EXHIBIT D4

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SUMMARY OF GARRETT'S LAW REFERRALS

STATE FISCAL YEAR 2026

ARKANSAS DEPARTMENT OF HUMAN SERVICES

DIVISION OF CHILDREN AND FAMILY SERVICES

September 2026

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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) 2026. As in previous years' reports, much of the data for 2026 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 21 years ago. During SFY 2026, a total of 1,173 GL reports were received,[1] which is four 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.

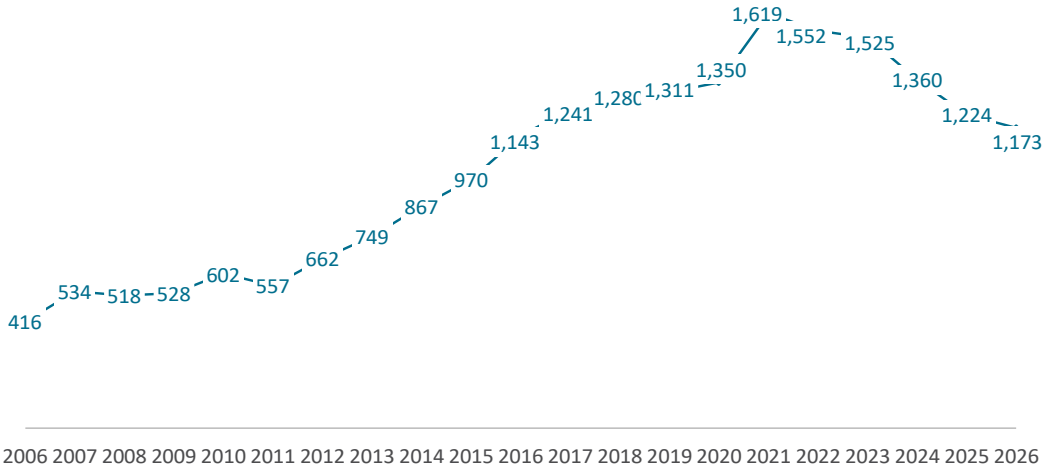
[1] Throughout this report, "GL reports" refers only to GL reports accepted for an investigation.

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Figure 1

Garrett's Law Reports Received

SFY 2006–2026



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 2026, the median age of all GL mothers was 26 (not shown).

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TABLE 1 AGE DISTRIBUTION OF MOTHERS IN GL REPORTS SFY 2023–2026				
MOTHER'S AGE	2023	2024	2025	2026
Younger Than 20 Years	9%	10%	9%	9%
20 to 24 Years	32%	32%	30%	31%
25 to 29 Years	29%	27%	29%	29%
30 to 34 Years	20%	21%	20%	19%
35 to 39 Years	9%	8%	10%	10%
40 Years or Older	1%	2%	2%	2%
Total	**100%**	**100%**	**100%**	**100%**
Number of Reports	**1,525**	**1,360**	**1,224**	**1,173**

The majority (66%) percent of the mothers cited in GL reports for 2026 were white, 22% were black, and 7% were of more than one race. Approximately 4% were Hispanic.

Of the 1,173 mothers cited in GL reports for SFY 2026, 344 (29%) were prior offenders of child maltreatment and 205 (17%) were prior offenders of GL. The percentage of mothers who were prior offenders of GL was higher than it was for the previous year (13%).

Marijuana, including THC and cannabis, was cited in 82% of GL reports for SFY 2026. This was followed by amphetamines/methamphetamines at 20% and opiates/opioids (e.g., heroin, morphine, codeine, and oxycodone) at 6%. Benzodiazepines (e.g., prescription drugs such as Xanax and Valium) and fentanyl were the next most commonly cited drugs (4% each), followed by cocaine (3%). Hallucinogens, non-categorized prescription drugs (e.g., tricyclics), and barbiturates were rarely identified in GL reports (Table 2).

TABLE 2 PERCENTAGE OF GL REPORTS IN WHICH DRUG WAS CITED SFY 2023–2026				
TYPE OF DRUG	2023	2024	2025	2026
Marijuana	78%	81%	81%	82%
Amphetamines/Methamphetamines	23%	21%	23%	20%
Opiates/opioids	8%	11%	9%	6%
Benzodiazepines	4%	3%	3%	4%
Fentanyl	N/A	N/A	N/A	4%
Cocaine	2%	3%	4%	3%
Hallucinogens	1%	1%	1%	1%
Prescriptions*	<1%	<1%	<1%	1%
Barbiturates	1%	1%	1%	<1%
Number of Times Drugs Were Cited†	**1,796**	**1,638**	**1,482**	**1,399**

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TABLE 2 PERCENTAGE OF GL REPORTS IN WHICH DRUG WAS CITED SFY 2023–2026				
TYPE OF DRUG	2023	2024	2025	2026
Number of Reports	**1,525**	**1,360**	**1,224**	**1,173**

*Includes drugs not categorized elsewhere.
†Multiple drugs can be mentioned in a given report.

