

The Service Members Civil Relief Act

Title II - General Relief

This section applies to any civil action or proceeding in which the defendant does not make an appearance before entering a judgment for the plaintiff the court *shall require* the plaintiff to file with the court an affidavit:

- (A) Stating whether or not the defendant is in military service and **showing necessary facts to support the affidavit**.
- Supporting documents for the affidavit might be a print out from the Department of Defense, or an affidavit from a person that has personal knowledge that the defendant is not in active military service.
 - No supporting documents would be required if the plaintiff has personal knowledge that they can swear to on the affidavit.
- (B) Or if the plaintiff is unable to determine whether or not the defendant is in military service, stating that **the plaintiff is unable to determine whether or not the defendant is in military service**.
- Before entering the judgment the court may require the plaintiff to file a bond in an amount approved by the court. The bond shall remain in effect until expiration of the time for appeal and setting aside of a judgment under applicable Federal or State law or regulation or under any applicable ordinance of a political subdivision of a State.

PENALTY FOR MAKING OR USING FALSE AFFIDAVIT

A person, who makes or uses an affidavit knowing it to be false, shall be fined, or imprisoned for not more than one year, or both.

AFFIDAVIT NOT FILED WITH COURT

If the plaintiff fails to file an affidavit under the SCRA, the court may not grant a default judgment. Likewise, if the plaintiff files an affidavit stating that the defendant is not in military service, but fails to "*show necessary facts to support the affidavit*," the court may not grant a default judgment.

VACATE OR SETTING ASIDE DEFAULT JUDGMENTS

If a default judgment is entered in an action covered by this act against a service member during the service member's period of military service (or within 60 days after termination of or release from such military service), the court entering the judgment shall, upon application by or on behalf of the service member, reopen the judgment for the purpose of allowing the service member to defend the action.

Print and attach the pages from the Department of Defense website to show the military status of the defendant (<https://scra.dmdc.osd.mil/>), or any other "necessary facts" documents to support your affidavit. (For example: in one case a plaintiff submitted an affidavit from the defendant's mother stating that he was not in military service; and in another, the plaintiff submitted a copy of the tenant's application where the tenant revealed that he is not in the military.)

You may determine the military status of a Defendant, by accessing the following *Service Members' Civil Relief Act* website:

<https://scra.dmdc.osd.mil/>

Or, if you are unable to use this website, you may request active duty verifications by mail:

You must provide a SSN and a last name. The birth date is optional, but suggested when available. The SSN must match for the DMDC to identify an individual as on active duty.

Active duty verification requests by mail can be sent with a self-addressed stamped envelope to the following address:

Defense Manpower Data Center
Attn: Military Verification
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

Please note Defense Manpower will not process your request without a self-addressed stamped envelope.