



# SUMMARY OF GARRETT'S LAW REFERRALS

STATE FISCAL YEAR 2023

ARKANSAS DEPARTMENT OF HUMAN SERVICES

DIVISION OF CHILDREN AND FAMILY SERVICES

September 2023

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# APPENDIX

## 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) 2023. As in previous years’ reports, much of the data for 2023 are compared with data from the preceding three fiscal years.

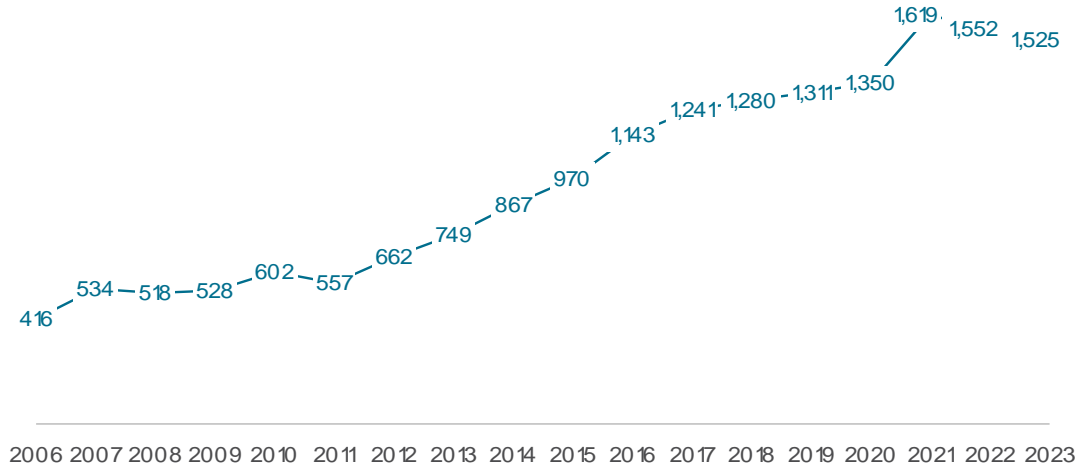
## II. GARRETT’S LAW REPORTS RECEIVED

Figure 1 displays the number of GL reports received annually since the law’s inception 18 years ago. During SFY 2023, a total of 1,525 GL reports were received,<sup>1</sup> which is two percent lower than the number received during the previous year. Even with this decline, the number of GL reports has increased, on average, by 8% per year from SFY 2006 onward.

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

**Figure 1**  
**Garrett’s Law Reports Received**  
**SFY 2006–2023**



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 2023, the median age of all GL mothers was 26 (not shown).

TABLE 1 AGE DISTRIBUTION OF MOTHERS IN GL REPORTS SFY 2020–2023				
MOTHER’S AGE	2020	2021	2022	2023
Younger Than 20 Years	7%	8%	9%	9%

20 to 24 Years	31%	32%	31%	32%
25 to 29 Years	32%	30%	28%	29%
30 to 34 Years	22%	21%	22%	20%
35 to 39 Years	7%	7%	9%	9%
40 Years or Older	1%	2%	1%	1%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>Number of Reports</b>	<b>1,350</b>	<b>1,619</b>	<b>1,552</b>	<b>1,525</b>

Of the 1,525 mothers cited in GL reports for SFY 2023, 368 (24%) were prior offenders of child maltreatment and 131 (9%) were prior offenders of GL. The percentage of mothers who were prior offenders of GL was lower than the previous year (15%).

Marijuana, including THC and cannabis, was cited in 78% of GL reports for SFY 2023. This was followed by amphetamines/methamphetamines at 23% and opiates/opioids (e.g., heroin, morphine, codeine, and oxycodone) at 8%. Benzodiazepines (e.g., prescription drugs such as Xanax and Valium) were the fourth most commonly cited drug (4%), followed by cocaine (2%). Barbiturates, hallucinogens, 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 2020–2023				
TYPE OF DRUG	2020	2021	2022	2023
Marijuana	73%	75%	80%	78%
Amphetamines/Methamphetamines	27%	26%	24%	23%
Opiates/opioids	11%	10%	8%	8%
Benzodiazepines	6%	5%	5%	4%
Cocaine	4%	3%	2%	2%
Barbiturates	2%	1%	1%	1%
Hallucinogens	1%	1%	1%	1%
Prescriptions*	1%	<1%	<1%	<1%
<b>Number of Times Drugs Were Cited†</b>	<b>1,659</b>	<b>1,958</b>	<b>1,862</b>	<b>1,796</b>
<b>Number of Reports</b>	<b>1,350</b>	<b>1,619</b>	<b>1,552</b>	<b>1,525</b>

\*Includes drugs not categorized elsewhere.

†Multiple drugs can be mentioned in a given report.

