weyler and Members of the New Hampshire Joint Legislative Fiscal Committee:

This is our ninth Quarterly Report since we began operations in January 2023. The first three months of that first year (2023 Q1) we received just 38 claims. Two years later, 261 claims were filed in a single quarter. This is the trend. In Quarter Four of 2024, for instance, we received 198 new claims. As of the close of 2025 Q1, 808 claims are pending out of a total of 1,135 filed claims. I expect another busy quarter before the June 30, 2025 deadline for filing claims arrives.

As the Claims Administrator of the administrative process, I can report that the sincere intent of the legislature has been realized: to provide a confidential, trauma-informed, and victim-centered process as an alternative to litigation for resolving claims for sexual, physical and other abuse against children by some staff at YDC facilities over decades. The Legislature should be rightly proud of what it created. The administrative process is working and hopefully will be continued. It affords many who were abused as children by the state to have a dignified and confidential process to secure closure from inflicted abuse and trauma, and also affords closure for the state on past history.

The YDC Settlement statute created the dedicated, non-lapsing Fund in 2022 until 2032, with \$100 million of initial appropriations. Amendments in 2024 anticipated appropriations of \$75 million each fiscal year. To date, the Legislature has appropriated a total of \$160 million and has not yet determined to provide the full \$75 million for FY25. Whether additional monies anticipated from the beginning will be forthcoming for FY26 and FY27 also is currently uncertain as the legislative budget process is ongoing, as of the date of this 2025 Q1 Quarterly Report.

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April 16, 2025

The majority of the new claims received this reporting quarter were filed by the law firm of Nixon Peabody, and almost all migrated from the Superior Court. That is not surprising, because at the time the Legislature amended the Settlement Fund statute in June 2024, Nixon Peabody committed in writing to recommend to the vast majority of its clients that they “stay” their Superior Court actions and file in the administrative process. Consistent with that agreement, along with the reality of the upcoming June 30th deadline for filing claims, we expect to receive many more claims from Nixon Peabody and others before this current 2025 Quarter 2 ends. At that point we will know the total universe of claims and can better assess any needed process/claims resolution adjustments. The Legislature permitted two and a half years for filing claims, and we are prepared to handle the expected volume. At a minimum I believe we will need to build and implement a trauma-informed mediation option to accelerate claim dispositions.

During 2025 Q1 we issued 52 awards following resolution proceedings. Almost 100% of those awards were accepted by claimants. Over 80% of those awards were payable over time (mostly between 3-10 years) and most large awards were payable over 7 to 10 years. At this point virtually all counsel have agreed to accept their legal fees over a period up to 3 years. Both the yearly payouts to claimants and their counsel have been beneficial to preserving the Fund balance for state budgeting in current and future years. The trauma-informed, victim-centered administrative process the Legislature designed is paying dividends for state finances, while – and importantly – squarely addressing state responsibility owed to survivors of abuse. I am proud to lead it and especially proud of my staff and their uncompromising commitment to its success.

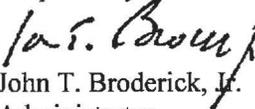
The Attorney General’s Office (AGO) continues to settle claims directly with claimants, and as Claims Administrator I review them as required by the Settlement Fund statute. The pace of direct settlement has slowed and yet we are hopeful that any impediments will be discussed and addressed by all stakeholders. On occasion the AGO reaches a direct settlement with a claimant *on some but not all* settlement terms and then, by mutual consent of both parties, I have determined the open issues through a final decision. The payments for those settlements also come from the Fund. I am hopeful that the pace of direct settlements, with or without my involvement, continue at an accelerated pace in the future.

For FY25, the Fund received an appropriation of \$60 million. Expecting \$75 million, claims administration asked the Legislature for an additional \$15 million so we can continue to hold hearings and issue awards, and keep open the pathway for direct resolution through the AGO as anticipated by the statute. We remain hopeful we will receive it. If not, we will do all we are able, in consultation with the AGO, until appropriated funds are exhausted.

We remain committed to the important work of the Settlement Fund and, seeing no realistic alternative nor any proposed by others, I have asked the Legislature to fund it fully in the next two fiscal years.

After you have had an opportunity to review the enclosed Quarterly Report, if you have any questions or concerns I would be more than happy to meet with you at your convenience.

