STATE OF NEW YORK

10144--B

IN ASSEMBLY

May 10, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. L. Rosenthal) -- read once and referred to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to liability of certain agencies for negligence in the placement of a child or supervision of a child in foster care; and to amend the court of claims act, in relation to extending jurisdiction to certain claims for injuries to a child

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The social services law is amended by adding a new section 419-a to read as follows:

§ 419-a. Liability. 1. Notwithstanding their performance of governmental functions, public agencies that are authorized agencies under this chapter, including without limitation, cities, counties, towns, villages and other municipalities, shall be liable for negligence by any person in the placement of a child in the authorized agency's legal custody, or in the supervision of a child in foster care, a foster home or foster parents, in the same manner and to the same extent as private entities.

2. This section shall apply to civil claims brought pursuant to section two hundred fourteen-g of the civil practice law and rules that were revived pursuant to the terms of such section.

§ 2. Section 9 of the court of claims act is amended by adding a new subdivision 14 to read as follows:

14. To hear and determine a claim for injuries to a child caused by any person due to negligence in the placement or supervision of the child in juvenile detention or other manner of custody by the state.

§ 3. Severability. The provisions of this act shall be severable, and if any clause, sentence, paragraph, subdivision or part of this act shall be adjudged by any court of competent jurisdiction to be invalid,

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 4. This act shall take effect immediately and its provisions shall be applicable to civil claims or causes of action filed before, on, or after, the effective date of this act.