

IN PENNSYLVANIA

For further help or information about juvenile firesetter intervention services near you, we suggest you contact:

- The Public Education-Information Specialist,
Office of the Pennsylvania State Fire Commissioner
- Your local fire department
- Your local law enforcement organization



Distributed by the
COMMONWEALTH OF PENNSYLVANIA
TOM WOLF, GOVERNOR

OFFICE OF THE STATE FIRE COMMISSIONER
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IN PENNSYLVANIA

Parents' Legal Responsibility

When your child
sets a fire.



A Guide for Parents

A Public Education publication from the
OFFICE OF THE STATE FIRE COMMISSIONER

Dear Parents:

Lives are lost and property is damaged every year as a result of juvenile firesetting. You, as a parent or caregiver, have an important role in ensuring the fire safety of your family and the community.

Many children 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 inform parents and children about their liability and responsibility in the event of juvenile firesetting. We also hope it will give you some practical information on why a child sets fires and what to do if your child is engaging in firesetting activity.

We — parents, firefighters, law enforcement officers, community service providers — all have the same goal: to keep you, your family, and the community safe from fire.

Acknowledgements

Development of this booklet was accomplished through a cooperative effort by members of the Pennsylvania Juvenile Firesetter Intervention Advisory Group. The booklet is a part of the Pennsylvania Juvenile Firesetter Intervention and Prevention Program.

Appreciation is extended to the Connecticut Office of the State Fire Marshal, the Manchester (CT) Juvenile Firesetter Intervention Team, Manchester (CT) Youth Service Bureau, the Community Child Guidance Clinic, Inc., Manchester, CT and the Manchester (CT) Police Department for their assistance in developing this publication.

A special thank you is extended to Rudy Kissmann, Fire Marshal, Manchester, Connecticut Fire and Rescue, Jeff Morissette of the Connecticut Commission on Fire Prevention and Control and to Linda Nishi-Strattner, Ph.D., ABPP, Clinical Psychologist for their help and permission to publish material and content from their similar publication.

This booklet is based on information provided by the Office of the Oregon State Fire Marshal, a division of the Oregon State Police.



This booklet was edited by the Public Education-Information Specialist of the Office of the Pennsylvania State Fire Commissioner.

Jose Morales, Chief Counsel, Pennsylvania Emergency Management Agency (PEMA) provided legal expertise.

Copies of this booklet are published and distributed by:
The Office of the State Fire Commissioner

Family Safety Rules

- Set firm rules that youths are not to touch matches, lighters, the stove, camp fires, barbecue lighters, flares, fireworks, or any other object that could potentially set a fire.
- Forbid children to touch or play with cigarettes and cigarette butts.
- Instruct children to tell you immediately if they find lighters or matches. Firesetters should never be told to pick them up and give them to a parent or caregiver.
- Forbid firesetting children to watch shows or videos with provocative fire themes.
- Inform firesetting children that you will engage in random searches of their pockets, backpacks and room searches for caches of matches and lighters.
- Inform firesetters of these fire safety rules and decide on the consequences for breaking them. Discuss the rules and consequences with the youth to check for understanding.
- Give permission to all children in the home to tell on someone who is engaging in the misuse of fire.
- Never threaten to punish a child with fire to demonstrate the danger of fire.

Positive Reinforcement

Acknowledge and reward the child who has abstained from fireplay or firesetting activity for a predetermined period of time. A monthly contract works well.

Parents,

Help is available. Your local fire department, law enforcement organization, mental health agency and youth services bureaus are available to provide support and assistance in dealing with juvenile firesetting behavior.

Why do kids set fires?

Many children have a natural curiosity about fire and how it works. However, if young children persist in fireplay, it may be that they need more attention or supervision. Other children may be upset about what is happening in their lives — at home or in school — and firesetting may be an expression of their feelings. Children with certain characteristics, such as hyperactivity or impulsivity, may be more prone to engaging in fireplay. Adolescents may set fires as part of their involvement with their peer group. Finally, for some children firesetting may be a sign of severe emotional disturbance.

Since the causes of firesetting can be complex, each child needs to be assessed for the specific circumstances or problems which are contributing to this behavior. Early, strategic intervention is needed to prevent the problem from escalating and to improve the chances of success.



Juvenile Firesetter Intervention Programs

Some Pennsylvania communities, counties and regions have programs to help parents work with children who are playing with fire or engaging in firesetting activity.

Contact your local fire or law enforcement official, the Pennsylvania State Police Fire Marshal Unit or the Public Education-Information Specialist in the Office of the State Fire Commissioner.

Who is responsible if
your child sets a fire?

YOU ARE.

State law says that a parent is responsible for the acts of a minor.

Title 23. Domestic Relation
Chapter 55. Liability for Tortious Acts
of Children

This section of the Pennsylvania Statutes and Consolidated Statutes states that any parent whose child is found liable or is adjudged delinquent by a court of competent jurisdiction of a tortious act shall be liable to the person who suffers the injury, theft, destruction or loss of property to the extent set forth in Chapter 55.

The court shall determine the amount sufficient to fully reimburse any person who has suffered injury because of the tortious act of the child.

