



Making a claim for abuse or neglect in state care

If you feel you have been unjustly treated while in the care of the Child Welfare Division, the Department of Social Welfare, the New Zealand Children and Young Persons Service or Child, Youth and Family, please talk to us.

Who can make a claim?

We understand that this time can be very unsettling, and that it can be difficult talking about your experience and taking that first step towards the Crown responding to your claim.

You can make a claim of abuse or neglect if you:

- were in the care, custody, guardianship, or came to the notice of the Child Welfare Division, the Department of Social Welfare, the New Zealand Children and Young Persons Service or Child, Youth and Family, before 1 April 2017, and
- believe you were harmed as a result of abuse or neglect while in care.

We want to make sure the process is as simple as possible for you. We will give you clear information about what happens from the time you first talk with us to the time your claim is settled. We will help with support you may need while going through the process. This could include a counsellor or someone else you feel comfortable with – it's your choice.

You can talk to us about making a claim by:

- writing to the Ministry of Social Development, Historic Claims, PO Box 1556, Wellington 6140
- calling 0800 631 127 and speaking with a staff member in Historic Claims
- completing the claim registration form on the Historic Claims website [Historic Claims - Register your claim of abuse in State care \(msd.govt.nz\)](https://www.historicclaims.govt.nz/register-your-claim-of-abuse-in-state-care) and sending it to historicclaims@msd.govt.nz
- emailing: historicclaims@msd.govt.nz

You can also speak with a lawyer to get their assistance to make a claim. They will be able to let you know if you can get legal aid.

What happens when I make a claim?

When you first contact us we will go through the claims process and answer any questions you have. We will also ask you for some information about yourself and your care experience so that we can make sure you are eligible to register a claim and we have your contact details and preferred method of contact.

We will also help you with support you may need while your claim is happening such as a counsellor. It may take quite some time before we are ready to begin your assessment, so it is important that you are supported while you wait.

Questions about your time in care

If you have questions about your time in state care, we can assist with this. For some people, it may be helpful to receive a copy of your personal files from your time in care. This can be requested at any time through the claims process.

Some information in your file may be blocked out as required under the Privacy Act 2020, for example private information about other people.

You can also talk to us if you have any questions about your file.

Understanding your assessment options

When your claim is ready to be worked on, a staff member will make contact with you to discuss your assessment options. There are two types of assessment that you can choose

from; a rapid payment or an individualised assessment.

Rapid payment offers can be calculated more quickly as the assessment focuses on the length of involvement you have had with Child, Youth and Family or its predecessor agencies, rather than considering your specific concerns.

An individualised assessment will consider your specific concerns and care experience including reviewing your state care files. This will take longer to complete.

Understanding your story

A key part of our claims process is giving people the opportunity to share their care story with us. This is needed if you choose an individualised assessment so that we can understand the concerns you would like us to consider. Though for those who request a rapid payment, you will have a choice about whether you share your specific concerns with us.

For anyone who wishes to share their story, we will listen to you about your experience. This might be in person, by phone, video or you might like to share your experience in writing. Any meeting held will be at a time and place which works for you and will be respectful of your culture and values. You are welcome to have a support person with you. This could be, for example, your partner, friend, family or whānau member or counsellor.

The assessment

Rapid payments are primarily calculated by considering how long a person has been involved with Child, Youth and Family and its predecessor agencies. Additional payments are then added to claims which include particular placements where it is known more serious abuse occurred or where a person's legal rights may have been potentially breached. Payments range from \$10,000 to \$30,000.

For individualised assessments, the assessment will begin by confirming your involvement with the State, including if the State was legally responsible for you at the times your claim covers. It will then consider your specific concerns.

As part of this assessment, we always review your personal state care files. A full review of other relevant records is not carried out for every concern you raise; however some

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concerns may require a more detailed assessment.

Outcome

When the assessment is finished, we will make contact with you to discuss the outcome which may include making a payment offer. If you have chosen an individualised assessment, we will also give you general feedback gathered from reviewing your file and may provide a timeline of your time in state care.

You can take time to think about any payment offer and choose if you want to accept it or not. You may choose to seek legal advice.

Our Chief Executive may also want to provide a written apology to you.

If your offer includes a payment, we will arrange for this to be made and close your claim.

Offer not accepted

If you don't accept our offer, we will talk to you about what other options are available, including asking for a review of your individualised assessment. If you haven't received a rapid payment offer, you may also be able to request one.

We will talk with you about this and how long it may take.

You may also choose to seek legal advice.

Review

If your offer is reviewed, we will go through our decision with you once the review is finished. There may also be further information found during the review of your files we can give you.

As part of this meeting, we may discuss with you a payment offer.

This payment could be higher or lower than any original offer.

Again, you should take time to think about this offer and choose to either accept it or take your claim through the courts, or to an independent organisation such as the Ombudsman.

For more information please refer to the Ministry of Social Development's Historic Claims page at www.msd.govt.nz/about-msd-and-our-work/work-programmes/historic-claims

