

Stateside LegalTube Script: Overview of the Service Members' Civil Relief Act

Introduction: The purpose of the Service Members' Civil Relief Act is to enable service members' energy and time to devote to the defense needs of the Nation instead of struggling with personal financial and legal obligations arising because of their military service.

A similar law was passed in the beginning of World War II. In 2003, the Service Members' Civil Relief Act replaced this older law and it provides broader protections for not only those on active duty, but also Reservists, the National Guard (when activated under Title 10, USC) and under certain conditions the service member's dependents.

Although courts may need to be reminded of the protections under the Act they have historically interpreted the Act in favor of those in service. The U.S. Supreme Court stated that the original Act should be read "with an eye friendly to those who dropped their affairs to answer their country's call."

Keep in mind, however, that even though it may be the court's responsibility to determine whether a party is in the military you still need to be aware of the protections provided under the law and remind the court of these protections.

Who Qualifies? Any member of the uniformed services serving on active duty is covered under the Act. This includes reserve component personnel called to active duty, Coast Guard personnel, as well as officers of the Public Health Service and the National Oceanic and Atmospheric Administration. Under some sections of the SCRA a Service Member's family (such as a spouse or a child) may be covered by the Act.

What can it do for me? The Act has many provisions that may benefit you and your family. Service members may not always realize all the protections they have under the law. You may qualify for any or all of the following:

- Reduced interest rate on **mortgage payments**.
- Reduced interest rate on **credit card debt**.
- **Protection from eviction**
- **Delay of civil court actions** (such as bankruptcy, foreclosure or divorce proceedings).
- **Early termination** of car or housing lease without penalty.

What courts or other tribunals are covered? The Act provides protection for service members in any court or administrative agency of the United States. The only actions that are clearly excluded are Criminal proceedings.

How do I find out more? If you have questions about the Service Members' Civil Relief Act or the protections that you may be entitled to, contact your unit judge advocate or installation legal assistance officer for further assistance. The actual law can be found in the United State Code at: 50 U.S.C. § 501

Also, if your household meets certain guidelines for low-income and assets then you may qualify for free civil legal aid with your local legal services organization. Eligibility is based on federal poverty guidelines and case types. To find out more about the legal services program near you visit www.lsc.gov

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