

SUMMARY OF GARRETT'S LAW REFERRALS

STATE FISCAL YEAR 2025

ARKANSAS DEPARTMENT OF HUMAN SERVICES

DIVISION OF CHILDREN AND FAMILY SERVICES

September 2025

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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) 2025. As in previous years’ reports, much of the data for 2025 are compared with data from the preceding three fiscal years.

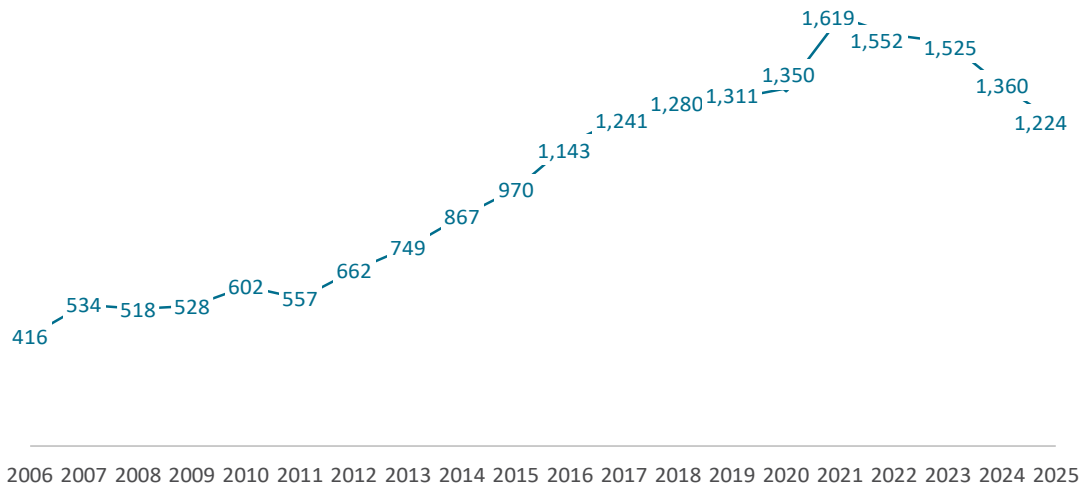
II. GARRETT’S LAW REPORTS RECEIVED

Figure 1 displays the number of GL reports received annually since the law’s inception 20 years ago. During SFY 2025, a total of 1,224 GL reports were received,¹ which is 10 percent lower than the number received during the previous year.

The number of GL reports received annually steadily increased from SFY 2006 through SFY 2021, but from SFY 2022 onward year-over-year decreases in GL reports have been observed.

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

Figure 1
Garrett’s Law Reports Received
SFY 2006–2025



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 2025, the median age of all GL mothers was 26 (not shown).

TABLE 1 AGE DISTRIBUTION OF MOTHERS IN GL REPORTS SFY 2022–2025				
MOTHER'S AGE	2022	2023	2024	2025
Younger Than 20 Years	9%	9%	10%	9%
20 to 24 Years	31%	32%	32%	30%
25 to 29 Years	28%	29%	27%	29%
30 to 34 Years	22%	20%	21%	20%
35 to 39 Years	9%	9%	8%	10%
40 Years or Older	1%	1%	2%	2%
Total	100%	100%	100%	100%
Number of Reports	1,552	1,525	1,360	1,224

The majority (65%) percent of the mothers cited in GL reports for 2025 were white, 24% were black, and 6% were of more than one race. Approximately 4% were Hispanic.

Of the 1,224 mothers cited in GL reports for SFY 2024, 302 (25%) were prior offenders of child maltreatment and 165 (13%) were prior offenders of GL. The percentage of mothers who were prior offenders of GL was similar to the previous year (12%).

Marijuana, including THC and cannabis, was cited in 81% of GL reports for SFY 2025. This was followed by amphetamines/methamphetamines at 23% and opiates/opioids (e.g., heroin, morphine, codeine, and oxycodone) at 9%. Cocaine (4%) was the next most commonly cited drug, followed by benzodiazepines (e.g., prescription drugs such as Xanax and Valium) at 3%. Hallucinogens, barbiturates, and non-categorized prescription drugs (e.g., tricyclics) were rarely identified in GL reports (Table 2).

TABLE 2 PERCENTAGE OF GL REPORTS IN WHICH DRUG WAS CITED SFY 2022–2025				
TYPE OF DRUG	2022	2023	2024	2025
Marijuana	80%	78%	81%	81%
Amphetamines/Methamphetamines	24%	23%	21%	23%
Opiates/opioids	8%	8%	11%	9%
Cocaine	2%	2%	3%	4%
Benzodiazepines	5%	4%	3%	3%
Hallucinogens	1%	1%	1%	1%
Barbiturates	1%	1%	1%	1%
Prescriptions*	<1%	<1%	<1%	<1%
Number of Times Drugs Were Cited†	1,862	1,796	1,638	1,482
Number of Reports	1,552	1,525	1,360	1,224

*Includes drugs not categorized elsewhere.