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
Laura J. Raymond, Assistant Attorney General, Attorney General’s Office
Thomas Kaempfer, Deputy Director of Administration, Attorney General’s Office

New Hampshire Youth Development Center Claims Administration and Settlement Fund

John T. Broderick, Jr.
Administrator

Diane Nicolosi
Assistant Administrator

April 16, 2025

To: Kelly A. Ayotte, Governor, State of New Hampshire
Sharon Carson, President, New Hampshire Senate
Sherman Packard, Speaker, New Hampshire House of Representatives
Ken Weyler, Chairman and Members of the New Hampshire Joint Legislative Fiscal
Committee

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

2025 Quarter One

The New Hampshire Legislature established the YDC Claims Administration and Settlement Fund under NH RSA 21-M:11-a, for victims of sexual and other 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.

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.

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. Information about Claims is based on the Administrator's docket at the close of the reporting period.

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. 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. Information about CA costs for claims processing is provided by the Claims Administration. Other figures for information about costs are provided by the Department of Justice.

This Report provides information for claims and costs since claims processing began on January 1, 2023, through the end of 2025 Quarter One on March 31, 2025 (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 through 2025 Q1

Number of & Total Claim Amount for Filed Claims*

Total Number of Filed Claims by End of 2025 Q1: **1,135**

2023 Q1: 38	2024 Q1: 159	2025 Q1: 261
2023 Q2: 54	2024 Q2: 134	
2023 Q3: 88	2024 Q3: 124	
2023 Q4: 79	2024 Q4: 198	

Nature of Abuse in Filed Claims

Total Filed by End of 2025 Q1: **1,135**

Claims filed for both Sexual Abuse and Other Abuse: **913**
Claims filed for Sexual Abuse only: **112**
Claims filed for Other Abuse only: **110**

*Total Claim Amount as requested by Claimants and related statistics for Pending and Resolved Claims can be found in Appendix A. Information on Notice of Claim filings can also be found in Appendix A.

Section 2 – Pending Claims at Close of 2025 Q1

Number of Pending Filed Claims

Total Pending at End of 2025 Q1: **808**

Under Administrative Review & Processing Stage: **252**
In AGO Evaluation & Position Review Stage: **231**
In a Resolution Proceeding/Outcome Stage: **325**

Nature of Abuse in Pending Filed Claims

Total Pending at End of 2025 Q1: **808**

Claims filed for both Sexual Abuse and Other Abuse: **655**
Claims filed for Sexual Abuse only: **64**
Claims filed for Other Abuse only: **89**

Section 3 – Resolved Claims at Close of 2025 Q1

Number & Amounts for Claims Resolved with Settlement from the Fund

Total Claims Resolved with Settlement from the Fund through 2025 Q1: **296**

Number of Claims Settled by Agreement with AGO: **153**
Number of Claims Settled following Resolution Proceeding with CA: **129**
Number of Claims Settled with Resolution by AGO and CA: **14**

Actual Settlement Amount for Resolved Claims (without interest): **\$156,343,215.00¹**

Actual Settlement Amount Resolved by Mutual Agreement (AGO): **\$66,617,875.00**

Settlement Amount up to \$500,000.00: **95**

Settlement Amount between \$501,000.00 to \$1,500,000.00: **58**

Settlement Amount between \$1,501,000.00 to \$2,500,000.00: **0**

Actual Settlement Amount of Claims Resolved by AGO and CA: **\$7,378,500.00**

Settlement Amount up to \$500,000.00: **9**

Settlement Amount between \$501,000.00 to \$1,500,000.00: **5**

Settlement Amount between \$1,501,000.00 to \$2,500,000.00: **0**

Actual Settlement Amount Resolved following Resolution Proceeding (CA): **\$82,346,840.00**

Settlement Amount up to \$500,000.00: **75**

Settlement Amount between \$501,000.00 to \$1,500,000.00: **52**

Settlement Amount between \$1,501,000.00 to \$2,500,000.00: **2**

Actual Settlement Amount for Resolved Claims (with interest): **\$160,641,142.06**

- A fiscal year impact table with an estimate of aggregate monies owed in future fiscal periods can be found in Appendix A.

