

# If I take the civil claims pathway

## What will that look like?

Always speak to your lawyer or a lawyer at [knowmore](#) on 1800 605 762 about your options. knowmore is a free national legal service giving specialist legal advice in child sexual abuse claims.

### Firstly, what you need to know about the National Redress Scheme (NRS).

- You need to be eligible to apply – check this out with knowmore lawyers.
- The NRS will accept applications until 30.6.2027. The Scheme closes on 30 June 2028.
- NRS payments are capped at up to \$150,000 (the maximum payment for penetrative child abuse is \$150,000, for contact abuse it is \$50,000 and for exposure abuse it is \$20,000).
- If you settle a civil claim you may be eligible for a ‘top up’ from the NRS. You cannot accept a payment from the NRS and then use civil litigation for a ‘top up’.

### Secondly, what you need to know about civil claims.

There may be four times when you feel ‘uncomfortable’ during the civil claims process.

**These will be:**

- 1) When you speak to your lawyer for the first time – you will be telling them what happened to you and they will need to ask for all of the details.
- 2) When you have your appointment with the medical expert, likely to be a psychiatrist.
- 3) When the time for the settlement conference/mediation approaches and as you and your legal team prepare for this.
- 4) During the conference/mediation when you may be asked by your lawyer to decide to accept the offer or opt for a court hearing.



## STEP 1 Finding a lawyer

- Find a lawyer who specialises in personal injury claims of this type. Speak to more than one, check out the websites for each of the law firms. You need to feel comfortable with your choice.
- Your lawyer will ask you to sign a “no win no fee” costs agreement. Talk to your lawyer about what this means.

## STEP 2 Preparing your case with your lawyer

- You will need to give a statement to your lawyer which will include detailed information about the abuse and its impact on you. If you have given a statement to police, this statement will be different.
- You will then be assessed by a medical expert likely to be a psychiatrist. The medical expert will need a lot of information about the abuse. Your lawyer will give the medical expert information so when you get to the appointment, they will already know many of the details. But you still may be asked for more information. Make arrangements for counselling support before and after the psychiatrist session as it can be intrusive and distressing during and afterwards as old wounds will be explored. It can also feel like something had been resolved and new understandings may occur. It is likely going to create a mix of emotions. Prepare for this.
- After this, your lawyer will decide if there is enough factual and medical evidence to make a claim.

## STEP 3 Settlement conference/mediation

- Your lawyer and the lawyer for the other side will decide on a date for a mediation/settlement conference.
- Talk to your lawyer about what happens if you ultimately decide not to accept the settlement offer.
- Generally, you will need to be there to give your lawyer instructions. Sometimes this can be done by phone.
- The mediation/settlement conference is likely to go all day.
- Think about taking someone you trust with you for support.
- An apology will often be provided by a representative from the institution or institutions the subject of your claim. This is normally provided verbally and in writing.
- When a final offer is made by the other side, you can accept it on the day though you will usually be given time, about 14 days, to think about accepting or rejecting it.

## STEP 4 You are thinking of saying 'No' to the offer and going to court

- You have decided not to accept the final offer from the other side; that you want your day in court.
- Remember going to court will lengthen the time it takes to finalise your claim. It can be re-traumatising especially during cross examination and it can be costly.
- If you lose there is a real risk, you will have to pay your own legal costs and the costs of the other side.

The material in this factsheet is intended as general information and cannot be taken as legal advice.

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