



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

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**21-ORD-205**

November 2, 2021

In re: Randy Skaggs/Elliott Circuit Court Clerk

**Summary:** The Open Records Act (“the Act”) does not apply to records of the Elliott Circuit Court Clerk (the “Clerk”).

***Open Records Decision***

Randy Skaggs (“Appellant”) requested copies of two recorded hearings from the Clerk. After receiving no response from the Clerk, the Appellant initiated this appeal.

Although KRS 61.880(2) charges the Attorney General with the duty to resolve disputes regarding access to public records, the Act is not binding on the judicial branch. *Ex parte Farley*, 570 S.W.2d 617, 624 (Ky. 1978). Because the Act does not apply to court records, the Clerk, who is the custodian of the requested court records, was not required to respond to the request. *See* 98-ORD-6 (copy attached). Accordingly, this Office dismisses the appeal.

A party aggrieved by this decision may appeal it by initiating action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882. Pursuant to KRS 61.880(3), the Attorney General shall be notified of any action in circuit court, but shall not be named as a party in that action or in any subsequent proceeding.

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**Daniel Cameron**  
**Attorney General**

*/s/ James M. Herrick*

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Assistant Attorney General

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Enclosure

Distributed to:

Mr. Randy Skaggs  
Jason Ison, Clerk