



NC Child Passenger Safety
Diversion Program

BEST PRACTICES GUIDE

**SAFE
K:DS**

NORTH CAROLINA

NC Department of Insurance
Office of State Fire Marshal
Injury Prevention Section
Safe Kids NC

MIKE CAUSEY
INSURANCE COMMISSIONER

NC Governor's Highway
Safety Program

UNC Highway Safety
Research Center

NC CHILD PASSENGER SAFETY DIVERSION BEST PRACTICES GUIDE

INTRODUCTION AND PURPOSE

The NC Child Passenger Safety (CPS) Diversion Program combines enforcement and education to identify individuals who are incorrectly buckling up their children and educate them on how to keep everyone safe when riding in a vehicle. Through this program, an individual ticketed with a CPS violation can have their ticket dismissed if they participate in a classroom and/or one-on-one hands-on education. Once the cited individual has successfully completed the program, they turn in the appropriate paperwork to their district attorney or lawyer or present it on their assigned court date to have their violation dismissed. Providing education to cited persons promotes proper use, reduces recidivism and speeds up the court system within the county.



NC CHILD PASSENGER SAFETY LAW

The North Carolina Child Passenger Safety Law (G.S. 20-137.1) requires children under the age of 16 to 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**
- weight 80 pounds or more

Child must be in a rear seat if:

- is 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 (add amount)
- Two (2) driver license points

More detailed information on the NC Child Passenger Safety law can be found at buckleupnc.org.

CPS DIVERSION PROGRAM PARTNERS AND THEIR ROLES

The key component of a CPS Diversion Program is having a strong community partnership. Successful programs generally have the following local partners involved:

NC Department of Insurance-Office of State Fire Marshal | Injury Prevention Section and Safe Kids NC

The Injury Prevention Section/Safe Kids NC is the state-wide agency responsible for developing and maintaining the CPS Diversion Program. Safe Kids NC staff are available to assist and provide resources to county programs.

CPS Diversion County Coordinator

The CPS Diversion County Coordinator is the overall contact person for the program in the county. The coordinator oversees:

- Diversion locations and scheduling;
- Program registration and participation for the classroom component and/or one-on-one educational session;
- Education and recruitment of certified CPS Technicians;
- Maintenance of Diversion Registration List

Safe Kids County Coalitions

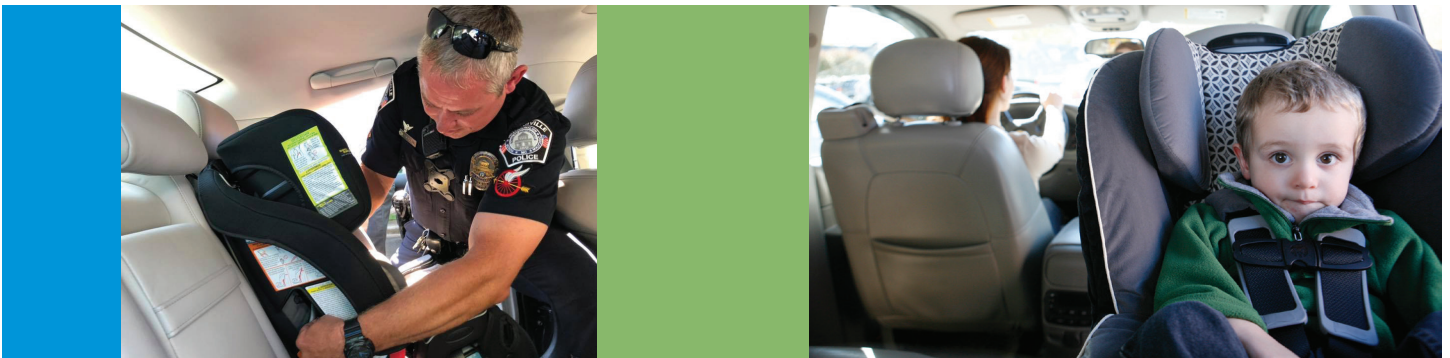
Many counties in NC have an established Safe Kids Coalition to assist with injury prevention programs. These programs are valuable resources for statistics, program tools, education, contacts with CPS, and CPS permanent checking stations.

Law Enforcement

Law enforcement is a major part of a successful CPS Diversion program. The primary role of law enforcement is to cite violations of the CPS Law. Law enforcement, upon request to the CPS Diversion County Coordinator, will be provided with the **Quick Reference Guide to Car Seat Misuse** and a hand-out/tear sheet explaining the program to the cited individual.

District Attorney's Office Representative

The district attorney decides whether a citizen cited with a CPS violation meets the criteria to have the citation dismissed. The district attorney may extend the CPS Diversion program throughout their district and may choose to accept completed forms from another county or judicial district. Dismissal of the CPS citation is at the full discretion of the county district attorney.



Certified CPS Technicians

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 proper use of car seats, booster seats and seat belts. CPS technicians assist CPS Permanent Checking Stations and Safe Kids Coalitions in conducting safety seat inspections at car seat and diversion clinics in their respective counties. Nationally Certified CPS Technicians should be the **only** educators for any CPS Diversion program including both the classroom component and one-on-one educational sessions.

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. Many CPS Technicians are found at fire departments, Partnerships for Children offices, police stations and health departments. You can find a list of registered permanent checking stations at buckleupnc.org.

PROCESS OF CPS DIVERSION PROGRAM

This is the recommended process for a cited driver:

Law Enforcement Cites Driver for CPS Violation

Law enforcement officer cites the driver for violation of NC CPS Law. Along with citation, law enforcement hands the cited driver a tear sheet explaining the CPS Diversion Program.

