



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN  
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE  
SUITE 200  
FRANKFORT, KY 40601  
(502) 696-5300

24-ORD-179

August 13, 2024

In re: Kristian Childers/Cabinet for Health and Family Services

**Summary:** The Cabinet for Health and Family Services (the “Cabinet”) did not violate the Open Records Act (“the Act”) when it withheld records under KRS 620.050(5).

***Open Records Decision***

Kristian Childers (“Appellant”) submitted a request to the Cabinet for “records involving any closed investigation regarding” a specific child and stated she is the child’s “[n]atural mother.” The Cabinet denied the request because the records are “confidential[ ] information obtained by the Cabinet as a result of an investigation of[ ] reported child abuse, neglect, or dependency that shall not be disclosed[ ] under KRS 620.050(5).”<sup>1</sup> This appeal followed.

Under KRS 620.050(5), a report of suspected child abuse, neglect, or dependency and all information obtained by the cabinet or its delegated representative, as a result of an investigation or assessment made pursuant to this chapter . . . shall not be divulged to anyone except” to those people listed in KRS 620.050(5)(a) through (j). Here, the Cabinet claims the requested records contain information made confidential by KRS 620.050(5) and the Appellant has not established that she is a person allowed to inspect such records under KRS 620.050(5). Further, the Cabinet states that the Appellant is a noncustodial parent who is only entitled to the confidential records if an allegation of “dependency, neglect, or abuse is substantiated.” See KRS 620.050(5)(f). The Appellant claims that she is the child’s “natural mother.” She has not presented any evidence that she is

---

<sup>1</sup> KRS 620.050 is incorporated into the Act under KRS 61.878(1)(l) which exempts “[p]ublic records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly[.]”

among the individuals permitted to review such information under KRS 620.050(5).<sup>2</sup> *See, e.g.*, 22-ORD-226 (the Cabinet did not violate the act when it withheld confidential records after requesters did not present evidence they were individuals permitted to review such information under KRS 620.050(5)). Accordingly, the Cabinet did not violate the Act when it withheld records that are confidential under KRS 620.050(5).

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court under KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Under 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 proceedings. The Attorney General will accept notice of the complaint emailed to OAGAppeals@ky.gov.

**Russell Coleman**  
**Attorney General**

/s/ Matthew Ray  
Matthew Ray  
Assistant Attorney General

#309

Distributed to:

Kristian Childers  
Elyssa S. Morris  
Peyton Sands

---

<sup>2</sup> The Appellant refers to a court order she states gives her “access to all of the child’s records.” Under KRS 620.050(5)(i), a “person” who may review “a report of suspected child abuse, neglect, or dependency and all information obtained by the cabinet . . . as a result of an investigation” includes “[t]hose persons so authorized by court order.” The Appellant has not provided a court order authorizing her to be provided reports and information concerning a report of child abuse, neglect, or dependency made confidential by KRS 620.050(5). Thus, the Appellant has not established that she is among the individuals permitted to review such information under KRS 620.050(5).