

THE SENATE  
STATE OF NEW YORK



**TIMOTHY M. KENNEDY**  
**SENATOR, 63<sup>RD</sup> DISTRICT**

**RANKING MINORITY MEMBER**  
COMMERCE, ECONOMIC DEVELOPMENT  
AND SMALL BUSINESS  
INFRASTRUCTURE & CAPITAL INVESTMENTS

**COMMITTEES**  
CULTURAL AFFAIRS, TOURISM, PARKS  
AND RECREATION  
ENERGY AND TELECOMMUNICATIONS  
FINANCE  
HIGHER EDUCATION  
INSURANCE  
TRANSPORTATION

□ **ALBANY OFFICE:**  
ROOM 506  
LEGISLATIVE OFFICE BUILDING  
ALBANY, NEW YORK 12247  
(518) 455-2426 OFFICE  
(518) 426-6851 FAX

□ **DISTRICT OFFICE:**  
2239 SOUTH PARK AVENUE  
BUFFALO, NEW YORK 14220  
(716) 826-2683 OFFICE  
(716) 826-2793 FAX

**E-MAIL ADDRESS:**  
KENNEDY@NYSenate.GOV

September 20, 2013

Commissioner Gladys Carrión  
New York State Office of Children and Family Services  
Capital View Office Park  
52 Washington Street  
Rensselaer, NY 12144

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,

A handwritten signature in blue ink that reads "Timothy M. Kennedy". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Timothy M. Kennedy  
New York State Senator, 63rd District