



# STATESIDELEGAL

Legal help for military members, veterans and their families

## Stateside Legal™

# Self-Help Sample Form Packet

## Waiver of Servicemembers Civil Relief Act (Protections under the Servicemembers Civil Relief Act)

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This self-help resource was created by the Stateside Legal Project. Stateside Legal provides these sample forms and information free of charge to individuals with military connections (IMC). These forms are not based upon any specific state law or jurisdiction. They are intended as samples of how to use the protections of the Servicemembers Civil Relief Act (SCRA) to assist active duty members of the military.

**READ ALL INSTRUCTIONS IN THIS PACKET VERY CAREFULLY.**

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### MORE INFORMATION

For information about the Servicemembers Civil Relief Act or many more topics concerning individuals with military connections, visit [www.statesidelegal.org](http://www.statesidelegal.org) or contact your local Judge Advocate General's Corps office, sometimes referred to as a military legal assistance office. Use the following website to locate the nearest one: <http://legalassistance.law.af.mil/content/locator.php>.

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**DISCLAIMER:** *The Stateside Legal Information Series is produced by the Pine Tree Legal Assistance of Maine®, Arkansas Legal Services Partnership®, and the Legal Services Corporation®. These organizations promote or provide free legal services to eligible low-income people. Additional information can be found at [www.lsc.gov](http://www.lsc.gov). This sample form packet is given to you as a guide to help you generally understand the way legal matters are handled. Local courts interpret things differently. The information and statements of law contained in this fact sheet are not intended to be used as legal advice. Before you take any action, talk to an attorney and follow his or her advice. Always do what the court tells you to do.*

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## **LAW YOU SHOULD KNOW**

The purpose of the Servicemembers Civil Relief Act (SCRA) is to provide protection to service members who have difficulty meeting their financial and legal obligations because of their military service. However, you can waive these protections if you decide to allow a lawsuit against you to go forward. Some of the rights and protections must be waived in writing. The waiver must be in a separate document. For example, the waiver cannot be in a lease. The text of the waiver must be in 12-point type. This size is 12-point type.

For more information about waiving your SCRA rights, see SCRA 50 U.S.C. § 3918.

## **ABOUT THIS SAMPLE FORM**

Carefully read over these forms and instructions. Make sure the information you have given is correct and complete. The sample form in this packet is not based upon any specific state law or jurisdiction. The content and the formatting may need to be changed.

- The purpose of this sample form is to waive the protections and benefits provided to you under federal law as a defendant in a civil lawsuit (for example: a divorce). These protections may include the ability to postpone or “stay” the lawsuit against you for 90 days or more.
- This form also states that you are consenting to the jurisdiction of the court and that you are making an entry of appearance to lawsuit against you.
- Remember, you can answer a lawsuit against you **WITHOUT** waiving your SCRA rights.
- It is a good idea to send legal documents by registered mail with a return receipt request.

## **NEXT STEPS**

Upon waving your SCRA rights and making an entry of appearance, it is likely the lawsuit will go forward. Remember, you do not have to waive any rights and you **SHOULD NOT** waive any rights if you are unsure about what to do.

The Servicemembers Civil Relief Act provides other possibilities when responding to a lawsuit against you. One of these other protections is that if there is an action filed against you, then you may be able to file a Stay of Proceedings for 90 days. Stateside Legal provides a sample Motion for a Stay of Proceedings form packet. Visit [www.statesidelegal.org](http://www.statesidelegal.org) and search with keyword “lawsuit” for more information.

If you have received a default judgment against you and the court or other party did not follow the SCRA, then you may be able to request that the court “vacate” that judgment aside. However, you **CANNOT** have the judgment vacated (based on the SCRA) if you waived your rights and/or made an appearance in the lawsuit.

**MORE INFORMATION:** For information about the Servicemembers Civil Relief Act or many more topics about individuals with military connections, visit [www.statesidelegal.org](http://www.statesidelegal.org) or contact your local Judge Advocate General's Corps office.

*Thank you for your service.*

**UPDATED:** July 2018