†Multiple drugs can be mentioned in a given report.

Regarding the gestational age of newborns in GL reports, 27% were born prematurely during SFY 2025, higher than the previous year (Table 3).²

TABLE 3 GESTATIONAL AGE DISTRIBUTION OF NEWBORNS IN GL REPORTS SFY 2022–2025				
GESTATIONAL AGE	2022	2023	2024	2025
Full Term*	76%	74%	78%	73%
Premature†	24%	26%	22%	27%
Total	100%	100%	100%	100%
Number of Reports	1,552	1,525	1,360	1,224

*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, 72% did not have any reported health problems for 2025. Approximately 16% required treatment in a neonatal intensive care unit (NICU), 11% 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 2022–2025				
HEALTH PROBLEM REPORTED*	2022	2023	2024	2025
No Health Problems	76%	78%	76%	72%
Neonatal Intensive Care Required	13%	14%	15%	16%
Respiratory Distress	16%	11%	12%	11%
Drug-Related Withdrawal Symptoms	3%	6%	9%	9%
Child Died	<1%	<1%	<1%	<1%
All Other Problems†	7%	5%	9%	13%
Number of Reports	1,552	1,525	1,360	1,224

*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 or benzodiazepines were the most likely to give birth to children with a documented health problem (55% each). Over half of the mothers who allegedly used cocaine or amphetamines/methamphetamines gave birth to

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

children with a reported health issue (51% each). Mothers who allegedly used marijuana were, by far, the least likely (22%) 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 (29%). Newborns whose mothers allegedly used cocaine were most likely to receive treatment in the NICU (33%) and experience respiratory distress (27%).

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 2025, 88% of the GL reports received across the state were substantiated, similar to the rate observed for previous years. The substantiation rate among individual service areas ranged from 80% in Area 9 to 98% in Area 6 (Table 5).

TABLE 5 SUBSTANTIATION RATE OF GL REPORTS BY AREA SFY 2022–2025				
AREA	2022	2023	2024	2025
1	84%	82%	79%	86%
2	87%	87%	88%	91%
3	93%	97%	91%	90%
4	97%	97%	97%	95%
5	93%	90%	90%	91%
6	98%	90%	92%	98%
7	95%	88%	93%	85%
8	81%	82%	81%	86%
9	95%	84%	79%	80%
10	97%	93%	87%	89%
Statewide	91%	88%	86%	88%

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

Statewide, the rate at which DCFS caseworkers opened a CPS case in response to a substantiated finding of a GL report was 69% for SFY 2025, 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 varied in different parts of the state. Less than half of the substantiated reports originating from Areas 1 and 4 resulted in the opening of a case, but in Areas 2 and 10 well over 90% of substantiated reports led to a case opening (Table 6).

TABLE 6 CASE-OPENING RATES FOR SUBSTANTIATED GL REPORTS BY AREA SFY 2022–2025				
AREA	2022	2023	2024	2025
1	95%	77%	37%	49%
2	96%	96%	95%	95%
3	97%	87%	75%	59%
4	97%	95%	95%	41%
5	86%	70%	72%	63%
6	95%	77%	70%	69%
7	95%	78%	59%	68%
8	91%	79%	72%	75%
9	98%	95%	91%	86%
10	95%	94%	90%	93%
Statewide	94%	84%	75%	69%
Note: In addition to CPS cases opened due to a GL referral, percentages include cases opened prior to the referral <i>and</i> 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 2025, 11% of substantiated GL reports resulted in removing the newborn from the mother’s custody, similar to the rate observed in previous years. The removal rate varied considerably among DCFS service areas. Children in Area 4, for example, were the least likely to be removed from their homes as a result of a substantiated GL report (5%), followed by those in Areas 1 and 10 (8% each). Meanwhile, newborns in Areas 7 (32%) and 6 (19%) 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 2022–25				
AREA	2022	2023	2024	2025
1	14%	12%	11%	8%
2	9%	9%	11%	10%
3	13%	9%	10%	13%
4	12%	20%	13%	5%
5	13%	14%	12%	10%

TABLE 7 CHILD REMOVAL RATE FOR SUBSTANTIATED GL REPORTS BY AREA SFY 2022–25				
AREA	2022	2023	2024	2025
6	14%	11%	21%	19%
7	11%	13%	10%	32%
8	9%	8%	4%	9%
9	16%	12%	14%	9%
10	6%	4%	7%	8%
Statewide	12%	11%	10%	11%

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 Carroll County (19%) in Area 1, Pulaski (19%) in Area 6, Lonoke (75%) and Jefferson (21%) counties in Area 7, Lawrence (23%) in Area 8, White (20%) in Area 9, and Drew (38%) in Area 10.

