6-07/820.00 Military Affidavit

The federal Soldiers' and Sailors' Civil Relief Act was rewritten and replaced with the Servicemembers Civil Relief Act (SCRA) in 2003. The act requires an affidavit, or declaration under penalty of perjury, as to the defendant's military service status whenever a default judgment is requested. Unless proof is filed with the court setting forth the facts showing that the defendant is not in military service, a default judgment cannot be entered except under special court order or written waiver. If a request for a Military Affidavit is made, the process server must attempt to ascertain the military status of the defendant at the time of service and complete the affidavit to be included with the Proof of Service. (GC 26608.1) Please note: a fee of $40 is required for such affidavit. (GC 26742)