Regarding the gestational age of newborns in GL reports, 29% were born prematurely during SFY 2026, slightly higher than the previous year (Table 3).[2]

TABLE 3 GESTATIONAL AGE DISTRIBUTION OF NEWBORNS IN GL REPORTS SFY 2023–2026				
GESTATIONAL AGE	2023	2024	2025	2026
Full Term*	74%	78%	73%	71%
Premature†	26%	22%	27%	29%
Total	**100%**	**100%**	**100%**	**100%**
Number of Reports	**1,525**	**1,360**	**1,224**	**1,173**

*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, 71% did not have any reported health problems for 2026. Approximately 17% required treatment in a neonatal intensive care unit (NICU), 11% suffered from respiratory distress or other respiratory problems, and 6% exhibited drug-related withdrawal symptoms (Table 4).

TABLE 4 PERCENTAGE OF GL REPORTS IN WHICH HEALTH PROBLEM WAS CITED SFY 2023–2026				
HEALTH PROBLEM REPORTED*	2023	2024	2025	2026
No Health Problems	78%	76%	72%	71%
Neonatal Intensive Care Required	14%	15%	16%	17%
Respiratory Distress	11%	12%	11%	11%
Drug-Related Withdrawal Symptoms	6%	9%	9%	6%
Child Died	<1%	<1%	<1%	<1%
All Other Problems†	5%	9%	13%	11%
Number of Reports	**1,525**	**1,360**	**1,224**	**1,173**

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

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

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†"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 (56%), followed closely by mothers who allegedly used amphetamines/methamphetamines (53%), fentanyl (51%), and cocaine (49%). Mothers who allegedly used marijuana were, by far, the least likely (21%) to give birth to children with a reported health concern.

Regarding specific health issues, newborns whose mothers allegedly used opiates/opioids and fentanyl were most likely to receive treatment in the NICU (41% each). Newborns whose mothers allegedly used opiates/opioids were also the most likely to experience drug-related withdrawal symptoms.

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 2026, 86% 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 76% in Area 1 to 98% in Area 4 (Table 5).

TABLE 5
SUBSTANTIATION RATE OF GL REPORTS BY AREA
SFY 2023–2026

AREA	2023	2024	2025	2026
1	82%	79%	86%	76%
2	87%	88%	91%	91%
3	97%	91%	90%	89%
4	97%	97%	95%	98%
5	90%	90%	91%	93%
6	90%	92%	98%	94%
7	88%	93%	85%	95%
8	82%	81%	86%	78%

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

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TABLE 5 SUBSTANTIATION RATE OF GL REPORTS BY AREA SFY 2023–2026				
AREA	2023	2024	2025	2026
9	84%	79%	80%	84%
10	93%	87%	89%	88%
Statewide	**88%**	**86%**	**88%**	**86%**

Statewide, the rate at which DCFS caseworkers opened a CPS case in response to a substantiated finding of a GL report was 79% for SFY 2026, ten percentage points higher than the rate observed for the previous year (69%). 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 three-quarters of the substantiated reports originating from Areas 1, 3, and 6 resulted in the opening of a case, though nearly all of the substantiated reports from Areas 2, 9, and 10 resulted in a case opening (Table 6).

TABLE 6 CASE-OPENING RATES FOR SUBSTANTIATED GL REPORTS BY AREA SFY 2023–2026				
AREA	2023	2024	2025	2026
1	77%	37%	49%	60%
2	96%	95%	95%	97%
3	87%	75%	59%	69%
4	95%	95%	41%	87%
5	70%	72%	63%	68%
6	77%	70%	69%	72%
7	78%	59%	68%	64%
8	79%	72%	75%	84%
9	95%	91%	86%	99%
10	94%	90%	93%	96%
Statewide	**84%**	**75%**	**69%**	**79%**
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 2026, 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 10, for example, were the least likely to be removed from their homes as a result of a substantiated GL report (1%), followed by those in Areas 4 (5%) and 8 (7%). Meanwhile, newborns from Area 2 were most likely to be removed in response to a substantiated GL report (21%), followed by those in Area 7 (16%).

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Though Area 7's removal rate remains comparably high, it is half of what was observed for the previous year (32%).

