

OVERVIEW OF THE SERVICEMEMBER'S CIVIL RELIEF ACT

NACA Defending Servicemembers by Building an Army of Informed Consumers

The National Association of Consumer Advocates (NACA) is a non-profit association of attorneys and consumer advocates committed to representing consumers' interests. This Handout presents an over view of the Servicemember's Civil Relief Act (SCRA).

1. The SCRA is a federal law designed to help maintain the mission readiness of servicemembers by providing special protections that reduce the impact and immediacy of many civil legal matters. Some of the rights conferred on servicemembers by the SCRA are: the modification of contract rights; the delay or stay of civil court cases and administrative agency rulings; the reopening of default judgments; the tolling of the statute of limitations on the time to bring a law suit; the adjustment the dollar amount of judgments; the delay of the execution of judgments; and court intervention prior to the taking of property.

2. The SCRA is applicable to each and every state, territory, and political subdivision of the United States.

The SCRA applies to any judicial (court) proceeding and to any administrative (state or federal agency ie., Internal Revenue Service, Department of Motor Vehicles, Department of Child Support Enforcement) proceeding. The protections of the SCRA do not apply to criminal proceedings.

3. The SCRA is federal law and supersedes state law. Where there is a conflict between the SCRA and a state's law the SCRA wins. States may grant more rights and benefits to servicemembers but they cannot take away those rights and benefits conveyed by the SCRA. Many States have adopted some provisions of the SCRA or a version of the SCRA as state law.

4. The SCRA applies to all active duty personnel in the United States Armed Forces, the Coast Guard, commissioned officers of the Public Health Service or the National Oceanic and Atmospheric Administration, Reserve servicemembers when on active duty for more than 30 consecutive days, and the National Guard when called to active duty by the President or Secretary of Defense for more than 30 days. In some instances the SCRA will apply to the dependents of Servicemembers.

5. Changes to the SCRA in 2010 provide for courts to award attorney fees and court costs in cases where the servicemember suffered damages because of violations of the Act.

6. The Servicemembers Civil Relief Act is a resource and tool to assist in maintaining mission readiness and focus for the military. Its provisions provide real protections that cover many aspects of military life from civil cases to taxes. Individual mission readiness is each servicemember's responsibility. When they are at work their Command and Country need them to be present and focused on the Nation's business, the SCRA was created to help with this mission. Understanding and applying the rights and benefits provided under the SCRA can reduce the distraction and stress that occurs when there is a conflict between a servicemember's personal business and the Nation's business.

This handout is for information purposes only and is not intended to be legal advice. If you need legal advice and assistance you may see legal advice from your Legal Assistance Office. Legal Assistance Offices can be located at <http://legalassistance.law.af.mil/content/locator.php>. You may also locate and contact a NACA attorney in your area logging on to <http://naca.net/find-attorney>.