

THE SERVICEMEMBERS CIVIL RELIEF ACT

The Servicemembers Civil Relief Act (“SCRA”) is a federal law which imposes certain procedural requirements in civil cases to protect members of the armed services and their families. These requirements apply to any court of any state whether or not the court is a court of record.

In any case 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***; or
- (B) 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***.

If the plaintiff fails to file an affidavit under the SCRA in an eviction case, 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.

(Typically, plaintiffs will attach a printout from the Department of Defense website (<https://www.dmdc.osd.mil/scra/owa/home>) but they are not required to use that form as long as they show “necessary facts” to support the affidavit. For example, in one case a plaintiff attached an affidavit from the defendant’s mother stating that he was not in military service.)

A source that can be used to determine the Military Status of a Defendant, is the following Service Member’s Civil Relief Act website:

<https://www.dmdc.osd.mil/scra/owa/home>

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.

Military 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.