



PARENT GUIDE

WHEN YOUR CHILD SETS A FIRE



This workbook reflects the work of the Youth Fire Safety Program at the Oregon Office of State Fire Marshal in partnership with the Oregon Advisory Council for Youth Fire Prevention and Intervention and the Oregon Life Safety Team. This product is an adaptation of the Wise Up Program created by Fire and Emergency New Zealand and through coordination with the Minnesota State Fire Marshal Division.



DEAR PARENTS:

Despite the challenges that raising young people brings, all parents play an important role in keeping their family safe. Youth are being influenced at an overwhelming rate, from an incredible amount of sources, and parents cannot have input in every choice their child makes. Because of this, it is important to understand that preventing a fire is always easier and safer than putting it out and parents hold a degree of responsibility in enhancing fire safe behavior.

When young people misuse fire, they are often surprised by the physical, legal, and financial outcomes of a series of small choices. Through appropriate modeling of safe fire behavior and swift intervention, parents can take steps to avoid future fire misuse.

THIS GUIDE WILL ANSWER THE FOLLOWING QUESTIONS:

- Who is responsible if your child sets a fire?
- What offense(s) could your child be referred to the juvenile department for, if they start a fire?
- What could happen if your child is charged on a fire-related offense?
- What can you do?

TAKING STEPS TO PREVENT THE POTENTIAL LIFE CHANGING CONSEQUENCES A FIRE CAN CREATE STARTS WITH YOU.



Who is responsible if your child sets a fire?

YOU ARE.

THERE ARE SEVERAL STATE LAWS THAT DEFINE YOUR RESPONSIBILITY AS A PARENT OR GUARDIAN IF YOUR CHILD UNDER THE AGE OF 18 STARTS A FIRE.

ORS 30.765 - Liability of parents for tort by child. Parents of a minor child will be held liable for actual damages to person or property caused either intentionally or recklessly by that child. A parent may be liable for up to \$7,500 in damages.

ORS 163.577 - Failing to supervise a child. A parent, guardian or other person lawfully charged with the care or custody of a child under fifteen years of age could be charged with failing to supervise a child if the child commits an act that is referred to juvenile court. According to this law, you could be required to pay up to \$2,500 in restitution to the victim for damages your child caused.



ORS 480.158 - Parents of minor liable for costs incurred in suppressing fires caused by the use of fireworks by minor. If your child's fire was started by fireworks, you could be liable for up to \$5,000 for costs incurred by a public fire agency to put that fire out.

ORS 477.745 - Parents of minor liable for costs of suppressing fires caused by minor on forestland. A parent may be liable for up to \$5,000 for one or more acts of a minor child.

Civil penalties - In any firesetting situation you could also be held responsible on a civil level for any additional costs/damages to the victims or their insurance companies.



What offense(s) could your child be referred to the juvenile department for, if they start a fire?

THE JUVENILE COURT HAS EXCLUSIVE JURISDICTION OVER CHILDREN WHO HAVE COMMITTED ACTS WHICH, IF DONE BY AN ADULT, WOULD CONSTITUTE VIOLATIONS OF THE LAW (ORS 419C.005). IF A CHILD STARTS A FIRE, THERE ARE A NUMBER OF POTENTIAL OFFENSES, DEPENDING UPON THE CIRCUMSTANCES OF A PARTICULAR CASE, THAT MAY BRING A CHILD WITHIN THE JUVENILE COURT'S JURISDICTION. THESE OFFENSES INCLUDE:

ORS 164.335 - Reckless Burning: A person commits the offense of reckless burning if the person recklessly damages another person's property by fire or explosion.

ORS 164.315 - Arson in the Second Degree: A person commits the crime of arson in the second degree if, by starting a fire or causing an explosion, the person intentionally damages: a. Any building of another that is not protected property; or b. Any property of another and the damages to the property exceed \$750. Arson in the second degree is a Class C felony.

ORS 164.325 - Arson in the First Degree: A person commits arson in the first degree, if by starting a fire or causing an explosion, the person intentionally damages: a. Any protected property of another; b. Any property where a person is in danger of physical injury or where protected property of another is in danger; or: c. Any property where the person recklessly causes physical injury to a firefighter or peace officer acting in the line of duty relating to the fire.

ORS 137.707 - Adult prosecution of 15-, 16- or 17-year-old offenders: If a juvenile is fifteen, sixteen, or seventeen years of age at the time the offense of arson in the first degree is committed, that juvenile could be prosecuted as an adult in criminal court and could be committed to the justice system, if there is threat of serious physical injury.

ORS 166.382 - Unlawful possession of a destructive device: If a person possesses any of the following: bomb, grenade, any rocket propellant having more than one-quarter ounce of charge or any combination of parts for use in readily converting any device into any destructive device that would be considered a bomb, that person is guilty of a class C felony which is punishable up to five years and \$100,000.

ORS 166.384 - Unlawful manufacture of a destructive device: If a person assembles any device described above or any pyrotechnic device containing two or more grains of pyrotechnic charge, that person is guilty of a class C felony which is punishable up to five years and \$100,000.

