

Instructions for completing
Affidavit as to Military Service
(NHJB-2200-DFPS)

Information

The Servicemembers Civil Relief Act (SCRA – 50 U.S.C. App. § 511) was passed by Congress to provide protection to those in the armed forces. It was formerly known as the Soldiers & Sailors Civil Relief Act of 1940 and was updated and renamed in 2003. The SCRA allows a court to suspend proceedings for 90 days or more if the defendant was unable to appear because of military service. The SCRA also allows a court to reopen a civil case if judgment was entered against a servicemember during military service.

Servicemembers covered under SCRA include members of the Army, Navy, Air Force, Marine Corps and Coast Guard on active duty; members of the National Guard called to active duty by the President or Secretary of Defense for over 30 days and commissioned members of the Public Health Service and the National Oceanographic and Atmospheric Administration. Members of the state guard or national guard or members of the militia called by the governor to active duty for a period of 30 days or more also are protected by this law (RSA 110-C:2).

Form use

Pursuant to the Servicemembers Civil Relief Act an Affidavit as to Military Service must be on file with the court before a default judgment can be entered against the respondent/defendant. The purpose of this form is to provide information to the court as to whether the defendant/respondent is in the military service such that proceedings should be suspended. However, military service is not an automatic defense to a claim. The court may find that a respondent's/defendant/s military service does not affect his/her ability to defend the lawsuit or pay any judgment ordered.

Top part of form

- **COURT NAME:** Enter the name of the county and court where the document will be filed. (Example: Belknap County Probate Court; Rockingham County Superior Court).
- **CASE NAME:** Enter the name of the case (example: Estate of John Adams; Guardianship of Susan Jones).
- **CASE NUMBER:** Leave blank if not yet assigned by court OR fill in case number if it is known.

Main part of form

- In the first sentence, on the blank line, insert the name of the person filing this document. On the next blank line enter the address of the persons filing the document.
- COMPLETE section (1) ONLY if the respondent/defendant is NOT in the military service. State any supporting facts including address, employment, etc.)
- COMPLETE section (2) ONLY if the respondent/defendant IS in the military service. State the name of the branch service and address if the person filing the affidavit knows the information.

Signature section

This form must be signed in the presence of a Notary Public or Justice of the Peace.

They will complete the section immediately following your signature. You will sign the form on the **Petitioner Signature** line, and date it in the appropriate space to the left.

Review the completed form for accuracy prior to filing it with the court. If completing this form on-line, some fields may be filled in automatically based on entries in other fields. If more space is needed for any question, please attach additional sheets of paper.