



April 29, 2026

Dear ,

CHILD USA is pleased to offer this letter in support of A4362 -B Rosenthal/S9778-A Sepulveda. This Act amends the social services law, in relation to the duty owed to children in the legal custody of agencies. This reaffirms the fundamental principal that when a state takes custody of a child, it assumes the full responsibility to protect that child from harm.

The New York State Court of Appeals recently confirmed that municipalities have a duty to safeguard foster children from reasonably foreseeable risks, including abuse and negligent supervision. The Court also clarified that Child Victims Act plaintiffs are not required to prove a “special duty” to pursue negligence claims. This bill codifies that ruling and ensures consistent, fair treatment for survivors.

Inconsistent court decisions since the Child Victims Act’s enactment have disproportionately harmed Black, Latino, and other children of color whose cases were dismissed on procedural grounds, despite being harmed while under government-supervised foster care. This legislation ensures that public entities cannot avoid accountability through technical defenses or by contracting out foster care services. The duty to protect children in state custody is non-delegable.

The bill does not harm foster care agencies. Instead, it clarifies shared responsibility and promotes fairer apportionment of liability, reducing the disproportionate burden currently placed on not-for-profit providers.

By closing gaps that have allowed public entities to evade responsibility, this legislation strengthens legal clarity, promotes equity, and ensures all survivors have meaningful access to justice. It aligns New York law with its moral obligation to protect every child entrusted to state care.

For these reasons, CHILD USA supports this legislation.

Sincerely,

David M. Maola  
Executive Director

