



NEW YORK STATE SENATOR

Timothy M. Kennedy

## Senator Kennedy Calls for Comprehensive State Investigation into Death of Eain Clayton Brooks and CPS Response, Operations

TIMOTHY M. KENNEDY September 20, 2013

| ISSUE: **FAMILIES, CHILDREN**

*Five-year-old Eain Clayton Brooks was murdered this week on Buffalo's West Side. Family members say they reported abuse on several occasions, but CPS reportedly found those complaints unfounded.*

*Kennedy wants the state Office of Children and Family Services to investigate the child's death and to conduct a comprehensive study into state and county systems for Child Protective Services.*

BUFFALO, N.Y. – Senator Tim Kennedy, D-Buffalo, today called on the state Office of Children and Family Services (OCFS) to investigate the tragic murder of five-year-old Eain Clayton Brooks, who was beaten to death earlier this week at the hands of his mother's boyfriend Matthew Kuzdzal on Buffalo's West Side. Kennedy is urging the state to review the circumstances surrounding Eain's death and ensure the state and county did everything within their powers to protect the little boy.

Senator Kennedy is also pushing state OCFS to examine statewide Child Protective Services operations and launch a full-scale, comprehensive study that digs deep into the functions of local CPS agencies in Western New York and across the state as well as the state's practices and its interactions with county agencies.

"As the father of three children, I was deeply saddened by Eain's death, and I was outraged that the system had failed to protect this child," said Senator Kennedy. "Eain's death is an

intolerable and heartbreaking tragedy, and we must do all we can to prevent anything like this from ever happening again. Unfortunately, we've all spoken that exact sentence far too many times to fully accept that the state and county have truly done everything that could be done to protect our children and prevent senseless tragedies like this from occurring. The state Office of Children and Family Services must investigate this tragedy and intensely review the operations of Child Protect Services agencies in Erie County and across the state to ensure New York children are kept safe from harm."

In [his letter to OCFS Commissioner Gladys Carrión](#), Kennedy cites the recent murders of several Western New York children as a clear indicator of the need to improve the state's protective services.

"In Western New York," Kennedy writes, "10-year-old Abdifatah Mohamud, three-year-old Gage Seneca, one-year-old Austin Smith and now five-year-old Eain Clayton Brooks were brutally beaten and murdered by individuals entrusted with their care. The circumstances surrounding each of their deaths are different, but together, the loss of these children call into question whether or not our state and county are meeting their obligations to protect our children. I urge you to conduct a full-scale investigation into the events surrounding Eain's tragic death, with a specific focus on whether or not Erie County and New York State did everything within their powers to protect this little boy."

Following the death of Abdifatah Mohamud, OCFS reviewed issues within Erie County and provided a set of recommendations. In his letter, Kennedy asks the state to follow up on their previous review, ensure initial recommendations were implemented and probe deeper to identify if further reforms are needed in Erie County.

Kennedy has also begun work in seeking out potential gaps in state law, where new legislation is needed to improve child protective services in Western New York and across the

state. He wants to ensure any necessary reforms are enacted without delay.

“When tasked with the supremely important mission of protecting New York’s youngest and most vulnerable citizens, it is essential that we constantly reevaluate our procedures and practices, always remain willing to innovate and continually look for new ways to keep children safe,” Kennedy writes in his letter to OCFS. “If you find that legislation is necessary to improve our statewide systems for child protective services, I can assure you that I will serve as an ally in the State Legislature and stand with you and Governor Cuomo to enact any needed reforms to better protect children.”

Senator Kennedy's letter to the OCFS commissioner can be read in its entirety below, or [click here to view a copy of the letter](#).

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*Senator Timothy M. Kennedy represents the New York State Senate’s 63rd District, which is comprised of the town of Cheektowaga, the city of Lackawanna and nearly all of the city of Buffalo. More information is available at <http://kennedy.nysenate.gov>.*

### **Full text of Senator Kennedy’s letter to OCFS:**

September 20, 2013

Dear Commissioner Carrión:

This week, our community was shaken by the tragic death of five-year-old Eain Clayton Brooks, who was taken from this world far too soon, killed at the hands of someone whom he should have been able to trust. His mother’s boyfriend Matthew Kuzdzal violently attacked the little boy and beat him to death. Across Western New York, hearts broke at the

news of his vicious murder. I cannot imagine the unbearable pain his family has endured since they lost little Eain.

As the father of three children, I was deeply saddened by Eain's death, and I was outraged that the system had failed to protect this child. The boy's grandmother reported that she had asked Erie County's Child Protective Services, on several occasions, to take action to rescue Eian from the unthinkable abuse he was suffering.

This is an intolerable tragedy, and we must do all we can to prevent anything like this from ever happening again. Unfortunately, we've all spoken that exact sentence far too many times to fully accept that the state and county have truly done everything that could be done to protect our children and prevent senseless tragedies like this from occurring.

In recent months, in Western New York alone, 10-year-old Abdifatah Mohamud, three-year-old Gage Seneca, one-year-old Austin Smith and now five-year-old Eain Clayton Brooks were brutally beaten and murdered by individuals entrusted with their care. The circumstances surrounding each of their deaths are different, but together, the loss of these children call into question whether or not our state and county are meeting their obligations to protect our children.

I urge you to conduct a full-scale investigation into the events surrounding Eain's tragic death, with a specific focus on whether or not Erie County and New York State did everything within their powers to protect this little boy. According to local media reports, several complaints were made to CPS regarding potential abuse, but CPS reportedly declared those complaints unfounded, despite multiple accounts of the boy showing signs of abuse, like bruising. I understand your office completed an investigation into the protective services provided in Erie County and issued recommendations following the murder of Abdifatah Mohamud. It appears necessary for the state to follow up on this previous study,

ensure the initial recommendations have been fully implemented and probe deeper to identify if further reforms are needed in Erie County.

In addition, I believe it is critically important that you launch a comprehensive, far-reaching study into New York State's entire system of child protective services. This study should dig deep into the functions of the local CPS agencies in Western New York and across the state, and it should review the practices of the state's protective services and its interactions with county agencies. When tasked with the supremely important mission of protecting New York's youngest and most vulnerable citizens, it is essential that we constantly reevaluate our procedures and practices, always remain willing to innovate and continually look for new ways to keep children safe. If you find that legislation is necessary to improve our statewide systems for child protective services, I can assure you that I will serve as an ally in the State Legislature and stand with you and Governor Cuomo to enact any needed reforms to better protect children.

Thank you for your time and consideration of this vitally important matter. Clearly, urgent action is needed to shield New York's children from violent abuse. If you have any questions, or if you would like to discuss this request further, please feel free to contact me in my district office at 716-826-2683. I would be happy to provide help or support as needed.

Sincerely,

Timothy M. Kennedy

New York State Senator, 63rd District