

BEST PRACTICE GUIDE



NORTH CAROLINA CHILD PASSENGER SAFETY DIVERSION PROGRAM

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Securing North Carolina for Life

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Introduction and Purpose

The North Carolina (NC) Child Passenger Safety (CPS) Diversion Program combines enforcement and education to identify individuals who are incorrectly transporting their children and to teach them how to keep everyone safe when riding in a vehicle. Through this program, an individual cited for a violation of the NC CPS law can have their citation dismissed if they follow the steps of the program. Once the individual has successfully completed the program, they may submit the appropriate court form to their district attorney, lawyer, or present it on their assigned court date to have the citation dismissed. Providing education to cited individuals promotes proper use, reduces recidivism, and helps streamline the county court system. Dismissal of the CPS citation is at the full discretion of the county district attorney, and participation in the diversion program does not guarantee dismissal.

What's New with Diversion?

While many counties have successfully implemented CPS Diversion Programs for years, approaches have varied across the state. This revised program is designed to establish a consistent statewide process, ensuring that all participants complete the same set of requirements regardless of county.

Statewide registration system

A state-wide registration system means that individual counties will no longer be required to keep track of program participants.

Consistent Process

A consistent statewide process should make it easier for participants who received a ticket in one county to complete the education in another participating county if that is more convenient for them.

Consistent Materials

All participating counties will have access to the same program materials and participants will receive similar education and experience regardless of location.

North Carolina Child Passenger Safety Law

The North Carolina Child Passenger Safety Law (G.S. 20-137.1) requires that children under the age of 16 ride in a properly fitted car seat, booster seat, or seat belt while riding in a vehicle.

A properly used car seat or booster seat is required for children who:

- are less than age 8 **AND**
- weigh less than 80 pounds

A correctly fitted seat belt may be used for children who:

- are age 8 or older **OR**
- weigh 80 pounds or more

Child must be in a rear seat if:

- less than age 5 **AND**
- less than 40 pounds **AND**
- Vehicle has active passenger side front air bag **AND**
- Vehicle has a rear seat

Penalties: Maximum \$25 fine (even if more than one violation), full court costs and two driver license points.



CPS Diversion Program Partners and their Roles

North Carolina CPS Executive Committee

The North Carolina CPS Executive Committee is composed of the North Carolina Office of State Fire Marshal, Safe Kids North Carolina, North Carolina Governor’s Highway Safety Program, and the UNC Highway Safety Research Center. These organizations work collaboratively to oversee and support CPS Technicians, Instructors, Permanent Checking Stations, and Safe Kids programs throughout the state.

Law Enforcement

Law enforcement plays a critical role in the success of the CPS Diversion Program. Their primary responsibility is to cite violations of the North Carolina Child Passenger Safety (CPS) Law. To support this process, resources such as the law enforcement tear-off pad, which provides information about Diversion process, are available for officers to provide to cited individuals. These materials may be requested by visiting [ncdoi.com/OSFM/SafeKids/Material Order Form.aspx](http://ncdoi.com/OSFM/SafeKids/Material%20Order%20Form.aspx).

District Attorney’s Office Representative

The county district attorney determines whether a cited individual is eligible to have a CPS citation dismissed. The district attorney may choose to implement the CPS Diversion Program throughout their judicial district and may accept completed diversion forms from another county or judicial district. Final dismissal of a CPS citation is solely at the discretion of the county district attorney, and participation in the diversion program does not guarantee dismissal.

Certified CPS Technicians

Nationally Certified CPS Technicians provide educational opportunities to parents and caregivers on the proper use of car seats, booster seats, and seat belts. During an educational session, the cited driver receives hands-on assistance with the proper use of car seats, booster seats, and seat belts. CPS Technicians support CPS Permanent Checking Stations and Safe Kids Coalitions by conducting safety seat inspections at car seat and diversion clinics in their respective counties.

Permanent Checking Stations

Permanent Checking Stations are locations where parents and caregivers can receive education on the proper use of car seats, booster seats, and seat belts from Nationally Certified CPS Technicians. A list of North Carolina Permanent Checking Stations can be found at www.BuckleUpNC.org. Permanent checking stations participating in the diversion program will only be accessible to participants through a link or QR code once they have registered.

Overview of CPS Diversion Program Process

This is the recommended process for a cited driver:

Step 1: Law Enforcement cites driver for violation of NC CPS Law

- A law enforcement officer cites the driver for a violation of the NC CPS Law.
- The driver is given information about the NC CPS Diversion Program (either by paper copy or if county permits, as part of e-citation).
 - Diversion Tear Pads are available to law enforcement upon request, see Resources below.

Step 2: Cited driver registers to participate in the NC CPS Diversion Program

- To participate in the NC CPS Diversion Program, the participant must have a valid email address.
- Participation in the NC CPS Diversion Program is optional. Drivers who wish to participate must first register for the program at: <https://go.unc.edu/NCDiversion>
- Upon completing registration, the participant will receive complete instructions by email.

Step 3: Cited driver completes online car seat class

- The cited driver will register for the Car Seat Basics course using the registration code provided by email. This self-paced, online course takes approximately one hour to complete and can be taken at the participant's convenience.
- The cited driver will receive email verification of course completion.
- This step must be completed before having the car seat checked.

