



SUMMARY OF GARRETT'S LAW REFERRALS

STATE FISCAL YEAR 2024

ARKANSAS DEPARTMENT OF HUMAN SERVICES

DIVISION OF CHILDREN AND FAMILY SERVICES

September 2024

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I. INTRODUCTION

The 2005 Regular Session of the 85th General Assembly of the Arkansas Legislature expanded the legal definition of child neglect in the state of Arkansas. Under the provisions of Act 1176, the term “neglect” was expanded to include the following.

The causing of a newborn child to be born with:

- a. An illegal substance present in the newborn’s bodily fluids or bodily substances as a result of the pregnant mother’s knowingly using an illegal substance before the birth of the child;*
or
- b. A health problem as a result of the pregnant mother’s use before birth of an illegal substance.*

Garrett’s Law (GL), named after a child who was born under such circumstances, was modified by Act 284 of the 2007 legislative session. “Health problem” was eliminated from the definition of neglect but was replaced by “the presence of an illegal substance in the mother’s bodily fluids or bodily substances.” As a result of this change (which went into effect July 1, 2007), the presence of an illegal substance, including prescription drugs, in either the newborn or the mother is sufficient cause to substantiate an allegation of neglect under GL. Act 284 also stipulated that mothers cited in GL reports would not be listed in the state’s Child Maltreatment Central Registry, even if the report was substantiated. This change was made in response to concerns that listing these mothers in the registry might have negative consequences on their employment prospects.

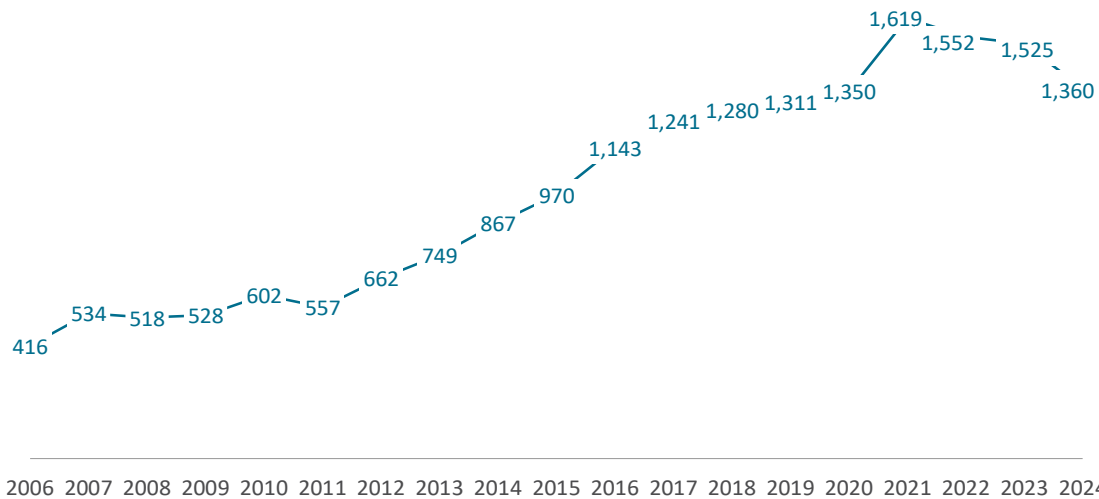
The following summarizes information on GL reports received during state fiscal year (SFY) 2024. As in previous years’ reports, much of the data for 2024 are compared with data from the preceding three fiscal years.

II. GARRETT’S LAW REPORTS RECEIVED

Figure 1 displays the number of GL reports received annually since the law’s inception 19 years ago. During SFY 2024, a total of 1,360 GL reports were received,¹ which is 11 percent lower than the number received during the previous year. Even with this decline, the number of GL reports has increased, on average, by 7% per year from SFY 2006 onward.

¹ Throughout this report, “GL reports” refers only to GL reports accepted for an investigation.

Figure 1
Garrett’s Law Reports Received
SFY 2006–2024



Appendix Table A lists the number of GL reports received by county and Division of Children and Family Services (DCFS) service area, while the map in Figure A outlines the counties that make up each service area.

III. CHARACTERISTICS OF GARRETT’S LAW REPORTS

Act 1176 requires that an annual report be delivered to the Legislature. The report includes the following characteristics of GL reports.

- Ages of mothers involved in the reports
- Types of illegal substances to which newborns were allegedly exposed
- Estimated gestational ages of newborns
- Any health problems observed in newborns

The age distribution of mothers involved in GL reports differs only slightly from year to year. Overall, mothers are generally younger than 30 years old at the time of the child’s birth (Table 1). For SFY 2024, the median age of all GL mothers was 26 (not shown).