ORS 166.480 - Sale or gift of destructive devices to children: Any person who sells, exchanges, barter or gives to any child under 14 years an explosive article or substance with the purpose of causing an explosion is guilty of a misdemeanor which is punishable by a fine up to \$500.

ORS 166.025 - Disorderly conduct: Any person who, with the intent to cause public inconvenience, initiates or circulates a report knowing it to be false concerning an alleged or impending fire or explosion. This is a class B misdemeanor punishable by up to six months or \$1,000.

ORS 480.070 - Fire bombs prohibited: No person shall possess a fire bomb. A fire bomb is any breakable container containing a flammable liquid having a wick or similar device. This is a class A misdemeanor which is punishable by one year or \$2,500.

**ALL FIRES START SMALL.
IN JUST A FEW MINUTES, THEY
CAN GROW INTO BIG FIRES.**



What could happen if your child is charged on a fire-related offense?

Depending on the situation, your child could face a court proceeding in juvenile or adult court. A police report may be sent to the Juvenile Department for processing. Each case outcome differs depending on the circumstances. These are general guidelines for how a Juvenile Department will process a case:

- 1. Family Meeting:** The juvenile counselor will set up a meeting with the family and review what has occurred. Potential outcomes of this meeting may include:
 - Closing the case
 - Referral for mediation or a facilitated dialogue with victim(s)
 - Agreement of an informal consequence or Sole Sanction
 - Recommendation for a Formal Accountability Agreement (See page 8.)
 - Recommendation for Formal Court Process (See page 8). At this time, the Juvenile Counselor may also recommend that your child participate in a Youth with Fire Screening.

- 2. Formal Accountability Agreement (FAA):** This is a contract between the Juvenile Department and the family in return for not going to court. This contract will outline guidelines which must be completed within a set amount of time. This could mean screening and education by the fire department, supervision requirements of the Juvenile Counselor, counseling, community service, work crew, etc.
- 3. Formal Process in Court:** If the fire related incident meets the criteria imposed by the juvenile department and the Formal Accountability Agreement was not fulfilled, and/or the youth appears to be of significant risk of re-offense based on a Risk Assessment, the Juvenile Department may send the case to Juvenile Court. The court will decide, based on the facts, what will happen to the individual. Consequences tend to be more severe than those imposed in a Formal Accountability Agreement. A Judge could impose a number of outcomes which could include:
- Fines and/or Restitution
 - Community Service
 - Probation
 - Time in a Detention Facility
 - Commitment to the Oregon Youth Authority for placement in a residential program
 - Placement in a Youth Correctional Facility

Other considerations: Your child can be held responsible for restitution past the age of eighteen. If the Formal Probation Order includes a money judgment for any fees or restitution not paid by age eighteen, the money judgment can go on the individual's credit record and remain in effect for seven years (age twenty-five).

In some cases, your child may be tried and convicted as an adult. If this were to occur, they would face the adult guidelines for jail times and fines. Upon release, the individual's employment options may be limited. Most employers will request a check of records regarding felony convictions.



**EVEN IF TRIED AS A JUVENILE, A YOUTH
COULD BE COMMITTED TO THE JUSTICE
SYSTEM UNTIL AGE TWENTY-FIVE.**





What can you do?

THERE IS A SOLUTION.

1. Teach your children about the power of fire. Fire is hot, fast, and unpredictable.
2. Help your child practice making good decisions. Fire misuse is the result of a chain of decisions. Help them learn to:
 - Identify a problem.
 - Brainstorm solutions.
 - Weigh the positive and negative consequences of the solutions.
 - Use that information to make a plan.
 - Implement the plan.
 - Evaluate- Did it work?
3. Help your children to learn empathy and to visualize the big picture. A fire could not only cause harm to them, but your family, neighbors, and the community in many ways.
 - Beginning with themselves, have your children identify how they could be harmed by fire.
 - Expand that circle of impact to those closest to them.
 - Then move outwards, (example- schools, neighborhood, friends' families, etc.) until they are able to see the greatest extent of their impact.
4. Complete the following exercises with your child, making sure that they understand what their role is in preventing fires.



Home Safety Checklist

FIRE CAN SPREAD RAPIDLY THROUGH YOUR HOME, LEAVING LESS THAN THREE MINUTES TO ESCAPE SAFELY ONCE THE SMOKE ALARM SOUNDS. MAKE SURE YOUR HOME IS SAFE AND THAT YOUR FAMILY IS PREPARED.

