

**Arkansas
Department
of Human
Services**



*Division of
Children and
Family
Services*

Summary of Garrett's Law Referrals for SFY 2016

Produced for:
*Arkansas Department of Human Services
Division of Children and Family Services*

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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 causing of a newborn child to be born with:

- 1) an illegal substance present in the newborn’s bodily fluids or bodily substances as a result of the pregnant mother knowingly using an illegal substance before the birth of the newborn, or
- 2) a health problem as a result of the pregnant mother’s use before birth of an illegal substance.”

Garrett’s Law, which was named after a newborn child who was born under such circumstances, was modified by Act 284 of the 2007 Legislative Session. The “health problem” criterion was eliminated but was replaced by the criterion of “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 on July 1, 2007), the presence of an illegal substance, which includes prescription drugs, in either the newborn or the mother is now sufficient cause to substantiate an allegation of neglect under Garrett’s Law. Act 284 also stipulated that mothers cited in Garrett’s Law reports would not be listed in the state’s Child Maltreatment Registry, even if the report was substantiated. This change was made in response to concerns that being listed in the maltreatment registry might have negative consequences on employment prospects of mothers involved in such reports.

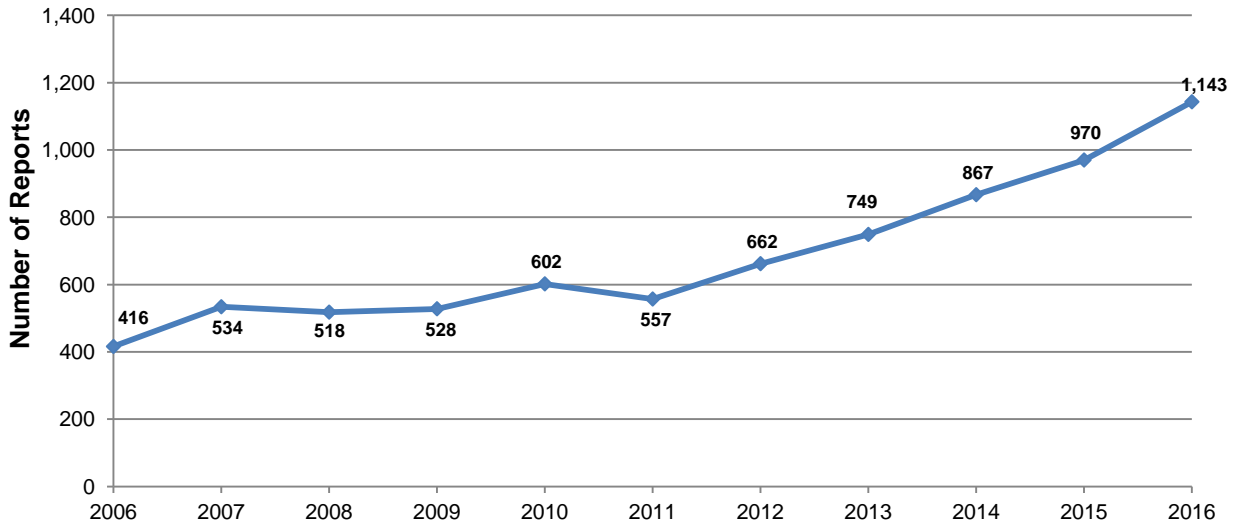
This report presents information on Garrett’s Law reports received during State Fiscal Year (SFY) 2016. As in previous years’ reports, many of the data for 2016 are shown in comparison to data from the preceding three fiscal years.

GARRETT'S LAW REPORTS RECEIVED

The number of Garrett's Law (GL) reports accepted for investigation has consistently increased since the law's inception 11 years ago. During SFY 2016, there were 1,143 GL reports received,¹ an increase of 18 percent since the previous year and nearly three times the number received in SFY 2006 (416).

As displayed in Figure 1, GL reports increased slightly each year from SFY 2006 through SFY 2011; however, over the past five years the increase has become more pronounced. On average, the number of GL reports increased by seven percent per year from 2006 through 2011 and 16 percent per year from 2012 onward.