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 (6%) in Area 1; Crawford (6%) in Area 2; Hot Spring (7%) in Area 3; Columbia (0%) in Area 4; Marion (0%) and Boone (6%) in Area 5; Clay (0%) in Area 8; Poinsett (4%) and Crittenden (5%) in Area 9; and Phillips (0%) in Area 10.

An analysis of the substantiated GL reports received during SFY 2024 revealed that 30% of the children who were removed from their homes returned home or were discharged to relatives within 12 months, nearly double the rate observed for the previous year (16%).⁴ Among children involved in substantiated GL reports who were not removed from the home immediately, 3% were removed within 12 months, and 2% were cited in a subsequent substantiated maltreatment report over the same period. These figures were slightly lower than those reported for the previous year (4% and 3%, respectively).

V. SUMMARY

This report reviewed select characteristics of GL reports and the DCFS response to those reports for SFY 2025 and several preceding years, as appropriate. The highlights of this report are presented below.

- During SFY 2025, a total of 1,224 GL reports were accepted for investigation, a decrease from the previous year (1,360). The number of GL reports received annually steadily increased from the

⁴ The analysis was limited to SFY 2024 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 2025.

law's inception through SFY 2021, but from SFY 2022 onward year-over-year declines in accepted GL reports have been observed.

- Marijuana was the most commonly mentioned drug in GL reports. For SFY 2025, 81% cited marijuana use, either separately or in combination with other drugs, followed by amphetamines/methamphetamines (23%) and then opiates/opioids (9%). Cocaine was cited in 4% of reports and benzodiazepines in 3% of reports.
- During SFY 2024, 88% of the GL reports statewide were substantiated, which was in line with the substantiation rates observed for recent years.
- The rate at which DCFS caseworkers opened a CPS case in response to a substantiated GL report was 69% for SFY 2024, lower than the rates observed in recent years. A substantiated report is no longer the near automatic trigger for agency intervention at the case level that it once was. This was most apparent in Areas 1 and 4, where less than half of substantiated reports led to a case opening.
- DCFS removed 11% of newborns from the mother's custody in response to a true GL report during SFY 2025, similar to previous years. Among the 10 DCFS service areas, Area 4 removed just 5% of children in response to a substantiated GL report. Conversely, Area 7 exhibited the highest rate of removals in response to a true GL report (32%), followed by Area 6 (19%).
- Of the children removed in response to a substantiated GL report during SFY 2024, 30% returned home or were discharged to relatives within 12 months. Among those not removed initially, 3% were removed within 12 months and 2% 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 2025 BY COUNTY AND AREA		
AREA	COUNTY	NUMBER OF REPORTS
1	Benton	41
	Carroll	17
	Madison	5
	Washington	103
Area 1 Total		166
2	Crawford	17
	Franklin	3
	Johnson	11
	Logan	7
	Scott	4
	Sebastian	32
	Yell	11
Area 2 Total		85
3	Clark	6
	Garland	87
	Hot Spring	19
	Howard	5
	Montgomery	8
	Perry	2
	Pike	5
	Polk	3
	Saline	21
Area 3 Total		156

TABLE A GARRETT'S LAW REPORTS RECEIVED DURING SFY 2025 BY COUNTY AND AREA		
AREA	COUNTY	NUMBER OF REPORTS
4	Columbia	12
	Hempstead	10
	Lafayette	1
	Little River	7
	Miller	20
	Nevada	1
	Ouachita	11
	Sevier	7
	Union	10
Area 4 Total		79
5	Baxter	25
	Boone	17
	Conway	7
	Faulkner	22
	Marion	10
	Newton	3
	Pope	30
	Searcy	1
	Van Buren	7
Area 5 Total		122
6	Pulaski	65
Area 6 Total		65
7	Bradley	2
	Calhoun	1
	Cleveland	3
	Dallas	1
	Grant	4
	Jefferson	24
	Lincoln	2
	Lonoke	13
	Prairie	2
Area 7 Total		52

TABLE A GARRETT'S LAW REPORTS RECEIVED DURING SFY 2025 BY COUNTY AND AREA		
AREA	COUNTY	NUMBER OF REPORTS
8	Clay	14
	Craighead	150
	Fulton	1
	Greene	49
	Izard	8
	Lawrence	16
	Mississippi	41
	Randolph	19
	Sharp	11
Area 8 Total		309
9	Cleburne	6
	Crittenden	24
	Cross	6
	Independence	18
	Jackson	7
	Poinsett	32
	Stone	2
	White	12
	Woodruff	1
Area 9 Total		108
10	Arkansas	3
	Ashley	5
	Chicot	3
	Desha	1
	Drew	9
	Lee	5
	Monroe	7
	Phillips	18
	St. Francis	31
Area 10 Total		82
TOTAL		1,224

Figure A
Map of DCFS Service Areas