Regarding the gestational age of newborns in GL reports, 26% were born prematurely during SFY 2023, similar to the previous year (Table 3).<sup>2</sup>

<sup>2</sup> Reports in which the newborn's gestational age was unknown are excluded from this breakdown.

TABLE 3 GESTATIONAL AGE DISTRIBUTION OF NEWBORNS IN GL REPORTS SFY 2020–2023				
GESTATIONAL AGE	2020	2021	2022	2023
Full Term*	77%	77%	76%	74%
Premature†	23%	23%	24%	26%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>Number of Reports</b>	<b>1,350</b>	<b>1,619</b>	<b>1,552</b>	<b>1,525</b>

\*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, 78% did not have any reported health problems, similar to the previous year. Approximately 14% 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 2020–2023				
HEALTH PROBLEM REPORTED*	2020	2021	2022	2023
No Health Problems	75%	77%	76%	78%
Neonatal Intensive Care Required	13%	10%	13%	14%
Respiratory Distress	9%	11%	16%	11%
Drug-Related Withdrawal Symptoms	5%	4%	3%	6%
Child Died	<1%	<1%	<1%	<1%
All Other Problems†	10%	9%	7%	5%
<b>Number of Reports</b>	<b>1,350</b>	<b>1,619</b>	<b>1,552</b>	<b>1,525</b>

\*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 amphetamines/methamphetamines were the most likely to give birth to children with a documented health problem (45%), followed by those who used opiates/opioids (43%), benzodiazepines (41%), and cocaine (38%). Mothers who allegedly used marijuana were, by far, the least likely (17%) to give birth to children with a reported health problem.

Regarding specific health issues, newborns whose mothers allegedly used cocaine were most likely to spend time in the NICU (29%), followed by those who used opiates/opioids (27%). Newborns whose mothers allegedly used benzodiazepines were most likely to experience drug-related withdrawal symptoms (19%), with those who used amphetamines/methamphetamines close behind (17%).

## 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.<sup>3</sup>
- Substantiated reports that resulted in removing the newborn from the birth mother’s custody.

In SFY 2023, 88% 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 82% in Areas 1 and 8 to 97% in Areas 3 and 4 (Table 5).

AREA	2020	2021	2022	2023
1	82%	88%	84%	82%
2	97%	92%	87%	87%
3	97%	95%	93%	97%
4	98%	98%	97%	97%
5	97%	93%	93%	90%
6	97%	94%	98%	90%
7	90%	96%	95%	88%
8	91%	86%	81%	82%
9	96%	99%	95%	84%
10	94%	93%	97%	93%
<b>Statewide</b>	<b>94%</b>	<b>93%</b>	<b>91%</b>	<b>88%</b>

Statewide, the rate at which DCFS caseworkers opened a CPS case in response to a substantiated finding of a GL report was 84% for SFY 2023, considerably lower than the rates observed in recent years. Whether caseworkers responded to a substantiated GL report by opening a CPS case ranged from 70% in Area 5 to 96% in Area 2 (Table 6).

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



**TABLE 6**  
**CASE-OPENING RATES FOR SUBSTANTIATED GL REPORTS BY AREA**  
**SFY 2020–2023**

AREA	2020	2021	2022	2023
1	95%	96%	95%	77%
2	95%	95%	96%	96%
3	95%	98%	97%	87%
4	98%	98%	97%	95%
5	92%	80%	86%	70%
6	92%	94%	95%	77%
7	94%	95%	95%	78%
8	94%	97%	91%	79%
9	96%	94%	98%	95%
10	94%	93%	95%	94%
<b>Statewide</b>	<b>94%</b>	<b>94%</b>	<b>94%</b>	<b>84%</b>

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 2023, 11% 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 widely 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 (4%), followed by those in Area 8 (8%). Meanwhile, newborns in Area 4 (20%) 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 2020–23**

AREA	2020	2021	2022	2023
1	14%	17%	14%	12%
2	11%	10%	9%	9%
3	15%	12%	13%	9%
4	18%	17%	12%	20%
5	11%	15%	13%	14%
6	9%	22%	14%	11%
7	14%	27%	11%	13%
8	9%	8%	9%	8%
9	24%	19%	16%	12%
10	8%	8%	6%	4%
<b>Statewide</b>	<b>13%</b>	<b>15%</b>	<b>12%</b>	<b>11%</b>

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 Carroll County (25%) in Area 1; Columbia (38%), Miller (24%), Little River (18%), and Ouachita (18%) counties in Area 4; Pope County (23%) in Area 5; and Greene County (21%) in Area 8.

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 (7%) in Area 1; Crawford County (3%) in Area 2; Garland (10%), Clark (7%), and Hot Spring (6%) counties in Area 3; Union County (8%) in Area 4; Boone (7%) and Baxter (3%) counties in Area 5; Craighead, (6%), Clay (0%), and Randolph (0%) in Area 8; Independence (8%) and Crittenden (7%) counties in Area 9; and St. Francis County (0%) in Area 10.