Step 4: Cited Driver participates in a car seat check at an approved diversion site

- The cited driver must go to an approved CPS Diversion site and bring:
 - Proof of completion of the Car Seat Basics course (email is fine).
 - Their child
 - An appropriate child restraint system.
 - A copy of the citation
 - Valid driver's license or state issued ID
- The CPS Technician verifies that the driver has all required items, including confirmation that the online course has been completed and confirms that the car seat is appropriate for the child.
 - If driver does not have any of the above, they cannot complete the Diversion process and must return with all items.
- The CPS Technician provides education to the driver on the proper use and installation of their child restraint in their vehicle and completes both the standard car seat check form and the NC CPS Diversion form.
 - NC CPS Diversion Forms are available to registered Diversion locations upon request; see Resources below.
- The NC Diversion Form is given to the driver upon completion of seat check.

Step 5: Cited Driver takes approved completed court form to District Attorney’s office

- Upon successful completion of the training course and seat check, the cited driver will be issued an approved court form. NC Diversion forms have a watermark feature and cannot be duplicated.
- The driver must follow court instructions regarding where and when to submit the form.

Diversion Location Responsibilities

The primary responsibility of the diversion location is to conduct seat check component of the diversion process. This includes verifying that the cited driver has completed the required online course and ensuring the child has the appropriate restraint.

The diversion location is also responsible for completing the standard seat check form and issuing the approved diversion court form.

Best Practice Recommendations for the Seat Check

The car seat check portion of the diversion process must be conducted by a nationally certified CPS Technician at a registered diversion location.

The CPS Technician at the Diversion location must:

- **Verify diversion participant information** before starting the seat check. Participants must bring:
 - Proof of completion of the Car Seat Basics course (email confirmation is acceptable).
 - The child associated with the citation.
 - An appropriate child restraint system.
 - A copy of the citation
 - Valid driver’s license or state issued ID
- **Provide education** to the family on proper installation and correct use of the child restraint system, consistent with a standard car seat check.
- Document the seat check using the agency’s preferred car seat check form.
- Complete the NC CPS Diversion form for driver to submit to the court.



Diversions Program FAQs

My agency has been conducting our own classes, webinars, and educational sessions. Can we continue doing that instead of requiring people to take the online class?

No. Participants must complete the Car Seat Basics online course. This ensures a consistent process throughout the State.

Can my agency charge a fee for providing CPS Diversion seat checks?

The NC CPS Diversion Program is designed to minimize potential hardships for cited individuals. In alignment with this purpose, agencies are encouraged not to charge a fee for the hands-on portion of the program.

Do I have to use the new diversion court form?

Yes. The new diversion court form has been updated to align with the revised diversion process and must be used. Old diversion forms should be shredded and discarded and replaced with the new version.

What is the difference between the new and old diversion forms?

The new NC CPS Diversion forms are one single page that features a watermark that cannot be copied or duplicated.

Can a participant complete the program in a different county than where they received the citation?

Yes. The statewide process allows participants to complete the education and seat check in any participating county.

What if the participant does not have access to the internet to complete the online course?

Participants must complete the online course to be eligible for diversion. Agencies may choose to provide access to a computer or assist with locating public resources such as libraries. This course can also be completed on a mobile device.

Can the participant complete the seat check before taking the online course.

No. The participant must complete the online course first and bring verification of completion to the approved permanent checking station.

Can the participant complete the seat check portion without the child present?

No. The cited driver must bring the child associated with the citation to the seat check. This ensures the child is properly secured in the appropriate child restraint and allows the technician to provide hands-on education to the driver on correct installation and use.

How does a permanent checking station register to participate in the NC CPS Diversion program?

The PCS coordinator must first register as a permanent checking station at buckleupnc.org. Once registered, the PCS coordinator can elect to be a diversion location. All existing and established PCS will need to update their profile at buckleupnc.org to include diversion participation. For assistance updating a PCS profile on buckleupnc.org, the PCS coordinator should email info@buckleupnc.org.

NC Diversion Resources

These resources are available to law enforcement agencies and approved diversion locations. Materials may be requested by visiting: [ncdoi.com/OSFM/SafeKids/Material Order Form.aspx](http://ncdoi.com/OSFM/SafeKids/Material%20Order%20Form.aspx)

Diversion Tear Pads: These tear-off pads are designed for law enforcement to give to the cited driver at the time the citation is issued. Diversion locations and DA’s offices may also use them to direct cited drivers to the diversion program registration.

CPS Diversion Court Forms: This watermarked form is completed once all program requirements have been met. It is available from Safe Kids NC and will ONLY be sent to registered and approved diversion locations. After completion, the participant will take the form to their local DA’s office.

CPS Check Form: This document is used by CPS Technicians during a car seat check. The NC check form is available through the Safe Kids NC website under “Order Free Materials.” The digital car seat check form may also be used.

CPS Law Enforcement Packets: These packets contain resources for law enforcement officers while they are in the field. In addition to diversion information, they include educational materials and a reference card for the NC CPS Law.

Additional Resources for Diversion and CPS

NC Office of State Fire Marshal, Safe Kids NC

<http://www.ncdoi.com/OSFM/> and www.safekidsnc.org

Resource for educational materials, CPS check forms, diversion court forms, injury prevention contacts and assistance with diversion education.

UNC Highway Safety Research Center

www.buckleupnc.org

Permanent Checking Station Listings, Safe Kids Coordinator Contacts, and NC CPS Law Information

Safe Kids Worldwide

www.safekids.org

Resource for Information on Safe Kids programs, initiatives and contact information for each state

CPS Certification Program

<http://cert.safekids.org>

Resource for location of classes in CPS and Listing of Technicians in NC

NC Governors Highway Safety Program

<https://www.ncdot.gov/initiatives-policies/safety/ghsp/Pages/default.aspx>

Resource for Local Law Enforcement Liaison information and grant program information