

Filling out the Affidavit of Nonmilitary Service

The Servicemembers Civil Relief Act is a federal law protecting military members on active duty. It helps servicemembers devote their energy to the nation's defense by suspending certain legal and financial proceedings. It may block the entry of default judgments in some cases.

Affidavit of Nonmilitary Service is used when you want the court to enter a default judgment in your favor if the defendant does not reply to your complaint or does not appear in court. To fill out this affidavit, you will need to tell the court if the defendant is on active duty with any branch of the military service.

If you have personal knowledge relevant to the defendant's military service:

You can fill out the affidavit if you can truthfully provide the court with enough information to conclude that the defendant is not currently on active duty.

Here are some **examples** of information that the court might be willing to consider in reaching its decision:

- I have known this person personally for five years and s/he has never given any indication that s/he is in service with the United States military or National Guard.
- This person personally informed me on [date] that s/he is not at this time on active duty.
- I have been married to this person and know from my own personal knowledge that s/he is not at this time on active duty.
- I see this person regularly at [place] and therefore believe she/he is not on active duty.

If you do not have personal knowledge about the defendant's military service:

If you have the defendant's social security number:

The Department of Defense can provide you with a certificate that you can submit to the court, showing whether the defendant is a servicemember on active duty status. They have information for all branches of the United States military service. You can submit a request through their website or by fax. The **website** is at <https://www.dmdc.osd.mil/scra/>.

If you have trouble accessing the secure site, you can get to it through <http://www.defenselink.mil/faq/pis/PC09SLDR.html>.

The **fax number** is 703-696-4156. You must provide last name, first name and social security number. Birth date is helpful to confirming identity, but it is not necessary. If the defendant is on active duty, the website will confirm the defendant's service and provide the beginning date of active duty status. If not, it will provide a certificate saying that the defendant is not known to be on active duty.

If you do not have the social security number: If you do not have the defendant's social security number, you can request a certificate by mail. Provide last name, first name, middle name, and date of birth if you have it. Send your request with a **self-addressed stamped envelope** to:

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

Please note that if there is a person on active duty who has that name, the Department of Defense will not be able to confirm whether it is the same person unless you can provide a birth date or social security number.