



GRADUATE
STUDENT
ASSOCIATION

MEMORANDUM IN SUPPORT

A.4362-B (Rosenthal) / S.9778-A (Sepulveda)

AN ACT to amend the social services law, in relation to the duty owed to children in the legal custody of agencies

The University at Albany Graduate Student Association (GSA) strongly supports A.4362-B / S.9778-A, legislation that affirms a fundamental principle: when the State assumes custody of a child, it assumes full responsibility for that child's safety and well-being.

Children in foster care rely entirely on public systems to protect them from harm. This bill makes clear that counties, municipalities, and other public entities have a legal duty to safeguard children from foreseeable risks, including abuse and neglect, and must be held accountable when they fail to do so.

Since the passage of the Child Victims Act, some claims have been dismissed on procedural grounds due to inconsistent interpretations of the "special duty doctrine." This bill clarifies that survivors bringing negligence claims are not required to establish a special duty, ensuring fair access to justice.

This legislation closes critical gaps in the law and reinforces that responsibility for children in state custody cannot be delegated away. For these reasons, the University at Albany Graduate Student Association urges the Legislature to pass A.4362-B / S.9778-A and support its co-sponsorship.

Campus Center West B-92

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