



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

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

25-ORD-358

November 13, 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 redacted information other than that which it identified in its response.

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. On October 9, 2025,¹ the Cabinet provided “the first responsive binder of three” with social security numbers, home addresses, personal phone numbers, and dates of birth redacted under KRS 61.878(1)(a), and the reporting sources and the names of victims and perpetrators redacted under KRS 620.050(5) and (11).² This appeal followed.

KRS 61.878(1)(a) exempts from disclosure “[p]ublic records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.” 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 KRS Chapter 620 “shall not be divulged to anyone,” except to the people listed in KRS 620.050(5)(a)–(k). And under KRS 620.050(11), “[i]dentifying information concerning the individual initiating [a] report” of dependency, neglect, or

¹ The untimeliness of the Cabinet’s response was previously the subject of 25-ORD-329.

² The Cabinet also stated the remaining responsive records would be made available on October 17, 2025, citing KRS 61.872(5). The Appellant has not specifically challenged the Cabinet’s invocation of KRS 61.872(5).

abuse may not be disclosed except in the circumstances provided in KRS 620.050(11)(a)–(e).

On appeal, the Appellant asserts that the Cabinet redacted information other than the categories it identified in its October 9, 2025, response. For its part, the Cabinet does not dispute the Appellant’s claim.³ Because the Cabinet does not dispute the Appellant’s claim that the produced records were over-redacted, the Office can only find that it violated the Act by redacting material not exempted by KRS 61.878(1)(a) and KRS 620.050(5) and (11).⁴

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

#580

Distributed to:

Jennifer Mortenson
Peyton Sands, Staff Attorney III, Cabinet for Health and Family Services
Natalie A. Nelson, Staff Attorney I, Cabinet for Health and Family Services
Evelyn L. Miller, Legal Secretary, CHFS Open Records, Cabinet for Health and Family Services

³ Instead, the Cabinet stated it is “conducting an additional review and will provide the amended responsive records as necessary,” and further stated it “does not intend to issue a response substantively responding to the Appellant’s allegations as [it] is addressing the redactions through amendment of the requested records.”

⁴ According to the Cabinet, it still had not provided the Appellant with amended records on November 6, 2025.