




Massachusetts Trial Court

MILITARY AFFIDAVIT INSTRUCTIONS FOR SELF-REPRESENTED LITIGANTS

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| What is this form? | The Military Affidavit is a legal document that informs the court if a person in the case belongs to the United States Military or Uniformed Services. |
| Where can I find the form? | You can find the form here: https://www.mass.gov/doc/military-affidavit/download |
| When do I need to file this form? | You need to file a Military Affidavit in any case where the Defendant (the person you are filing your case against) does not come to court or respond to court notices. Usually, you file this form at the beginning of your court case. If you filed this form more than three months ago, you may be asked to fill it out again. |
| Why do I need to file this form? | <p>The Servicemembers Civil Relief Act (SCRA) is a federal law that provides special benefits and protections for members of the United States Military and Uniformed Services.</p> <p>The Court cannot enter a judgment against a person in the U.S. Military who doesn't come to court while in active service. If you file a case, you must tell the Court, to the best of your knowledge, whether the Defendant is currently serving in any of the branches of the U.S. Military listed below:</p> <ul style="list-style-type: none">- Army- Navy- Air Force- Marine Corps- Coast Guard <p>The form also applies to:</p> <ul style="list-style-type: none">- Commissioned officers in the Public Health Service & National Oceanic and Atmospheric Administration on active-duty military service and for up to one year after active duty.- National Guard members on certain assignments.- U.S. citizens serving with certain allied military forces. <p>You must also fill out the Massachusetts Trial Court's Military Affidavit if you are seeking a default judgment against a servicemember, as described above. A default judgment is a judgment in favor of the party (you) suing the servicemember, if the servicemember does not respond to the lawsuit.</p> |

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| Key Terms | <p><u>“Subscribed and certified or declared to be true under penalty of perjury”</u>: This means that you swear what you are writing is true to the best of your knowledge.</p> <p><u>Party/Parties</u>: A person or people who is/are a part of a case. This includes the defendant and any other adult person whose name is written on the documents in your case.</p> |
| How do I fill out this form? | Please see the sample Military Affidavit form on the next page to assist you. |

How do I fill out the form?

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| <p>MILITARY AFFIDAVIT (UNDER 50 U.S.C. § 3931)</p> | | <p>DOCKET NUMBER ✎ Write your case number here.</p> <p><i>If this is a new case, you may not have a case number yet.</i></p> | <p>Massachusetts Trial Court</p>  |
| <p>CASE NAME</p> <p>✎ Write your name here or if this case is about a Guardianship or a Name Change, the name of the person the case is about.</p> <p>V.</p> <p>✎ If there is a Defendant, write their name here</p> | <p>COURT DEPARTMENT (Select only one court.)</p> <p><input type="checkbox"/> Boston Municipal Court <input type="checkbox"/> District Court <input type="checkbox"/> Housing Court</p> <p><input type="checkbox"/> Juvenile Court <input type="checkbox"/> Land Court <input checked="" type="checkbox"/> Check off the box of the Court where your case has been filed</p> <p><input type="checkbox"/> Probate & Family Court <input type="checkbox"/> Superior Court</p> | | <p>COURT DIVISION OR COUNTY</p> <p>✎ Write the Court's location: for example, Probate and Family Court will be a county, Juvenile Court will be a town/city, or Housing Court will be a division.</p> |
| <p>Under the Servicemembers Civil Relief Act, 50 U.S.C. § 3931, I, ✎ Write your name here (Insert Name), have signed below affirming, to the best of my knowledge, that the following statements are true:</p> | | | |
| <p>1. As of ✎ Write the date that you completed the search or filled out this document (Insert Month/Day/Year):</p> | | | |
| <p>A. <input type="checkbox"/> The following party(ies) is/are in military service as defined in the Servicemembers Civil Relief Act.</p> <p>✓ Check the box and write the names of any parties in this case that are in the military. x Skip this section if the statement does not apply to any of the parties in your case.</p> | | | |
| <p>B. <input type="checkbox"/> The following party(ies) is/are NOT in military service as defined in the Servicemembers Civil Relief Act.</p> <p>✓ Check the box and write the names of any parties in this case that are not in the military. x Skip this section if the statement does not apply to any of the parties in your case.</p> | | | |
| <p>C. <input type="checkbox"/> The following party(ies) has/have concluded military service as defined in the Servicemembers Civil Relief Act. (Also, indicate the exact date that the party(ies) has/have concluded military service.)</p> <p>✓ Check the box and write the names of the parties in this case that were in the military, but are no longer, and give us the exact date when they stopped service. x Skip this section if the statement does not apply to any of the parties in your case.</p> | | | |
| <p>D. <input type="checkbox"/> I am unable to determine whether the following party(ies) is/are in military service as defined in the Servicemembers Civil Relief Act. As a result, under 50 U.S.C. § 3931(b)(3), I understand that the court, before entering a judgment, may require that I file a bond.</p> <p>✓ If you are unsure whether the parties ever served in the military, and you are unable to find out, check this box and write the names of the parties here. x Skip this section if the statement does not apply to any of the parties in your case.</p> | | | |

2. You are required to state facts that support this affidavit. You must fill out this section and check choice "A" or "B."

A. I used the Servicemembers Civil Relief Act Website (<https://scra.dmdc.osd.mil/>) to determine the military status of the party(ies) listed in this affidavit. (You are required to provide your search results.) The results from my use of the Servicemembers Civil Relief Act Website are attached. (Required.) Additional facts (Optional if search results are attached):

You may use the Servicemembers Civil Relief Act Website to determine the military status of the parties that you listed. Searching on the SCRA website requires that you:

- create an account to conduct the search; and
- provide the other parties' birth dates or SS#.

✎ If you choose to use this website, you are required to attach a copy of those search results called "the Status Report from the Department of Defense Manpower Data Center."

B. I have NOT used the Servicemembers Civil Relief Act Website (<https://scra.dmdc.osd.mil/>) to determine the military status of the party(ies) listed in this affidavit. However, the following facts support my statement above as to the military status of the party(ies). (You are required to provide facts below. Please be specific.)

If you did not use the SCRA Website to determine the military status of the parties, you must write in how you know whether the parties are in the military.

✎ You may include facts that you know through your contact or communications with the parties, or you may also write to the appropriate military service headquarters, available at (<http://www.defense.gov/Sites/>), to determine the military status of the parties.

✎ Please attach any written correspondence you receive from the military in support of your statement.

Note: The term "military service" includes the following: active duty service as a member of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; service as a member of the National Guard under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days for purposes of responding to a national emergency; active service as a commissioned officer of the Public Health Service or of the National Oceanic and Atmospheric Administration; and any period of service during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause. 50 U.S.C. § 3911(2). A U.S. citizen who is serving with the forces of a nation with which the United States is allied in a war or military action may also be entitled to relief under the Servicemembers Civil Relief Act if that service is similar to the definition of "military service" discussed above. See 50 U.S.C. § 3914.

Subscribed and certified or declared to be true under penalty of perjury.

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| <p>DSIGNATURE</p> <p>✎ Sign your name here</p> | <p>DATED</p> <p>✎ Write today's date here: MM/DD/YYYY</p> |
| <p>PRINT CLEARLY OR TYPE YOUR NAME, ADDRESS, PHONE NUMBER, AND E-MAIL ADDRESS</p> <p>✎ Write your:</p> <ul style="list-style-type: none"> ✓ First and last name ✓ Full Address ✓ Phone number ✓ Email address if you have one | <p>BBO NUMBER (FOR ATTORNEYS)</p> <p>x If you are not a lawyer, then you may leave this blank.</p> |