TABLE 1 AGE DISTRIBUTION OF MOTHERS IN GL REPORTS SFY 2021–2024				
MOTHER'S AGE	2021	2022	2023	2024
Younger Than 20 Years	8%	9%	9%	10%
20 to 24 Years	32%	31%	32%	32%
25 to 29 Years	30%	28%	29%	27%
30 to 34 Years	21%	22%	20%	21%
35 to 39 Years	7%	9%	9%	8%
40 Years or Older	2%	1%	1%	2%
Total	100%	100%	100%	100%
Number of Reports	1,619	1,552	1,525	1,360

The majority (63%) percent of the mothers cited in GL reports for 2024 were white, 22% were black, and 10% were of more than one race. Approximately 4% were Hispanic.

Of the 1,360 mothers cited in GL reports for SFY 2024, 356 (26%) were prior offenders of child maltreatment and 169 (12%) were prior offenders of GL. The percentage of mothers who were prior offenders of GL was slightly higher than the previous year (9%).

Marijuana, including THC and cannabis, was cited in 81% of GL reports for SFY 2024. This was followed by amphetamines/methamphetamines at 21% and opiates/opioids (e.g., heroin, morphine, codeine, and oxycodone) at 11%. Benzodiazepines (e.g., prescription drugs such as Xanax and Valium) and cocaine were the next most commonly cited drugs (3% each). Hallucinogens, barbiturates, and non-categorized prescription drugs (e.g., tricyclics) are rarely identified in GL reports (Table 2).

TABLE 2 PERCENTAGE OF GL REPORTS IN WHICH DRUG WAS CITED SFY 2021–2024				
TYPE OF DRUG	2021	2022	2023	2024
Marijuana	75%	80%	78%	81%
Amphetamines/Methamphetamines	26%	24%	23%	21%
Opiates/opioids	10%	8%	8%	11%
Benzodiazepines	5%	5%	4%	3%
Cocaine	3%	2%	2%	3%
Hallucinogens	1%	1%	1%	1%
Barbiturates	1%	1%	1%	1%
Prescriptions*	<1%	<1%	<1%	<1%
Number of Times Drugs Were Cited†	1,958	1,862	1,796	1,638
Number of Reports	1,619	1,552	1,525	1,360

*Includes drugs not categorized elsewhere.

†Multiple drugs can be mentioned in a given report.

Regarding the gestational age of newborns in GL reports, 22% were born prematurely during SFY 2024, lower than the previous year (Table 3).²

TABLE 3 GESTATIONAL AGE DISTRIBUTION OF NEWBORNS IN GL REPORTS SFY 2021–2024				
GESTATIONAL AGE	2021	2022	2023	2024
Full Term*	77%	76%	74%	78%
Premature†	23%	24%	26%	22%
Total	100%	100%	100%	100%
Number of Reports	1,619	1,552	1,525	1,360

*Defined as a gestational age of at least 37 weeks.

†Defined as a gestational age of younger than 37 weeks.

Among newborns reportedly exposed to substances in utero, 76% did not have any reported health problems, similar to previous years. Approximately 15% required treatment in a neonatal intensive care unit (NICU), 12% suffered from respiratory distress or other respiratory problems, and 9% exhibited drug-related withdrawal symptoms (Table 4).

TABLE 4 PERCENTAGE OF GL REPORTS IN WHICH HEALTH PROBLEM WAS CITED SFY 2021–2024				
HEALTH PROBLEM REPORTED*	2021	2022	2023	2024
No Health Problems	77%	76%	78%	76%
Neonatal Intensive Care Required	10%	13%	14%	15%
Respiratory Distress	11%	16%	11%	12%
Drug-Related Withdrawal Symptoms	4%	3%	6%	9%
Child Died	<1%	<1%	<1%	<1%
All Other Problems†	9%	7%	5%	9%
Number of Reports	1,619	1,552	1,525	1,360

*Multiple health problems can be included in a single report.

†“All other problems” includes a wide range of observed health issues that could not be categorized elsewhere, including conditions such as irregular body temperature, heart complication and/or defects, anemia, physical deformity, feeding difficulties, hypoglycemia, and syphilis.

Among the mothers cited in GL reports, those who allegedly used opiates/opioids were the most likely to give birth to children with a documented health problem (59%), followed by those who used amphetamines/methamphetamines (51%), benzodiazepines (48%), and cocaine (30%). Mothers who

² Reports in which the newborn’s gestational age was unknown are excluded from this breakdown.

allegedly used marijuana were, by far, the least likely (19%) to give birth to children with a reported health problem.

Regarding specific health issues, newborns whose mothers allegedly used opiates/opioids were most likely to experience drug-related withdrawal symptoms (41%).