Tips for Caregivers of Juvenile Firesetters

Fire Prevention Measures

1. Install smoke alarms in the child's bedroom, closet, hallways and common living areas.
2. Teach the child to check every month to see if the smoke alarm is working.
3. Have a 5lb ABC dry chemical fire extinguisher accessible on every level of the house, near the child's bedroom and kitchen.
4. Remove all matches, lighters, and BBQ lighters from the home or keep them in a locked cabinet.
5. Smokers should use only child-resistant lighters and keep them on their person or locked in a cabinet.
6. Empty ashtrays into metal containers before going to bed.
7. Store all flammable chemicals such as aerosol cans, turpentine, gasoline, lighter fluid, paint thinner or charcoal starter fluids in a locked cabinet.
8. Remove closet doors to avoid a hiding place.
9. **Increase supervision for firesetting children.** Do not let them play alone or play unsupervised in other children's homes where matches and lighters are easily available.
10. Prohibit the use of incense, candles and cigarettes.

**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 be come deadly in a matter of seconds.
2. **Teach your children how to make good decisions.**
Remember, there is a greater likelihood that children will make positive decisions when there is family involvement. When a child starts a fire, he or she made a decision to do it.
3. **Teach your children the big picture.**
If they start a fire, not only are they breaking the law, they could also hurt or kill someone. Remember that physical and emotional scars from fire can last forever. Even fire victims who escaped without injury will tell you it was the most frightening experience of their life. This emotional trauma can hurt forever. The treatment of a burn victim is very long and painful, if the victim lives. Many times the physical scars change their lives forever.
4. **Increase supervision.**
Parents need to be aware of their children's activities and their access to the implements for firesetting.

**What could my
child be charged
with if he or she
starts a fire?**

**PENNSYLVANIA CONSOLIDATED STATUTES,
TITLE 18. CRIMES AND OFFENSES
ARTICLE C. OFFENSES AGAINST PROPERTY
CHAPTER 33. ARSON, CRIMINAL MISCHIEF AND OTHER
PROPERTY DESTRUCTION**

§ 3301. (a) ARSON ENDANGERING PERSONS. —

(1) A person commits a FELONY OF THE FIRST DEGREE if he intentionally starts a fire or causes an explosion, or if he aids, counsels, pays or agrees to pay another to cause a fire or explosion, whether on his own property or on that of another, and if:

(i) he thereby recklessly places another person in danger of death or bodily injury, including but not limited to a firefighter, police officer or other person actively engaged in fighting the fire; or

(ii) he commits the act with the purpose of destroying or damaging an inhabited building or occupied structure of another.

(2) A person who commits arson endangering persons is guilty of MURDER OF THE SECOND DEGREE if the fire or explosion causes the death of any person, including but not limited to a firefighter, police officer or other person actively engaged in fighting the fire, and is guilty of MURDER OF THE FIRST DEGREE if the fire or explosion causes the death of any person and was set with the purpose of causing the death of another person.

**What could my child
be charged with if he
or she starts a fire?**

18 Pa.C.S. § 3301

ARSON ENDANGERING PROPERTY. — A person commits a FELONY OF THE SECOND DEGREE if he intentionally starts a fire or causes an explosion, whether on his own property or that of another, or if he aids, counsels, pays or agrees to pay another to cause a fire or explosion, and if:

- (1) he commits the act with intent of destroying or damaging a building or unoccupied structure of another;
- (2) He thereby recklessly places an inhabited building or occupied structure of another in danger of damage or destruction.

RECKLESS BURNING OR EXPLODING. — A person commits a FELONY OF THE THIRD DEGREE if he intentionally starts a fire or causes an explosion,.....and thereby recklessly:

- (1) places an uninhabited building or unoccupied structure of another in danger of damage or destruction; or
- (2) Places any personal property of another having a value that exceeds \$5,000 or if the property is an automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle in danger of damage or destruction.

DANGEROUS BURNING. — A person commits a SUMMARY OFFENSE if he intentionally or recklessly starts a fire to endanger any person or property of another whether or not any damage to person or property actually occurs.

FAILURE TO CONTROL OR REPORT DANGEROUS FIRES.
Misdemeanor of the First Degree.

§3302. (a) CAUSING CATASTROPHE. — A person who causes a catastrophe by explosion or fire... commits a FELONY OF THE FIRST DEGREE if he does so intentionally or knowingly, or a FELONY OF THE SECOND DEGREE if he does so recklessly.

§3302. (b) RISKING CATASTROPHE. — A person is guilty of a FELONY OF THE THIRD DEGREE if he recklessly creates a risk of catastrophe in the employment of fire or explosives....

§ 3304. CRIMINAL MISCHIEF. A person is guilty of criminal mischief if he damages the tangible property of another intentionally, recklessly, or by negligence in the employment of fire or explosives.....

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

Many factors influence how a juvenile firesetting is handled after an arrest, including the severity of the incident, record of prior incidents, the attitude of the child and their family regarding the incident and the availability of community-based programs. Each case outcome differs depending on the circumstances. These are some general guidelines:

Possibility 1: Diversion — This option is often offered to children with no prior record who are charged with minor offenses. The juvenile and his guardians will appear before a youth worker or a Juvenile Review Board composed of law enforcement, town officials, and a diversionary plan of action might include restitution, community service work, participation in a specialized program, or counseling.

Possibility 2: Formal Process in Court — If the law enforcement agency decides the alleged crime is serious enough, or the diversion option is not appropriate, or if the diversionary agreement is broken, the law enforcement agency will refer the case to Juvenile Court. The court will decide, based on the facts and circumstances, how the case will be handled. This process could result in a conviction and may include probation, restitution, community service, counseling or treatment in a secured facility.