For more information about juvenile firesetter intervention services
near you, contact: Juvenile Firesetter Services Unit, (503) 373-1540 ext. 230
or call our referral helpline 1-800-454-6125

Parents' LEGAL responsibility…

when your child sets a fire

Office of State Fire Marshal, Oregon Department of State Police
4760 Portland Rd. NE, Salem, Oregon 97305-1760

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 juvenile firesetting context, please contact your local district attorney.

Summary of Oregon Revised Statutes pertaining to destructive devices

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, barters 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 firebomb. A firebomb 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.

ORS 164.325 - Arson in the first degree:
If, by starting a fire or causing an explosion, the person intentionally damages any building of another which is protected property, or the person recklessly places another person in danger of physical injury, or if serious physical injury is sustained by a peace officer or firefighter acting in the line of duty relating to the fire. This is a class A felony punishable by up to twenty years or $100,000 and can be a measure 11 crime with a mandatory five year sentence.

ORS 164.315 - Arson in the second degree:
If, by starting a fire or causing an explosion, a person intentionally damages any building of another that is not protected property or any property of another and the damages exceed $750.This is a Class C felony.

ORS 164.335 - Reckless burning:
If a person recklessly damages property of another by fire or explosion. This is a class A misdemeanor punishable by up to one year or $2,500.

Dear Parents:

Too many of Oregon's children die each year in fires. Property losses from fire range in the millions of dollars. Some of these fires are a result of carelessness or equipment malfunctions, but far too many of them are set by children and teenagers. You, as a parent or caregiver, have a very important role in ensuring the fire safety of your family and community. Child-set fires are preventable.

Children set fires for a variety of reasons. Many are acting out of curiosity and are experimenting with the use of matches and lighters. Others are setting fires as a way to deal with a crisis, as a cry for help, or they may be responding to peer pressure. Whatever the reason, in order to solve the problem, you must first understand it.

Many teenagers do not understand the legal consequences of setting fires. In fact, you may also be unaware of the criminal charges your son or daughter may face if they set a fire. In some cases, you may also be held financially responsible for your child's behavior. This booklet is designed to provide you with information about some of the legal and financial consequences of this behavior and to help you help us in preventing child-set fires.

The only way we are going to solve the problem of child-set fires in Oregon is by working together to help our children understand the power of fire and to help them make safe decisions regarding its use. The mission of the fire service is to keep you, your family and your community safe from fire. Remember, you are not alone.

Sincerely,Randy Simpson
State Fire Marshal

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Summary of Oregon Revised Statutes

ORS 30.765 - Liability of parents for tort by child:
In addition to any other legal remedy, a parent of an unemancipated 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, payable to the same claimant for one or more acts resulting in damage.

ORS 163.577: Failing to supervise a child:
A parent or guardian commits the offense of failing to supervise a child if the child is under fifteen years of age and commits an act that brings the child within the jurisdiction of the juvenile court. A child under the age of fifteen who sets a fire could be brought within the jurisdiction of the juvenile court. A person found guilty of this offense may be ordered to pay restitution of up to $2,500 and may be fined up to $1,000.

ORS 477.745 - Liability of parents for costs of suppressing fire caused by minor child:
In addition to any other legal remedy, a parent of a minor child is liable for costs incurred by the forester in suppressing fires on forestland caused by the minor child. A parent may be liable for up to $5,000 payable to the forester for one or more acts of the minor child.

ORS 480.158 - Parents of minor liable for costs incurred in suppressing fires caused by the use of fireworks by minor.
In addition to any other legal remedy, a parent of an unemancipated minor child is liable for costs incurred by a public fire agency in suppressing fires caused by use of fireworks by the minor child. A parent may be liable for up to $5,000 payable to the public fire agency for one or more acts of the minor child.

Civil penalties:
A parent also may be assessed a civil penalty of up to $500 per violation for fires caused by use of fireworks by a minor and suppressed by a public fire agency.

What can I do? There is a solution.

1. **Teach your children about the power of fire.**
   Even as adults we tend to think of fire in very controlled situations (wood stove, campfire, candles, etc.) Any fire, once out of control, can become deadly in a matter of seconds. In rural areas, a response from the fire department may take longer. This increases the chance of loss of life or greater property damage.