TABLE 7 CHILD REMOVAL RATE FOR SUBSTANTIATED GL REPORTS BY AREA SFY 2023–26				
AREA	2023	2024	2025	2026
1	12%	11%	8%	11%
2	9%	11%	10%	21%
3	9%	10%	13%	10%
4	20%	13%	5%	5%
5	14%	12%	10%	10%
6	11%	21%	19%	9%
7	13%	10%	32%	16%
8	8%	4%	9%	7%
9	12%	14%	9%	14%
10	4%	7%	8%	1%
Statewide	**11%**	**10%**	**11%**	**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 in Crawford (27%) and Sebastian (21%) counties in Area 2, Pulaski County (19%) in Area 6, Jefferson County (19%) in Area 7, Greene County (18%) in Area 8, and Poinsett (18%) and White (17%) counties 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 Garland County (9%) in Area 3, Union (6%) and Ouachita (0%) counties in Area 4, Baxter (0%) and Boone (0%) counties in Area 5, Lawrence (0%) and Randolph (0%) counties in Area 8, Independence County (6%) in Area 9, and St. Francis (4%) and Phillips (0%) counties in Area 10.

An analysis of the substantiated GL reports received during SFY 2025 revealed that 30% of the children who had been removed from their homes returned home or were discharged to relatives within 12 months, identical to the previous year.[4] Among children involved in substantiated GL reports who were not removed from the home immediately, 3% were subsequently removed within 12 months, and 3% were cited in a subsequent substantiated maltreatment report over the same period. These figures were very similar to those reported for the previous year (3% and 2%, respectively).

[4] The analysis was limited to SFY 2025 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 2026.

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V. SUMMARY

This report reviewed select characteristics of GL reports and the DCFS response to those reports for SFY 2026 and several preceding years, as appropriate. The highlights of this report are presented below.

- During SFY 2026, a total of 1,173 GL reports were accepted for investigation, a decrease from the previous year (1,224). The number of GL reports received annually steadily increased from the 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 2026, 82% cited marijuana use, either separately or in combination with other drugs, followed by amphetamines/methamphetamines (20%) and then opiates/opioids (6%). Benzodiazepines and fentanyl were each cited in 4% of reports, followed by cocaine (3%).
- During SFY 2026, 86% 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 79% for SFY 2026, higher than the rate observed for the prior year. Less than two-thirds of the substantiated reports originating from Areas 1 and 7 resulted in a case opening, while nearly all substantiated reports led to a case opening from Areas 2, 9, and 10.
- DCFS removed 11% of newborns from the mother's custody in response to a true GL report during SFY 2026, similar to previous years. Among the 10 DCFS service areas, Area 10 (1%) rarely removed children in response to a substantiated GL report. Conversely, Areas 2 (21%) and 7 (16%) exhibited the highest rate of removals in response to a true GL report.
- Of the children removed in response to a substantiated GL report during SFY 2025, 30% returned home or were discharged to relatives within 12 months. Among those not removed initially, 3% were removed within 12 months and 3% were cited in a subsequent substantiated maltreatment report over the same period.

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APPENDIX: GARRETT'S LAW REPORTS BY COUNTY

TABLE A GARRETT'S LAW REPORTS RECEIVED DURING SFY 2026 BY COUNTY AND AREA		
AREA	COUNTY	NUMBER OF REPORTS
1	Benton	33
	Carroll	16
	Madison	11
	Washington	78
Area 1 Total		**138**
2	Crawford	16
	Franklin	2
	Johnson	8
	Logan	8
	Scott	1
	Sebastian	33
	Yell	11
Area 2 Total		**79**
3	Clark	11
	Garland	73
	Hot Spring	13
	Howard	3
	Montgomery	7
	Perry	3
	Pike	10
	Polk	11
	Saline	10
Area 3 Total		**141**

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TABLE A GARRETT'S LAW REPORTS RECEIVED DURING SFY 2026 BY COUNTY AND AREA		
AREA	COUNTY	NUMBER OF REPORTS
4	Columbia	9
	Hempstead	13
	Lafayette	2
	Little River	2
	Miller	26
	Nevada	1
	Ouachita	15
	Sevier	5
	Union	16
Area 4 Total		**89**
5	Baxter	22
	Boone	24
	Conway	8
	Faulkner	21
	Marion	8
	Newton	1
	Pope	22
	Searcy	4
	Van Buren	0
Area 5 Total		**110**
6	Pulaski	80
Area 6 Total		**80**
7	Bradley	2
	Calhoun	1
	Cleveland	2
	Dallas	1
	Grant	5
	Jefferson	43
	Lincoln	2
	Lonoke	10
	Prairie	1
Area 7 Total		**67**