Figure 1:
Garrett's Law Reports Received,
State Fiscal Years 2006 - 2016



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

CHARACTERISTICS OF GARRETT’S LAW REPORTS

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

- 1) the ages of mothers involved in the reports,
- 2) the types of illegal substances to which the newborns were exposed,
- 3) the estimated gestational ages of the newborns, and
- 4) any health problems observed in the newborns.

Although there are some year-to-year fluctuations in the age distribution of mothers involved in GL reports, mothers are generally younger than 30 years old at the time of the child’s birth (see Table 1). The median age of all GL mothers was 26 years old for SFY 2016. The age distribution of the mothers cited in GL reports was similar to previous years.

**Table 1:
Age Distribution (%) of Mothers in Garrett’s Law Reports,
State Fiscal Years 2013-2016**

Mother's Age	SFY 2013	SFY 2014	SFY 2015	SFY 2016
Younger than 20 years	7.5	6.5	7.1	7.2
20 to 24 years	37.5	36.9	35.6	32.0
25 to 29 years	32.4	30.9	31.3	33.7
30 to 34 years	14.4	19.4	18.5	19.2
35 to 39 years	5.6	5.2	6.2	6.5
40 years or older	1.3	1.0	1.3	1.5
Unknown	1.2	0.1	0.0	0.0
Total	100.0	100.0	100.0	100.0
Number of Reports	749	867	970	1,143

Table 2 shows the types of drugs involved in GL reports during the past four fiscal years. By far, marijuana (including THC and cannabis) represents the most commonly mentioned drug. Marijuana was cited in nearly two-thirds (65 percent) of the GL reports for SFY 2016. The second most commonly cited drug was amphetamines/methamphetamines (26 percent).

**Table 2:
Percentage (%) of Garrett’s Law Reports in which Drug was Cited,
State Fiscal Years 2013-2016**

Type of Drug	SFY 2013	SFY 2014	SFY 2015	SFY 2016
Marijuana	64.4	66.2	65.1	64.5
Amphetamines	24.8	22.7	24.1	25.8
Opiates	19.9	20.8	19.5	17.8
Benzodiazepines	10.8	8.4	11.5	9.8
Cocaine	6.9	5.5	6.2	6.0
Barbiturates	2.0	1.7	0.9	1.7
Hallucinogens	1.1	0.3	0.7	1.1
Prescriptions	1.6	2.0	1.0	0.9
Number of Drugs Cited²	985	1,107	1,252	1,460
Number of Reports	749	867	970	1,143

Opiates (e.g., heroin, morphine, codeine, and oxycodone) were the third most commonly cited drug (18 percent) during the year, followed by benzodiazepines (e.g., prescription drugs such as Xanax and Valium) at ten percent and cocaine at six percent. Barbiturates, hallucinogens, and non-categorized prescription drugs (e.g., tricyclics),³ are rarely reported in GL reports.

Table 3 shows the gestational age distribution of newborns in GL reports over the past four years. Nearly 23 percent of the newborns were born prematurely this past year, down slightly from the percentage reported in previous years.

**Table 3:
Gestational Age Distribution (%) of Newborns in Garrett’s Law Reports,
State Fiscal Years 2013-2016**

Gestational Age	SFY 2013	SFY 2014	SFY 2015	SFY 2016
Full-Term⁴	66.8	69.4	68.6	70.5
Premature⁵	27.1	23.6	27.3	22.6
Unknown	6.1	7.0	4.1	6.9
Total	100.0	100.0	100.0	100.0
Number of Reports	749	867	970	1,143

² Multiple drugs can be mentioned in a given report.

³ The drug type of “prescriptions” includes those drugs that are not categorized elsewhere.

⁴ Defined as a gestational age of 37 weeks or more.

⁵ Defined as a gestational age of less than 37 weeks.

The health problems reported for newborns in GL reports for SFY 2016 are shown in Table 4.⁶

**Table 4:
Percentage (%) of Garrett’s Law Reports in which Health Problem was Cited,
State Fiscal Years 2015-2016**

Health Problem Reported	SFY 2015	SFY 2016
No Health Problems	60.3	65.5
Neonatal Intensive Care Required	20.5	16.6
Respiratory Distress	13.2	10.0
Drug-Related Withdrawal Symptoms	8.5	6.1
Child Died	1.0	0.3
All Other Problems ⁷	16.8	17.3
Number of Health Problems Cited⁸		
	1,252	1,325
Number of Reports		
	970	1,143

Sixty-six percent of the newborns did not have any reported health problems. The documentation⁹ indicated that 17 percent of the newborns required treatment in a neonatal intensive care unit (NICU). Ten percent suffered from respiratory distress or other respiratory problems, and six percent exhibited drug-related withdrawal symptoms. Less than one percent passed away.

