



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-329

October 20, 2025

In re: Jennifer Mortenson/Cabinet for Health and Family Services

Summary: The Cabinet for Health and Family Services (“the Cabinet”) violated the Open Records Act (“the Act”) when it did not timely respond to the Appellant’s request.

Open Records Decision

On September 9, 2025, Jennifer Mortenson (“Appellant”) submitted a request to the Cabinet seeking “records of children labeled by [the Department for Community Based Services] as a fatality or near fatality, including records of hotline reports, investigations, and DCBS involvement, case files from January 1, 2024,” to the date of the request. Having received no response by September 22, 2025, the Appellant initiated this appeal

Under KRS 61.880(1), upon receiving a request for records under the Act, a public agency “shall determine within five (5) [business] days . . . after the receipt of any such request whether to comply with the request and shall notify in writing the person making the request, within the five (5) day period, of its decision.” On appeal, Metro does not dispute that it did not timely respond to the Appellant’s request. As a result, the Cabinet violated the Act when it failed to timely respond to the Appellant’s request.¹

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

¹ On appeal, the Appellant states that the Cabinet produced the records with redactions made under certain exemptions. The merits of those redactions are not before the Office here because the Appellant has not provided the Office with a copy of the Cabinet’s response. *See* KRS 61.880(2)(a). The Office notes that the Appellant has brought a separate appeal challenging the Cabinet’s redactions.

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

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Distributed to:

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