



SCRA- Service Member Civil Relief Act

Overview

To provide, strengthen, and expedite the national defense through different protections for servicemembers

Service members protected

Military servicemembers in the Air Force, Space Force, Army, Navy, Marines, or Coast Guard in active duty, or absent from duty because of illness, wounds, leave, or other lawful cause.

National guard servicemember in active duty for more than 30 days in response to a national emergency supported by federal funds.

Protection from default Judgments (50 U.S.C. § 3931)

If a servicemember does not make an appearance and does not receive notice of the court proceedings the court SHALL grant a stay of at least 90 days.

Stay or proceedings when servicemembers have notice (50 U.S.C. § 3932)

- ◊ If servicemember receives notice of proceedings and is in the military or within 90 days after termination of service, he may file an application for a stay of at least 90 days.
- ◊ Application for a stay must include a letter from servicemember about how their military duty affects appearance and provide dates when they will be available, along with a letter from their commander stating why their military duty prevented them from coming.

Interest rate limitation (50 U.S.C. § 3937)

Interest rates are capped at 6% per year on obligations incurred before the servicemember entered military service. The cap is effective as of the date the servicemember is called to active duty.

Child Custody

Temporary order for custodial responsibility for a child is based solely on a deployment of the servicemember. The temporary order shall not expire NOT later than the period justified by the deployment.

Termination of Leases (50 U.S.C. § 3955)

- Residential leases entered into after entry into military service may be terminated after receiving PCS or deployment orders for 90 days or more.

Motor vehicle leases may be terminated upon entering active duty for 180 days or more. After entry into active-duty service motor vehicles leases may be terminated after receiving orders.

A written notice, and copy of orders are required. For motor vehicles you must return the car no later than 15 days following delivery of the written notice of termination.



Spousal License Portability

(50 U.S.C. § 4025a)

SCRA was amended in January 2023 to allow military spouses to have their professional licenses recognized in a new state after a military-ordered move, provided they meet specific criteria including:

- ◇ Active use of the license in the prior two years
- ◇ Being in good standing, and providing a copy of the military orders to the new licensing authority