Among the mothers cited in GL reports, those who allegedly abused opiates were the most likely to give birth to children with a documented health problem (46 percent), followed closely by mothers who abused cocaine and benzodiazepines (45 percent each). Mothers who allegedly used marijuana were the least likely (31 percent) to give birth to children with a health problem.

Newborns whose mothers allegedly abused cocaine were more likely to spend time in the NICU (33 percent) than those whose mothers abused any other drug.

⁶ For SFYs 2015 and 2016, DCFS improved the process by which it documents the health problems of newborn children involved in GL reports. As a result, the percentages for these years cannot be compared to the health problems reported for SFYs 2013 and 2014.

⁷ “All Other Problems” includes a wide range of observed health issues that could not be categorized elsewhere, including conditions such as low blood sugar, low heart rate, heart murmur, congenital heart defect, anemia, physical deformity, feeding problems, hypoglycemia, and syphilis.

⁸ Multiple health problems can be reported for a given report.

⁹ Documentation refers to the information maintained by the Arkansas State Police’s Child Abuse Hotline as well as the information maintained in DCFS’ computerized child welfare system (CHRIS).

DCFS RESPONSES TO GARRETT’S LAW REPORTS

This section presents information regarding DCFS’ response to GL reports, including:

- 1) the percentage of reports that are substantiated after an investigation,
- 2) the percentage of true reports that result in opening a child protective services case,¹⁰ and
- 3) the percentage of true reports that result in removing the newborn from the mother’s custody.

Table 5 presents the substantiation rate of GL reports for the past four fiscal years by Area.

**Table 5:
Substantiation Rate (%) of Garrett’s Law Reports by Area,
State Fiscal Years 2013-2016**

Area	SFY 2013	SFY 2014	SFY 2015	SFY 2016
1	90.2	90.1	88.6	82.9
2	92.5	93.2	92.9	91.3
3	94.7	95.4	96.4	95.9
4	85.2	91.3	95.0	92.7
5	88.2	91.5	94.5	93.7
6	95.4	97.0	95.8	96.6
7	95.1	92.7	95.3	85.0
8	90.8	87.4	85.8	91.7
9	93.2	94.9	96.4	97.8
10	87.2	94.3	94.3	82.9
State				
	91.6	93.1	92.9	91.9

As displayed above, 92 percent of the GL reports received statewide were substantiated during SFY 2016, similar to previous years. The substantiation rate among the individual Service Areas ranged from 83 percent (Areas 1 and 10) to 98 percent (Area 9).

¹⁰ Child protective services cases include both in-home cases in which children remain in the home and out-of-home cases in which children are placed in foster care.

Table 6 shows the percentage of substantiated GL reports that resulted in opening a child protective services case¹¹ by SFY and Area.

**Table 6:
Case Opening Rate (%) for True Garrett’s Law Reports by Area,
State Fiscal Years 2013-2016**

Area	SFY 2013	SFY 2014	SFY 2015	SFY 2016
1	83.6	90.2	96.8	93.1
2	96.5	95.8	94.9	94.9
3	95.6	96.4	100.0	98.6
4	95.7	97.6	96.5	88.2
5	95.1	96.0	97.7	97.8
6	97.1	98.7	99.4	98.5
7	94.9	92.1	97.6	88.2
8	97.8	90.4	96.1	92.7
9	96.4	91.9	97.5	100.0
10	91.2	98.0	96.0	95.2
State	95.0	95.0	97.3	95.8

Statewide, the rate at which DCFS caseworkers opened a child protective services case in response to a true finding of a GL report stood at 96 percent for SFY 2016, similar to the rates observed for each of the past three years.

Whether or not caseworkers responded to a substantiated GL report by opening a child protective services case was largely consistent among most DCFS Service Areas during SFY 2016, ranging from 88 percent (Areas 4 and 7) to 100 percent (Area 9).

