STATE OF NEW YORK

9778

IN SENATE

April 6, 2026

Introduced by Sens. SEPULVEDA, COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the social services law, in relation to duty owed by certain agencies to children in the legal custody of the agencies; and to amend the court of claims act, in relation to extending jurisdiction to certain claims for injuries to a child in the legal custody of the state

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 owe a nondelegable special duty to a child under the age of eighteen in the authorized agency's legal custody to provide for the child's safety and to exercise reasonable care in the prevention of foreseeable harm to the child. Such public agencies that breach this duty shall be liable to the child for negligence in the placement of the child or in the supervision of the child in a temporary home or residential facility, proximately causing injury to the child. The liability of public agencies under this section shall be in the same manner and to the same extent as private entities, without entitlement to governmental immunity.

2. The nondelegable special duty to a child in custody provided under this section shall encompass liability for the negligent acts or omissions of employees or agents of a not-for-profit contract agency performing the duties of placement or supervision for the child.

3. A person who has a physical, psychological, or other injury or condition suffered as a result of acts or omissions which would violate or not be in compliance with any requirement or duty arising under this article or title three of article seven of this chapter, shall have a statutory private right of action for compensatory damages.

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

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§ 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 against the state for negligence causing injuries to a child in the legal custody of the state, including juvenile detention, mental health placement, or any other manner of custody by the state, caused by any person in the placement or supervision of the child, or in the supervision of the facility in which the child is placed.

§ 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, 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.