IV. DCFS RESPONSES TO GARRETT’S LAW REPORTS

This section presents information regarding DCFS’s response to GL reports, including percentages of the following categories.

- Reports that were substantiated after an investigation.
- Substantiated reports that resulted in opening a child protective services (CPS) case.³
- Substantiated reports that resulted in removing the newborn from the birth mother’s custody.

In SFY 2024, 86% of the GL reports received across the state were substantiated, lower than the rate observed for previous years. The substantiation rate among individual service areas ranged from 79% in Areas 1 and 9 to 97% in Area 4 (Table 5).

TABLE 5 SUBSTANTIATION RATE OF GL REPORTS BY AREA SFY 2021–2024				
AREA	2021	2022	2023	2024
1	88%	84%	82%	79%
2	92%	87%	87%	88%
3	95%	93%	97%	91%
4	98%	97%	97%	97%
5	93%	93%	90%	90%
6	94%	98%	90%	92%
7	96%	95%	88%	93%
8	86%	81%	82%	81%
9	99%	95%	84%	79%
10	93%	97%	93%	87%
Statewide	93%	91%	88%	86%

Statewide, the rate at which DCFS caseworkers opened a CPS case in response to a substantiated finding of a GL report was 75% for SFY 2024, lower than the rates observed in recent years. The practice as to whether the Division should respond to a substantiated GL report by opening a case

³ CPS cases include cases in which children remain in the home and cases in which children are placed in foster care.

varied in different parts of the state. In Area 1, just 37% of substantiated reports resulted in the opening of a case, but in Areas 2 and 4 nearly all (95%) substantiated reports led to a case opening (Table 6).

TABLE 6 CASE-OPENING RATES FOR SUBSTANTIATED GL REPORTS BY AREA SFY 2021–2024				
AREA	2021	2022	2023	2024
1	96%	95%	77%	37%
2	95%	96%	96%	95%
3	98%	97%	87%	75%
4	98%	97%	95%	95%
5	80%	86%	70%	72%
6	94%	95%	77%	70%
7	95%	95%	78%	59%
8	97%	91%	79%	72%
9	94%	98%	95%	91%
10	93%	95%	94%	90%
Statewide	94%	94%	84%	75%

Note: In addition to CPS cases opened due to a GL referral, percentages include cases opened prior to the referral *and* still open at the time of the referral. This more accurately represents the percentage of substantiated GL referrals that were handled within the context of an active CPS case.

Statewide, in SFY 2024, 10% of substantiated GL reports resulted in removing the newborn from the mother’s custody, lower than the rate observed in previous years. The removal rate varied considerably among DCFS service areas. Children in Area 8, for example, were the least likely to be removed from their homes as a result of a substantiated GL report (4%), followed by those in Area 10 (7%). Meanwhile, newborns in Area 6 (21%) were most likely to be removed in response to a substantiated GL report.

TABLE 7 CHILD REMOVAL RATE FOR SUBSTANTIATED GL REPORTS BY AREA SFY 2021–24				
AREA	2021	2022	2023	2024
1	17%	14%	12%	11%
2	10%	9%	9%	11%
3	12%	13%	9%	10%
4	17%	12%	20%	13%
5	15%	13%	14%	12%
6	22%	14%	11%	21%
7	27%	11%	13%	10%
8	8%	9%	8%	4%

TABLE 7 CHILD REMOVAL RATE FOR SUBSTANTIATED GL REPORTS BY AREA SFY 2021–24				
AREA	2021	2022	2023	2024
9	19%	16%	12%	14%
10	8%	6%	4%	7%
Statewide	15%	12%	11%	10%

The rate at which children were removed in response to a substantiated GL report also fluctuated at the county level. Children were removed in response to substantiated GL reports at rates considerably higher than the statewide average in Washington County (15%) in Area 1, Logan and Sebastian (17% each) in Area 2, Hot Spring (18%) in Area 3, Miller (32%) in Area 4, Pope (14%) in Area 5, and Poinsett (32%) in Area 9.

Conversely, among counties in which at least 10 GL reports were substantiated, newborns were least likely to be removed in response to a true GL report from Benton County (5%) in Area 1; Yell (0%) in Area 2; Saline (0%) in Area 3; Union (5%) in Area 4; Baxter (6%) in Area 5; Jefferson (4%) in Area 7; Craighead (2%), Mississippi (3%), and Randolph (0%) in Area 8; and Cross (0%), Independence (0%), Crittenden (6%) in Area 9.

