



EARLY CARE & EDUCATION LAW UNIT

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Jury Duty for Family Child Care Providers

CAN A FAMILY CHILD CARE PROVIDER BE REQUIRED TO SERVE ON JURY DUTY?

Yes. State law does not automatically exempt a person from jury duty by reason of occupational status. Although you may be a sole proprietor of your business, you may still be compelled to serve on a jury. When you receive your jury summons, you may request to be excused on the grounds that jury duty would pose an undue hardship to you. However, your request is subject to the discretion of the court and could be denied.

WHAT GROUNDS MIGHT A FAMILY CHILD CARE PROVIDER HAVE FOR REQUESTING AN EXCUSE?

Los Angeles County Superior Court

Personal Care of Child

If an individual is obligated to provide care for a child and if no other care is available or practical, an individual may be excused if substitute care would impose undue economic hardship on the child care provider or the child cared for. The child care provider will be required to provide written verification of these circumstances. Please keep in mind that these factors are within the discretion of the Jury Commissioner or the court. Even if jury duty would require the parent to take off of work, the court may still consider alternate care to be available.

Financial Hardship

If a child care provider would bear an extreme financial hardship as a result of jury duty service, then jury duty will be excused. To determine whether the financial hardship will be considered extreme and jury duty excused, the Jury Commissioner or judge will consider the a) sources of the child care provider's household income, b) availability and extent of income reimbursement, c) expected length of service; and d) whether jury duty could reasonably be expected to compromise the child care provider's

ability to support himself or herself or his or her dependents, or disrupt another individual's economic stability. Only if upon weighing these factors, the Jury Commission or the court finds that the financial hardship would be extreme will the child care provider be excused.

Additionally, a child care provider may demonstrate undue hardship by documenting that they:

- have no reasonably available means of public or private transportation to the court;
- must travel an excessive distance (1.5 hours distance from home to court);
- served on a grand or trial jury or was summoned and appeared for jury service in any state or federal court during the previous 12 months; or
- will bear an undue risk of destruction of personal property (with consideration given to certain factors) while on jury duty.

Federal Court

Each federal district court maintains its own policies and procedures regarding excuses for jury duty. If an individual is called to jury duty in federal court in Southern California, the court rules of the District Court of the Southern District of California apply. In this district, if the trial or grand jury proceeding may require more than thirty days of service, the court may excuse an individual from jury duty due to economic hardship (to an employer) or for any other factor that the court determines to constitute undue hardship or extreme inconvenience for the juror. Please keep in mind that the determination of undue hardship or extreme inconvenience is within the discretion of the Clerk or the court, who will decide whether these considerations will be enough to excuse jury duty. A record will be kept by the Clerk.

A child care provider may be also excused if a) they have served on a grand or petit jury in a federal court (in any state) within the last two years, b) there is grave illness in the family or any other emergency, or c) the provider's home is excessively far from the court.

More information can be found in the Local Rules of the District Court of the Southern District of California at: <https://www.casd.uscourts.gov/Rules/SitePages/LocalRules.aspx>.

CAN A POSTPONEMENT BE REQUESTED?

You can request a postponement in both the Los Angeles County Superior Court and federal district Court. Even if your circumstances are not extreme enough to excuse you from jury duty permanently, you may be qualified to obtain a postponement. You must respond to the summons and follow instructions to obtain a postponement.

HOW TO REQUEST AN EXCUSE OR POSTPONEMENT?

Los Angeles County Superior Court

To request a postponement, you should call (1-800-778-5879) or visit My Jury Portal, which can be found at: <https://jurymstr.superiorcourts.lacounty.gov/WebPortal/>. You will not be able to request a postponement the weekend prior to the week you begin service.

In order to be excused from jury duty, you must provide a written request, which must be submitted by marking the appropriate box on the summons and providing a written description. Once the request is mailed in, it is still necessary either to call (1-800-778-5879) to register the appropriate excuse request. It is also possible to register the excuse online at My Jury Duty Portal, which can be found at: <https://jurymstr.superiorcourts.lacounty.gov/WebPortal/>.

Federal Court

To request a postponement, call 1-800-998-9035 and press “2” for a jury clerk or call (619) 557-5284 Monday through Friday, 9:00 am to 4:00 pm, excluding federal holidays. If called for a petit jury, a granted postponement will allow a one-month delay at which time you will receive a new summons. If called for a Grand Jury Panel, instructions will be provided for a temporary absence.

To request an excuse from jury service, call the jury office immediately upon receipt of the summons. You will be required to submit the details of undue hardship or extreme inconvenience (see above) to the court in the envelope provided with the summons. Requests for excuse must be submitted and approved in advance of jury duty – an individual must always call beforehand to confirm the status of the excuse request.

FAILURE TO RESPOND TO SUMMONS OR QUESTIONNAIRE MAY SUBJECT YOU TO SERIOUS PENALTIES

Los Angeles County Superior Court

You must respond to the summons and follow its instructions. Under California Code of Civil Procedure, Section 209(a), the court may punish any person failing to respond by a fine of up to \$1,500, incarceration, or both.

Federal Court

Title 28 United States Code, Section 1866(g) states that any person summoned for jury service who fails to appear may then be ordered to show cause for failure to comply with the summons. Any person who fails to show good cause for noncompliance with a summons may be fined no more than \$1,000,

imprisoned not more than three (3) days, ordered to perform community service, or a combination thereof.

This document was prepared by Public Counsel's Early Care & Education Law Project in November 2014 and is meant to provide general information. This document is not all-inclusive and is not intended to provide any individual or entity with specific legal advice. Receiving this document does not create any lawyer-client relationship. For questions or comments, please call the ECE Law Project Intake line at 213/ 385 2977 ext. 300.

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