2. **Teach your children how to make good decisions.**
   Remember, there is a greater likelihood that adolescents will make positive decisions when there is family involvement. **When a youth starts a fire, he made a decision to do it!!!**

   How do you make good decisions?
   A. Identify the problem.
   B. Brainstorm solutions.
   C. Weigh the positives and negatives to these solutions.
   D. Make a plan with the positive solutions.
   E. Implement the plan.
   F. Evaluate—Did it work?

3. **Teach your children the big picture.**
   If they start a fire they could hurt or kill someone. Remember that physical and emotional scars from fire can last forever.
   A. Even fire victims who escaped without injury will tell you it was their most frightening experience. This emotional trauma can hurt forever.
   B. The treatment of a burn victim is very painful and long term, if they live. Many times the physical scars change their lives forever.

   If they start a fire, they could be breaking the law.
   A. What are these laws? (see page 5)
   B. What are the consequences? (see page 7)

4. **Increase supervision.**
   Parents need to be aware of their children's activities.

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.*

Oregon Revised Statute (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.

Oregon Revised Statute (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 and be fined by a judge for up to $1,000.

Oregon Revised Statute (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.

(Continued, next page)

*More comprehensive explanations of the above laws are on page 11.

Continued from page 3

Oregon Revised Statute (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.

When could my child be found to be within the jurisdiction of the juvenile court if he or she starts 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:

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

2. **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.

How easily can this happen?

Chris is dared by two friends to start a shrub on fire. Chris knows it is wrong, but (s)he wants to fit in with friends. (S)He takes the lighter and lights the shrub. The shrub quickly bursts into flames, and the kids get scared and run from the scene. They didn't call 911. They didn't tell anyone …

Before the decision was made, Chris had never noticed that the shrub ran beside a home. (S)He never thought about the fact that the nearest fire station was seven miles away. (S)He didn't know the family who lived there had a new baby. Chris never thought about the family losing their home and all their possessions and endangering the life of the baby. All Chris thought about was starting a small fire, then putting it out, in order to fit in with friends.

Before the decision was made, Chris's parents never discussed and practiced the proper steps in making good decisions. They didn't set boundaries or provide appropriate supervision. They didn't think their child would ever get in trouble. They didn't know they would suffer financial consequences as well as the feelings of remorse and failure.

Don't deny the problem. Take an active part in preventing and reducing the growing arson problem. You, as the parent or a guardian, are a key part of an intervention team. This team includes members of public safety agencies, social service agencies, and juvenile justice. Together, we can make a difference.

What are some of the issues that affect youth ten years and older who set fires?

1. **Peer Pressure**
   In most peer situations, youth may be pressured into doing something they know is wrong. Friends and belonging are a high priority to adolescents. Someone who asks or dares youth to do something they know is wrong or dangerous to them, others or property is not a real friend.

2. **Crisis**
   Situations at school, home and with friends can cause unusual stress on youth. An event like divorce, a recent move, or a death can trigger crisis firesetting.

3. **Emotions**
   Out-of-control or unidentified feelings such as frustration or anger cloud the decision-making process. Youth who are caught up in the action don't think about the consequences of their decisions.

4. **Thinking errors**
   It's a myth that fire can always be controlled. All major fires start out as a small fire. In firesetting situations, youth often say they thought they could control the fire, and they didn't mean to do that much damage or hurt anyone.

5. **Lack of empathy**
   Often youth don't consider anyone's feelings but their own. They don't understand the consequences of their actions on the feelings of others.

3. **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.

Note that the juvenile court may, in some instances, waive a youth into adult court for first degree arson and certain other crimes. (ORS 419C.349)

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, especially if there is threat of serious physical injury.
(ORS 137.707)

What could happen if my 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 would 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:

Step 1: Family Meeting: This option is usually used with juveniles who have no prior record. The juvenile counselor will set up a meeting with the family and review what has occurred. If they feel the parents have handled the situation appropriately, they can release the youth at that point with no further requirements.

Step 2: Formal Accountability Agreement: 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, probation, counseling, community service, work crew, etc.

Step 3: Formal Process in Court: If the Juvenile Department decides the crime was serious enough in nature, or the Formal Accountability Agreement was broken, 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 what we see at Step 2. Individuals could be remanded to a juvenile lockup or treatment facility for a designated time, fined, etc.

Other considerations:

The youth 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). The individual may not be able to get credit during those seven years.

In some cases, the youth may be tried and convicted as an adult. If this were to occur, the youth would face the adult guidelines for jail times and fines. Upon release, the individual's employment options will 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.