An analysis of the substantiated GL reports received during SFY 2023 revealed that 16% of the children who were removed from their homes returned home or were discharged to relatives within 12 months, lower than the rate observed for the previous year (19%).⁴ Among children involved in substantiated GL reports who were not removed from the home immediately, 4% were removed within 12 months, and 3% were cited in a subsequent substantiated maltreatment report over the same period. These figures were similar to those reported for the previous year (3% and 3%, respectively).

V. SUMMARY

This report reviewed select characteristics of GL reports and the DCFS response to those reports for SFY 2024 and several preceding years, as appropriate. The highlights of this report are presented below.

- During SFY 2024, a total of 1,360 GL reports were accepted for investigation, a decrease from the previous year (1,525). Even with this decline, the number of GL reports accepted for investigation has increased, on average, by 7% per year since the law’s inception 19 years ago.
- Marijuana was the most commonly mentioned illegal substance in GL reports. For SFY 2024, 81% cited marijuana use, either separately or in combination with other drugs, followed by

⁴ The analysis was limited to SFY 2023 to allow a sufficient follow-up period of 12 months for all children cited in GL reports. Sufficient time has not passed for the affected newborns for whom a report was received during SFY 2024.

amphetamines/methamphetamines (21%) and then opiates/opioids (11%). Benzodiazepines and cocaine were each cited in 3% of reports.

- During SFY 2024, 86% of the GL reports statewide were substantiated, slightly lower than the substantiation rate observed for the previous year (88%).
- The rate at which DCFS caseworkers opened a CPS case in response to a substantiated GL report was 75% for SFY 2024, lower than the rates observed for 2023 (84%) and 2022 (94%). In other words, a substantiated report is no longer a near automatic trigger for agency intervention at the case level. This was most apparent in Area 1, where just 37% of substantiated reports led to a case opening.
- DCFS removed 10% of newborns from the mother's custody in response to a true GL report during SFY 2024, lower than in previous years. Among the 10 DCFS service areas, Area 8 removed just 4% of children in response to a substantiated GL report, followed by Area 10 (7%). Conversely, Area 6 exhibited the highest rate of removals in response to a true GL report (21%).
- Of the children removed in response to a substantiated GL report during SFY 2023, 16% returned home or were discharged to relatives within 12 months. Among those not removed initially, 4% were removed within 12 months and 3% were cited in a subsequent substantiated maltreatment report over the same period.

APPENDIX: GARRETT’S LAW REPORTS BY COUNTY

TABLE A GARRETT’S LAW REPORTS RECEIVED DURING SFY 2024 BY COUNTY AND AREA		
AREA	COUNTY	NUMBER OF REPORTS
1	Benton	59
	Carroll	14
	Madison	9
	Washington	97
Area 1 Total		179
2	Crawford	38
	Franklin	5
	Johnson	6
	Logan	12
	Scott	2
	Sebastian	89
	Yell	14
Area 2 Total		166
3	Clark	9
	Garland	59
	Hot Spring	18
	Howard	6
	Montgomery	7
	Perry	6
	Pike	6
	Polk	5
	Saline	21
Area 3 Total		137

TABLE A
GARRETT'S LAW REPORTS RECEIVED DURING SFY 2024 BY COUNTY AND AREA

AREA	COUNTY	NUMBER OF REPORTS
4	Columbia	15
	Hempstead	4
	Lafayette	3
	Little River	3
	Miller	20
	Nevada	4
	Ouachita	17
	Sevier	7
	Union	22
Area 4 Total		95
5	Baxter	36
	Boone	25
	Conway	8
	Faulkner	39
	Marion	10
	Newton	2
	Pope	22
	Searcy	2
	Van Buren	11
Area 5 Total		155
6	Pulaski	79
Area 6 Total		79
7	Bradley	5
	Calhoun	0
	Cleveland	0
	Dallas	1
	Grant	1
	Jefferson	29
	Lincoln	5
	Lonoke	11
	Prairie	3
Area 7 Total		55

TABLE A
GARRETT'S LAW REPORTS RECEIVED DURING SFY 2024 BY COUNTY AND AREA

AREA	COUNTY	NUMBER OF REPORTS
8	Clay	5
	Craighead	128
	Fulton	14
	Greene	40
	Izard	9
	Lawrence	20
	Mississippi	37
	Randolph	13
	Sharp	11
Area 8 Total		277
9	Cleburne	7
	Crittenden	22
	Cross	11
	Independence	15
	Jackson	7
	Poinsett	32
	Stone	10
	White	25
	Woodruff	5
Area 9 Total		134
10	Arkansas	2
	Ashley	4
	Chicot	5
	Desha	5
	Drew	5
	Lee	4
	Monroe	7
	Phillips	20
	St. Francis	31
Area 10 Total		83
TOTAL		1,360

Figure A
Map of DCFS Service Areas