Nature of Claims Resolved with Settlement from the Fund

Total Claims Resolved with Settlement from the Fund through 2025 Q1: **296**

Claims settled of Sexual Abuse and Other Abuse: **237**

Claims settled of Sexual Abuse only: **42**

Claims settled of Other Abuse only: **17**

Section 4 – Other Claims Information

Number & Amounts of Other Claims No Longer Pending under the Fund

Denied for Procedural Reasons: **1**

Withdrawn by Claimant: **30**

Total Amount Represented by Other Claims: **\$29,998,550.00**

¹ **Report Note:** This Actual Settlement Amount figure represents amounts resolved following a resolution proceeding and 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

Payments Made for 274 Claims as of the End of 2025 Q1: **\$123,178,753.33**

CA Costs to the Fund

Total Cumulative Expenditure of CA Costs through 2025 Q1: **\$3,150,467.45**

Cumulative Expenditure through 2024 Q4: **\$2,678,284.14**

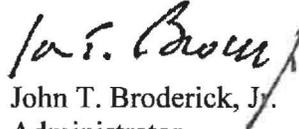
2025 Q1 Expenditure to be Invoiced to the Fund: **\$472,183.31**

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

Payments Made as of the End of 2025 Q1: **\$4,302,015.76**

Pending as of the End of 2025 Q1 (to be paid in 2025 Q2): **\$300,000.00**

Respectfully submitted,



John T. Broderick, J.
Administrator

New Hampshire Youth Development Center
Claims Administration and Settlement Fund

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Appendix A

Total Claim Amount for Filed Claims

Total Claim Amount as requested by Claimants in the aggregate for:

- **Total** Filed Claims through 2025 Q1: **\$1,450,809,381.00** requested by claimants
With statutory maximums applied: \$1,339,833,507.00 requested by claimants
- **Resolved** Filed Claims (AGO/CA) through 2025 Q1: **\$309,230,525.00** requested by claimants
Actual Settlement Amount for Resolved Claims (without interest): \$156,343,215.00 awarded
- **Pending** Filed Claims through 2025 Q1: **\$1,111,580,306.00** requested by claimants

Notice of Claim Filings

Per statute, a Notice of Claim form may be filed in advance of submitting an administratively complete claim, before the conclusion of the filing period at midnight on June 30, 2025. Those filing a timely Notice of Claim within the filing period then have 60 days – on or before August 29, 2025 – to provide a complete claim form with all information the claimant wishes to submit for evaluation and state the amount of compensation sought.

Total Number of Notices of Claim through 2025 Q1: 71

- Notices of Claim that are pending: **47**
- Notices of Claim that subsequently became full claims: **24**
- Notices of Claim that expired or were withdrawn: **0**

Additional Information on Resolved and Other Claims

- For the 296 *Total Claims Resolved with Settlement*, these do not include 6 denial decisions by CA.
- Of the 153 resolved *Claims Settled by Agreement with AGO* through 2025 Q1, 14 were resolved after 6/30/2024.
- Of the 129 resolved *Claims Settled following Resolution Proceeding with CA* through 2025 Q1, 82 were resolved after 6/30/2024.
- Claims in the category *Claims Settled with Resolution by AGO and CA* were resolved through final decision where the parties agreed on the award amount and submitted open items to the claims administrator for his decision (ex: payout years for agreed upon award; legal fees as portion of award; and/or payout years for legal fees).

Fiscal Year Impact for Claims Resolved with Settlement from the Fund

This fiscal year impact table provides an estimate of aggregate monies owed in future fiscal periods based on Resolved Claims through the reporting period. Claims are considered Resolved for payment under the Fund once a claimant both accepts an award (either through claims administrator final decision or mutual agreement with AGO) and claims administration sends an "approve to proceed to payment processing" notification to the claimant and to the AG designee, after reviewing the acceptance for completion. Once Resolved, claims administration takes no further action on a claim and designates it with "closed" status. Payment processing is carried out by the Attorney General's Office.

FY Impact	Through FY24 (through 6/30/2024)	FY25 (as of 3/31/2025)	To be paid in Future FYs* (as of 3/31/2025)	Total
Lump Sum Payments	\$95,627,500.00	\$6,101,125.00	-	\$101,728,625.00
Periodic Payments	-	\$25,478,374.00	\$33,434,143.00	\$58,912,517.00
Total	\$95,627,500.00	\$31,579,499.00	\$33,434,143.00	\$160,641,142.00

*Represents periodic payments pursuant to installment plans due in future Fiscal Years (FY26 through FY34).