Cited Driver Contacts CPS Diversion Coordinator

The cited driver contacts the CPS Diversion Coordinator to request participation in the CPS Diversion Program. The CPS Diversion Coordinator discusses the steps and requirements for successful completion of the CPS Diversion program.

Cited Driver Attends CPS Educational Session

The cited driver attends the educational session on their scheduled day and time. The CPS Technician completes the educational session, the CPS checklist, CPS court form, and provides the cited driver with their next steps in the CPS Diversion process.

Cited Driver Takes Completed Court Forms to Court/DA's Office to Request Dismissal

The cited driver provides the district attorney, the court, or their attorney with a copy of their completed court form and citation for dismissal request. The district attorney's office determines whether or not the documentation can be presented before or on the court date.

BEST PRACTICE RECOMMENDATIONS FOR A DIVERSION PROGRAM

There are three key components for successful completion of the diversion program:

- Educational Session
- Hands-on Session
- Administration

In the event, that a classroom is unavailable or low participation, the educational session may be taught at the participants vehicle before the completion of the hands-on component. One-on-one educational sessions must follow the outline provided with the presentation provided by Safe Kids NC.

BEST PRACTICE RECOMMENDATIONS FOR THE EDUCATIONAL SESSION

- The educational session should be taught by a nationally certified CPS Instructor or Technician using the presentation provided by Safe Kids NC.
- The presentation should take approximately 30-45 minutes.
- To obtain a copy of the presentation, contact your regional injury prevention specialist.
- A record of attendance should be kept on file and a certificate of completion issued by the at the end of the course.
- The certification of completion is not the official diversion court form. The diversion court form will be issued after completion of the hands on session.

BEST PRACTICE RECOMMENDATIONS FOR THE HANDS-ON SESSION

The hands-on portion must be taught by a nationally certified CPS Instructor or Technician.

To participate in the hands-on session, participants must bring with them:

- A copy of the citation
- Driver's License or State Issued ID Number
- Their child
- An appropriate restraint for their child

Participants must have access to a vehicle for hands-on practice. At a minimum the hands-on education should include:

- Discussion of the NC Law and best practice recommendations
- Instruction on how to properly install/use the car seat, booster seat, or seat belt (as appropriate)
- Caregiver installation practice or proper use of a seat belt (as appropriate) with Technician supervision

At the completion of the hands-on session, the official diversion court form will be issued to the participant.

BEST PRACTICE RECOMMENDATIONS FOR COURSE ADMINISTRATION

The following administrative elements are recommended:

- \$25 administrative fee to be collected from participants
- Participant sign-in sheet for attendance verification
- Documentation of attendance for the participant

Diversion Registration Database: The CPS Diversion Coordinator should keep a record of participating cited individuals for the CPS Diversion Program. The database should include the following:

- Participant Name
- Citation Number
- Driver's License or State Issued ID Number and Issuing State
- Email Address
- Amount Paid

Diversion Tear Sheets and/or E-Citation addendum: (see example in appendix) A tear sheet or e-citation addendum explains the CPS Diversion process and should include:

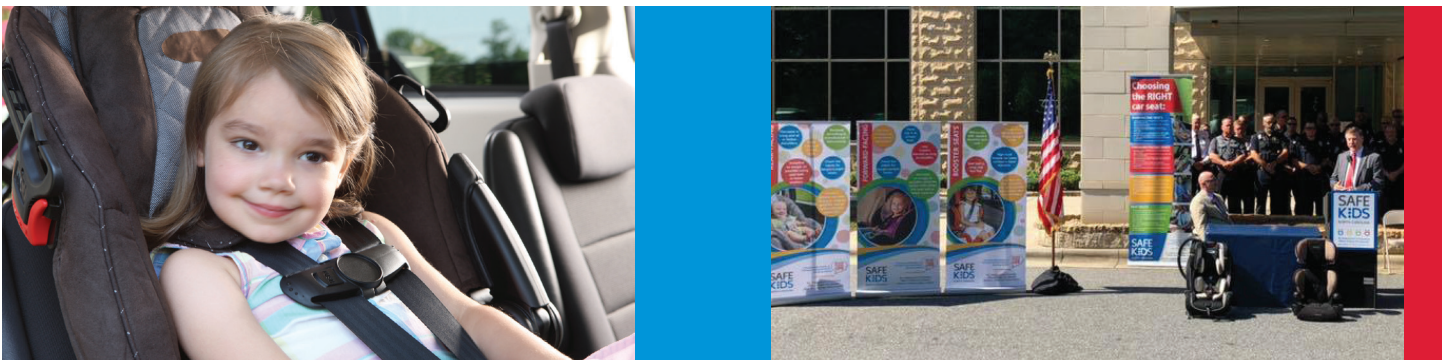
- Explanation of the CPS Diversion program
- Basic Requirements for completion
- Contact Number for CPS Diversion Coordinator

CPS Diversion Court Forms: This is a triplicate form that is completed when all requirements of the program have been met. **This document is available by request from Safe Kids NC.**

Once completed, the following protocol should be followed:

- the white page is retained by the CPS Technician or Instructor and turned into the CPS version Coordinator along with CPS check form to be kept on file;
- the pink page is presented to the cited driver for their records;
- the yellow page is also presented to the cited driver to be taken to the district attorney'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 at <https://ncdoi.com/EZ/SKOrder>.





ADDITIONAL RESOURCES FOR DIVERSION AND CPS

NC Department of Insurance, Office of State Fire Marshal, Safe Kids NC

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, NC CPS Law Information, NC CPS Certification Training Calendar

Safe Kids Worldwide

www.safekids.org

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

CPS Certification Program

cert.safekids.org/

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

NC Governors Highway Safety Program

www.ncdot.gov/initiatives-policies/safety/ghsp/Pages/default.aspx

Resource for Local Law Enforcement Liaison information and grant program information