An analysis of the substantiated GL reports received during SFY 2022 revealed that 19% 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 (25%).<sup>4</sup> Among children involved in substantiated GL reports who were not removed from the home immediately, 3% were removed within 12 months, and 3% were cited in a subsequent substantiated maltreatment report over the same period. These figures were slightly lower than those reported for the previous year (5% and 4%, respectively).

## V. SUMMARY

This report reviewed select characteristics of GL reports and the DCFS response to those reports for SFY 2023 and several preceding years, as appropriate. The highlights of this report are presented below.

- During SFY 2023, a total of 1,525 GL reports were accepted for investigation, a slight decrease from the previous year (1,552). Even with this decline, the number of GL reports accepted for investigation has increased, on average, by 8% per year since the law's inception 18 years ago.
- Marijuana was the most commonly mentioned illegal substance in GL reports. For SFY 2023, 78% cited marijuana use, either separately or in combination with other drugs, followed by amphetamines/methamphetamines (23%) and then opiates/opioids (8%). Benzodiazepines were cited in 4% of the reports, while cocaine was cited in 2%.
- During SFY 2023, 88% of the GL reports statewide were substantiated, slightly lower than the substantiation rate observed for the previous year (91%).
- The rate at which DCFS caseworkers opened a CPS case in response to a substantiated GL report was 84% for SFY 2023, lower than the rates observed for each of the previous three years (94%).

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<sup>4</sup> The analysis was limited to SFY 2022 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 2023.

- DCFS removed 11% of newborns from the birth mom’s custody in response to a true GL report during SFY 2023, similar to recent years. Among the 10 DCFS service areas, Area 10 removed just 4% of children in response to a substantiated GL report, followed Area 8 (8%). Conversely, Area 4 exhibited the highest rate of removals in response to a true GL report (20%).
- Of the children removed in response to a substantiated GL report during SFY 2022, 19% 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.

# APPENDIX: GARRETT'S LAW REPORTS BY COUNTY

TABLE A GARRETT'S LAW REPORTS RECEIVED DURING SFY 2023 BY COUNTY AND AREA		
AREA	COUNTY	NUMBER OF REPORTS
1	Benton	56
	Carroll	16
	Madison	3
	Washington	114
<b>Area 1 Total</b>		<b>189</b>
2	Crawford	44
	Franklin	12
	Johnson	11
	Logan	7
	Scott	5
	Sebastian	118
	Yell	6
<b>Area 2 Total</b>		<b>203</b>
3	Clark	14
	Garland	96
	Hot Spring	17
	Howard	8
	Montgomery	4
	Perry	4
	Pike	8
	Polk	10
	Saline	27
<b>Area 3 Total</b>		<b>188</b>

**TABLE A**  
**GARRETT'S LAW REPORTS RECEIVED DURING SFY 2023 BY COUNTY AND AREA**

AREA	COUNTY	NUMBER OF REPORTS
<b>4</b>	Columbia	9
	Hempstead	5
	Lafayette	3
	Little River	11
	Miller	30
	Nevada	4
	Ouachita	22
	Sevier	4
	Union	30
<b>Area 4 Total</b>		<b>118</b>
<b>5</b>	Baxter	36
	Boone	17
	Conway	4
	Faulkner	41
	Marion	13
	Newton	2
	Pope	31
	Searcy	4
	Van Buren	8
<b>Area 5 Total</b>		<b>156</b>
<b>6</b>	Pulaski	132
<b>Area 6 Total</b>		<b>132</b>
<b>7</b>	Bradley	7
	Calhoun	3
	Cleveland	3
	Dallas	3
	Grant	7
	Jefferson	28
	Lincoln	2
	Lonoke	21
	Prairie	3
<b>Area 7 Total</b>		<b>77</b>

**TABLE A**  
**GARRETT'S LAW REPORTS RECEIVED DURING SFY 2023 BY COUNTY AND AREA**

AREA	COUNTY	NUMBER OF REPORTS
<b>8</b>	Clay	12
	Craighead	109
	Fulton	10
	Greene	40
	Izard	8
	Lawrence	10
	Mississippi	40
	Randolph	18
	Sharp	19
<b>Area 8 Total</b>		<b>266</b>
<b>9</b>	Cleburne	6
	Crittenden	32
	Cross	6
	Independence	15
	Jackson	9
	Poinsett	24
	Stone	3
	White	11
	Woodruff	2
<b>Area 9 Total</b>		<b>108</b>
<b>10</b>	Arkansas	8
	Ashley	7
	Chicot	7
	Desha	5
	Drew	3
	Lee	6
	Monroe	8
	Phillips	19
	St. Francis	25
<b>Area 10 Total</b>		<b>88</b>
<b>TOTAL</b>		<b>1,525</b>

**Figure A**  
**Map of DCFS Service Areas**