SMOKE ALARMS ARE:

- On every level of the home
- Inside bedrooms and outside sleeping areas
- Tested each month and batteries are changed as needed
- Less than 10 years old
- Available for Deaf and hard of hearing if needed

CARBON MONOXIDE ALARMS ARE:

- Located on each level of the home where bedrooms are located
- Should be placed inside or outside of the bedrooms
- Tested monthly

CANDLE, LIGHTER, AND MATCH SAFETY

- Candles are kept out of children's reach
- Matches and lighters are locked and stored out of children's reach
- Use battery operated flameless candles

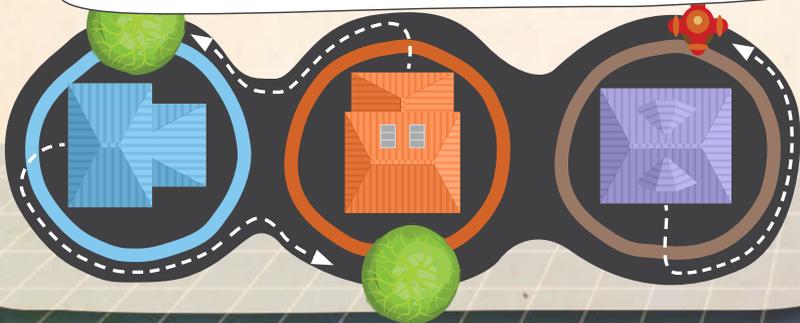
COOKING SAFETY

- Make sure there is a fire extinguisher in the home and that parent(s) know how to use it properly
- The cooking surface is clear of all things that can burn
- Remain in the kitchen when you are boiling, frying, grilling, or broiling food
- Turn pot or pan handles toward back of the stove
- Children and pets should be kept at least 3 feet away from the stove area
- Ensure small appliances are in proper working order and are unplugged when not in use

HOME FIRE ESCAPE PLAN

- Make an escape plan for everyone who lives in the home and practice it often
- Designate a safe meeting place outside, in front of the home
- Know two ways out of each room
- Have a plan for young children who cannot get out by themselves

**IN THE EVENT OF A FIRE IT IS VERY IMPORTANT
TO BE PREPARED AND GET OUT QUICKLY!**





Fire Safety Contract

CONTRACT OF RESPONSIBILITIES FOR YOUTH AND PARENT/ CAREGIVER

THIS CONTRACT OUTLINES SEVERAL STEPS BOTH CHILDREN AND THEIR PARENTS/CAREGIVERS SHOULD TAKE TO PREVENT FIRES MISUSE IN THE HOME. TAKING THESE STEPS WILL INCREASE SAFETY IN THE HOME. THEY MAY NOT ELIMINATE ALL FIRE RISKS AND ARE NOT A SUBSTITUTE FOR PARENT/CAREGIVER SUPERVISION.

THE BEST WAY TO CONTROL A FIRE IS NEVER TO START ONE. PREVENTING FIRES IS ALWAYS EASIER THAN PUTTING THEM OUT.

THE YOUTH (initial on line)

___ I will not have matches, lighters, cigarettes, lighter fluid, other flammable liquids, fireworks, or aerosol cans such as body spray.

___ I will submit to searches of myself and my property by my parent or caregiver. (This includes both personal property and spaces such as my bedroom, backpack, car, etc.)

___ I will complete a home fire escape plan with my family and practice it with my parent or caregiver.

___ I will tell an adult if I find matches or lighters.

___ I will remove myself from any situation where others may be engaging in any form of fire activity.

___ Other _____

Youth

Date



THE PARENT (initial on line)

- ___ I will install and maintain working smoke alarms in the home.
- ___ I will install and maintain a working, Class 2A-10BC, fire extinguisher for every level of the home and garage.
- ___ I will store all matches, lighters and fireworks where the youth cannot get them, preferably in a locked cabinet.
- ___ I will lock up all flammable chemicals such as turpentine, gasoline, lighter fluid or charcoal starter for barbecues.
- ___ If a smoker, I will keep lighters on my person and not left unattended.
- ___ I will conduct routine searches of the youth's bedroom and possessions for matches or lighters.
- ___ I will monitor the youth's access to the internet for information that shows how to modify fireworks, manufacture destructive devices or youth misusing fire in some way.



_____ I will increase supervision of the youth. The youth will also not be allowed to be alone or unsupervised in other peoples homes.

_____ I will set firm rules that any child in the house should not touch matches, lighters, barbecue lighters, flares, fireworks or any other object that could potentially set a fire.

_____ I will set fire safety rules and consequences for breaking them. I will discuss the rules and consequences with my child to check for understanding.

_____ If my family uses candles for cultural or religious purposes, I will use battery-powered or electric candles, or will create a safer environment for a real candle by placing the candle holder in a bowl of sand.

_____ I will complete the home safety checklist included in this resource.

_____ Other _____

Parent or Guardian

Date

Interventionist

Date

The laws summarized in this booklet are provided for informational purposes only. If you have any questions about these laws or other questions concerning your legal liability or that of your child in the youth fire setting context, please contact your local district attorney.

THANK YOU

For completing this Parent Guide. You now have more awareness of how you can play an active role in teaching fire safe behavior.



Oregon State Police

OFFICE OF STATE FIRE MARSHAL

Youth Fire Safety

503-934-8228

oregon.gov/osp/sfm | osfmce@osp.oregon.gov

fb.com/OregonStateFireMarshal