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25-ORD-228

August 25, 2025

In re: Amber Fralix/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 denied a request for records that are exempt from disclosure under KRS 620.050(5).

Open Records Decision

Amber Fralix (“Appellant”) submitted a request to the Cabinet for nine categories of records concerning a specific child.¹ The Cabinet denied her requests because “the information cannot be disclosed except to the specified class of people listed in KRS 620.050(5)” and explained that she is not authorized to receive the requested information.² 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” KRS Chapter 620 “shall not be divulged to anyone except” those people listed in KRS 620.050(5)(a) through (k). Here, the Cabinet asserts that the requested records contain information made confidential by KRS 620.050(5) and that the Appellant has not established she is a person allowed to inspect such records under KRS 620.050(5).

¹ On appeal, the Appellant states that the child is her “biological son.” The categories of records she requested were: (1) “Incident reports for the child and staff”; (2) “Shift or communication logs”; (3) “Previous citations from OIG/Division of Regulated Child Care or Division of Heath Care Facilities Services”; (4) “Staff training manuals and records”; (5) “Internal directives (such as policy, procedure, requirements, or recommendations)”; (6) “Previous allegations”; (7) “Personnel records (including criminal records)”; (8) “Child’s file”; and (9) “Child assessment information.”

² 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.”

On appeal, though the Appellant claims the child whose records are involved is her “biological son,” she has not presented any evidence that she is among the individuals permitted to review such information under KRS 620.050(5). *See, e.g.*, 22-ORD-226 (holding 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)). Further, on appeal, the Cabinet explains that the “Appellant was not the person suspected of causing the dependency, neglect or abuse,” *see* KRS 620.050(5)(a), she “is not a custodial parent, nor is she the legal guardian of the child,” *see* KRS 620.050(5)(b), (f), and she “does not have a court order for the information,” *see* KRS 620.050(5)(i).

Additionally, the Cabinet explains that KRS 620.050(5)(f) grants access to the confidential records only when “the dependency, neglect, or abuse is substantiated.” According to the Cabinet, because “[o]ne or more of the requested investigations is not complete,” there has not been a finding that “the dependency, neglect, or abuse is substantiated.” Thus, as a noncustodial parent, KRS 620.050(5)(f) does not currently grant access to the requested records to the Appellant. 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
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/s/ Zachary M. Zimmerer
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Distributed to:

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