



Historical abuse claims with little information about the institution

Author: [Tanya Neilson](#)

Email: tanya@guardianinjurylaw.com.au

Date: Saturday May 27, 2023

At Guardian Injury Law, we have a wealth of experience in bringing claims for survivors of abuse in Victorian institutions. We know from our experience that many survivors struggle to identify all of the institutions where they were placed and, in some situations, the name of the offenders who abused them. This is particularly common for survivors who were placed into institutions at a young age, some even as babies, and moved around frequently.

It is important to know, this is not necessarily a barrier to bringing a [claim for childhood abuse](#).

What sort of historical abuse claims can I make?

In our previous blogs, we have explained the different types of claims that can be brought in relation to abuse suffered in Victoria institutions. In short, there are [two primary options for survivors](#):

1. A common law claim against the relevant institution due to negligence; and

2. [National Redress Scheme](#) application.

What if I can't recall the institutions where I was abused?

In our experience, we are able to ascertain, for most of our clients, what institutions they were placed in during their childhood. Many of the institutions in which abuse survivors were placed held some form of records in relation to each child who was placed there.

How comprehensive these records are is variable. In some cases, there are many records that can be located and in others, very few. This can sometimes correspond with how long ago someone was placed in care, the period of time they spent in care or the practices of the individual institution.

In order to obtain these records, requests are made to the relevant institutions. For example, if you were a Ward of the State in Victoria, your records are likely to be held by the Victorian Government, and the request is made to the relevant government department.

If you were placed in an independent institution that was not government-run, for example, a religious organisation, you may also have records with that institution.

We often find that once we have obtained a client's records, this can build a picture of where they were placed over their years in care. It may also inform us as to where further records might be held in relation to their time in care.

In some cases, the records of a person's sibling(s) can also help us determine further details about their time in care as there will sometimes be details about the whole family contained in them.

Do I need to get my records of institutional care before seeking legal advice?

No, you do not need to get your records before obtaining legal advice about historical abuse compensation. This is something we do routinely for this sort of claim and can do on your behalf.

[Free advice to find out where you stand: 1300 700 761](#)

Remembering details of abuse while in institutional care

In our experience, one of the most challenging aspects of childhood abuse claims for survivors, is remembering and recounting the details of the abuse. Unfortunately, this is a necessary step to ensure that an accurate account of the allegations can be given to the relevant institution.

We see a number of situations where a client cannot remember the name of the relevant abuser. This could be for a number of reasons, including:

- that the abuser did not identify their name to the survivor;
- that the survivor was so young at the time, that they could not remember the name of the abuser; or
- that the psychological injury or conditions surrounding the abuse may make it difficult for them to remember the name.

Preparing to claim compensation for historical childhood abuse

In order to prepare for a childhood abuse claim, and in particular, providing instructions to your lawyer, there are some things a survivor can do ahead of time to try and help the process:

- Try to identify whether the abuser was a worker, a resident or another person who attended the institution. For example, they may have been a visitor or a priest. Try to identify how often they had seen the abuser at the institution. Was it the only time they saw them or were they there regularly?
- Try to identify any physical features of the abuser, including height, skin colour, weight, hair colour, eye colour, accents, tattoos or piercings and any other distinguishing features. In some circumstances, this can assist us to identify the abuser if other survivors have made claims against persons with strikingly similar physical attributes in the same institution.
- Try to remember any nicknames the abuser had.
- Try to remember where in the facility the abuse occurred, and at what time. This might assist in identifying what part of the facility a person worked in and whether they were a day or night worker.

Get help from an abuse compensation lawyer

At Guardian Injury Law, we know the process of talking about historical abuse can be very confronting for survivors. We aim to provide all of our services in the most trauma-informed manner possible. We have worked with many survivors of historical childhood abuse in successful claims. Call us today to discuss any potential compensation options you may have. It costs you nothing to find out where you stand.

Contacting Guardian Injury Law

[1300 700 761](tel:1300700761)

enquiries@guardianinjurylaw.com.au

Further reading

- [Time limits for childhood abuse compensation claims](#)
- [Abuse compensation claims against schools](#)
- [Abuse compensation under the Sentencing Act s85B](#)

This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.