



NEW YORK STATE SENATOR

Timothy M. Kennedy

State Answers Senator Kennedy's Call for Investigation into Erie County Child Protective Services in Response to Tragic Death of Eain Brooks

TIMOTHY M. KENNEDY September 26, 2013

| ISSUE: **FAMILIES, CHILDREN, SENIORS**

Five-year-old Eain Clayton Brooks was murdered last week on Buffalo's West Side. Family members say they reported abuse to CPS on several occasions, but apparently no actions were taken after they determined the complaints were unfounded.

Kennedy called on the state Office of Children and Family Services to investigate Erie County CPS.

BUFFALO, N.Y. – Last week, following the tragic death of five-year-old Eain Clayton Brooks, Senator Tim Kennedy, D-Buffalo, called on the state Office of Children and Family Services to investigate Erie County Child Protective Services and conduct a full-scale review of procedures put in place to protect children's safety. Late Wednesday, OCFS Commissioner Gladys Carrión responded to Kennedy's request and informed him that the state is launching an investigation to ensure Erie County has the proper protections in place to keep children safe.

"My heart goes out to Eain's family. His death was an absolutely unthinkable tragedy. It's intolerable here in Erie County or anywhere else in New York State," Senator Kennedy said. "We must take action to prevent these circumstances from ever happening again."

“I’m pleased the state is using its authority to thoroughly investigate Child Protective Services in Erie County and is now taking further steps to protect the safety of our children,” Kennedy added. “Protecting children and families must be our highest priority, and the state’s aggressive response to our call for a comprehensive investigation shows New York State is serious about keeping our children safe. These are important and long-needed actions to root out child abuse in Erie County and across the state. We must never rest until we can ensure each and every child in Western New York and New York State is kept safe from harm.”

Specifically, Commissioner Carrión said her office would be reviewing all open CPS cases, as well as reviewing the next 200 cases prior to them being closed to ensure Erie County has conducted a thorough investigation into each case.

“First we are conducting an immediate safety assessment on all open CPS cases to establish that the proper protections are in place to safeguard the children involved,” wrote Commissioner Carrión in her letter to Senator Kennedy. “In addition, we will be reviewing the next 200 cases prior to Erie County CPS making a determination that a case can be closed in order to assess whether the investigation was thoroughly conducted and that the conclusion is sound.”

Commissioner Carrión also informed Senator Kennedy that the state has suspended Erie County’s use of the Family Assessment Response (FAR), an alternative CPS response to traditional methods. The FAR model was found to be seriously flawed following the death of 10-year-old Abdifatah Mohamud in Buffalo.

OCFS will also be completing a fatality report, which is required by law, to address “issues including the cause of death of the child, child protective or other services provided to the child and his or her family and the actions taken by the local social services district since the

death of the child was reported,” Carrión explained.

Kennedy is encouraging the state to make its findings public after they complete their investigation into Erie County CPS.

You can review Commissioner Carrión’s full response by clicking [this link](#).

You can read Senator Kennedy's initial call for a comprehensive state investigation here:

<http://www.nysenate.gov/press-release/senator-kennedy-calls-comprehensive-state-investigation-death-eain-clayton-brooks-and->

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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>.