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25-ORD-155

June 13, 2025

In re: Tracy Cassaday/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

On May 11, 2025, Tracy Cassaday (“Appellant”) submitted a request to the Cabinet for a copy of the written assessment that was created following a “Safety Assessment” performed at her home on February 10, 2025, by a specific Cabinet employee concerning two named children. In an initial response on May 12, 2025, the Cabinet stated it does not possess records responsive to the Appellant’s request. In response, the Appellant provided additional information regarding the reason for her request and listed various other names under which the record she seeks might be listed. In response, the Cabinet maintained it did not possess records responsive to the request. Finally, the Appellant asked if there were any records that were “submitted into the file concerning the visit at [her] home” on February 10, 2025. In response to this inquiry, the Cabinet denied the request because the requested records “constitute 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).”¹ This appeal followed, challenging the Cabinet’s final denial.

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 under

¹ KRS 620.050 is incorporated into the Act by 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.”

KRS Chapter 620 shall not be divulged to anyone except to those people identified in KRS 620.050(5)(a)–(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).² For her part, the Appellant does not claim to be authorized by KRS 620.050(5) to inspect the requested records. Rather, she asserts that any records related to the February 10 visit were “not part of a formal investigation” but were “a voluntary, preemptive safety check related to temporary family placement.”

The Cabinet explains that there “was no safety assessment performed on February 10, 2025. Rather, the visit was part of an investigation of suspected child abuse, neglect, or dependency, for which the Cabinet interviewed the minors involved, who happened to be located in the home of the Appellant.” As such, because the Appellant is not a person authorized to inspect the records under KRS 620.050(5), the Cabinet did not violate the Act when it denied her request.³

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/ Zachary M. Zimmerer
Zachary M. Zimmerer
Assistant Attorney General

² Specifically, the Cabinet states that that Appellant “was not the person suspected of causing the dependency, neglect or abuse,” *see* KRS 620.050(5)(a), she is not “a custodial or noncustodial parent,” *see* KRS 620.050(5)(b), (f), and “she does not have a court order for the information,” *see* KRS 620.050(5)(i).

³ In its original final denial, the Cabinet stated that a safety assessment was conducted in March 2025 and the Appellant was entitled to receive such records if she chose to request them.

#222

Distributed to:

Tracy Cassaday

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