



The Servicemembers Civil Relief Act: A Judge's Checklist

On December 19, 2003, President Bush signed into law the "Servicemembers Civil Relief Act" (SCRA). The Act took effect on that date for all civil cases which have not reached final judgment. This law is a complete revision of "The Soldiers' and Sailors' Civil Relief Act of 1940." It provides substantial protections for the servicemember regarding

- Postponement of hearings when military duties materially affected the servicemember's ability to be present for civil litigation and administrative proceedings;
- Reducing the interest rate to 6% on pre-service loans and obligations and forgiving anything in excess of that rate;
- Barring eviction of a servicemember's family for nonpayment of rent without a court order for monthly rent above certain limits;
- Termination of a pre-service residential and motor vehicle leases; and
- Allowing servicemembers to maintain their state of residence for voting and state tax purposes despite military reassignment to other states.

The SCRA was written to revise and to clarify the language of the Soldiers' and Sailors' Civil Relief Act, to incorporate many years of judicial interpretation of that statute and to update it to reflect new developments in American life since 1940.

The SCRA can be found at 50 U.S. Code Appendix Section 501 et seq. Since this statute affects all civil cases involving military members (including Reserve and National Guard members in some cases), it is vital that our judges be aware of the impact of the SCRA on cases pending before them.

To help judicial officials understand the SCRA, the American Bar Association's Section of Family Law has prepared "The Judges' Guide to the Servicemembers Civil Relief Act," an overview of the major sections of the Act and a short summary of each and its impact on the litigation.

For a quick list of important provisions, our Section has also prepared "The Servicemembers Civil Relief Act: A Judge's Checklist." This is a helpful checklist for each judge to have at the bench when he or she encounters a case involving a military party. It's short (only two pages), it tells the judge what's permissible, what's mandatory and what's forbidden. It also provides

section references for each part of the SCRA involved in litigation. This is for judges to keep handy so they don't have to constantly check the Act or the Guide.

They can also be located at the website of the Military Committee of the ABA Section of Family Law, which is: www.abanet.org/family/military.

We hope that these resources will assist you and the judges whom you serve. If you have any questions or comments, please contact Mark E. Sullivan, Chair of the Section's Military Committee, at 919-832-8507, e-mail law8507@aol.com, Sullivan & Grace, P.A., 600 Wade Avenue, Raleigh, NC 27605.