¹¹ In addition to child protective services cases that opened as a result of the GL referral, the percentages also include cases that opened prior to the referral *and* were still open at the time of the referral. Considered together, these provide a more accurate representation of the percentage of substantiated GL referrals that were handled within the context of an active child protective services case.

Table 7 shows the percentage of substantiated GL reports that resulted in removing the newborn from the mother’s custody, doing so by SFY and Area.

**Table 7:
Child Removal Rate (%) for True Garrett’s Law Reports by Area,
State Fiscal Years 2013-2016**

Area	SFY 2013	SFY 2014	SFY 2015	SFY 2016
1	20.0	22.0	22.6	25.5
2	26.7	17.7	13.6	22.8
3	24.4	10.8	11.1	11.4
4	30.4	28.6	21.1	23.5
5	19.5	24.0	14.0	25.8
6	28.8	14.5	16.5	21.3
7	46.2	39.5	31.7	15.7
8	16.9	21.7	22.8	20.9
9	36.4	36.5	38.3	30.3
10	11.8	18.0	10.0	20.6
State	25.4	21.2	19.5	21.5

Nearly 22 percent of the newborns, statewide, were removed from their mothers during SFY 2016, although the rate varied considerably among the DCFS Service Areas. Area 3 was least likely to remove children from their homes as a result of a true GL report (11 percent) during SFY 2016, while Area 9 was mostly likely to do so (30 percent), a trend that has been observed during the past three fiscal years. Area 7 removed a relatively low percentage of children from their homes in response to a true report for SFY 2016 (16 percent), which contrasted with the much higher removal rate observed for the Area in previous years.

The rate at which children were removed in response to a true GL report also fluctuated at the county level. Much of the higher removal rates observed in Area 9 can be localized to Independence, White, and Cleburne counties (each county removed over 40 percent of the children). Within Area 3, only Saline County removed children at a higher rate (28 percent) than the statewide average; meanwhile, Garland County received the third-highest number of true GL reports within the state,¹² yet just six percent of those children were removed. Within Area 7, Jefferson County did not remove any children in response to a true GL report during the year, which contrasted with previous years when the county was among those most likely within the state to remove the affected newborns.

¹² Only Pulaski County (Area 6) and Sebastian County (Area 2) had more true reports.

An analysis of the true GL reports received during SFY 2015¹³ revealed that 47 percent of the victim children who had been removed from their home returned home within 12 months. Among the victim children involved in true GL reports who were not removed from the home immediately in response to the report, seven percent were removed within 12 months and four percent were cited as victim children in a subsequent true maltreatment report over the same period. These percentages were similar to those reported for the previous year.

¹³ The analysis was limited to SFY 2015 to allow sufficient time, i.e., 12 months, to pass to track forward all the victim children cited in GL reports. Sufficient time has not passed for the affected newborns for whom a report was received during SFY 2016.

SUMMARY

This report reviewed select characteristics of Garrett's Law reports and DCFS' response to those reports over the past four fiscal years. The highlights of this review are presented below.

- The number of GL reports accepted for investigation has steadily increased since the law's inception 11 years ago. During SFY 2016, 1,143 GL reports were accepted for investigation, 18 percent more reports than those received during the previous year. It was also nearly three times the number of reports received for SFY 2006.
- Across the last four SFYs, marijuana was the most commonly mentioned illegal substance in the GL reports. For SFY 2016, 65 percent cited marijuana usage, either separately or in combination with other drugs, followed by amphetamines/methamphetamines (26 percent) and then opiates (18 percent). Benzodiazepines were cited in ten percent of reports, while cocaine was cited in six percent.
- During SFY 2016, 92 percent of the GL reports received statewide were substantiated.
- The rate at which DCFS caseworkers opened a child protective services case in response to a substantiated GL report stood at 96 percent for SFY 2016, similar to the rates observed for the previous three years.
- Nearly 22 percent of SFY 2016's substantiated GL reports led to removing the newborn from the mother's custody. Among DCFS' ten Service Areas, Areas 3 and 7 exhibited the lowest removal rates; Area 9 exhibited the highest. Much of the higher rates in Area 9 can be localized to Independence, White, and Cleburne counties.
- Of the children removed during SFY 2015, 47 percent returned home within 12 months. Among those not removed initially, seven percent were removed within 12 months and four percent were cited as victim children in a subsequent true maltreatment report over the same period.