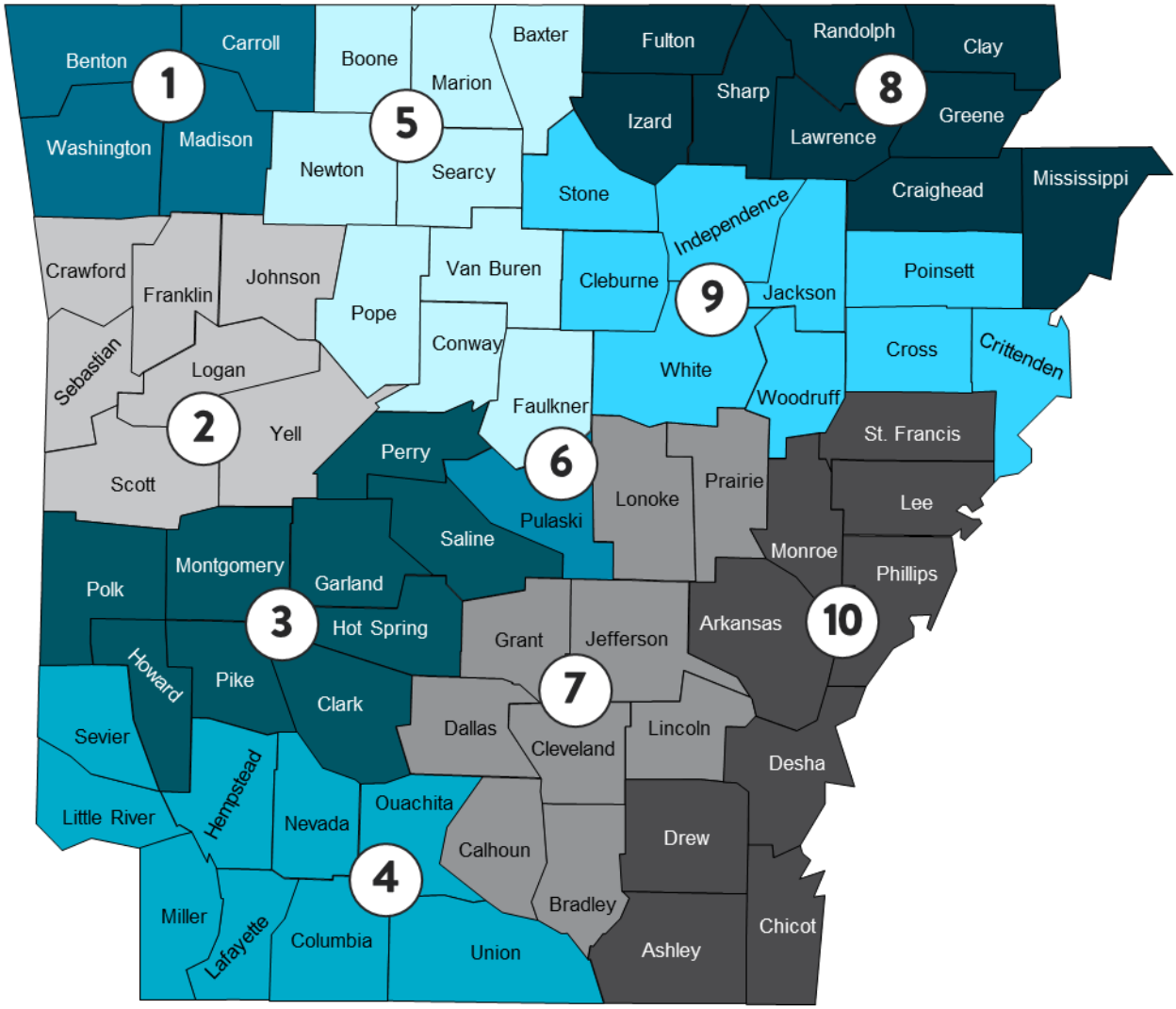
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TABLE A GARRETT'S LAW REPORTS RECEIVED DURING SFY 2026 BY COUNTY AND AREA		
AREA	COUNTY	NUMBER OF REPORTS
8	Clay	9
	Craighead	119
	Fulton	8
	Greene	53
	Izard	5
	Lawrence	23
	Mississippi	45
	Randolph	16
	Sharp	8
Area 8 Total		**286**
9	Cleburne	5
	Crittenden	18
	Cross	6
	Independence	18
	Jackson	6
	Poinsett	33
	Stone	2
	White	12
	Woodruff	2
Area 9 Total		**102**
10	Arkansas	4
	Ashley	9
	Chicot	4
	Desha	2
	Drew	5
	Lee	2
	Monroe	4
	Phillips	17
	St. Francis	33
Area 10 Total		**80**
TOTAL		**1,173**

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Figure A

Map of DCFS Service Areas



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