

Filling out the Affidavit of Nonmilitary Service

The Servicemembers Civil Relief Act is a federal law protecting military members as they enter active duty. It helps servicemembers devote their energy to the nation's defense by suspending certain legal and financial proceedings. It may block the entry of default judgments in some cases.

Wisconsin Circuit Court Form GF-175, Affidavit of Nonmilitary Service, is used when you want the court to enter a default judgment in your favor if the defendant does not reply to your complaint or does not appear in court. You will need to tell the court if the defendant is on active duty with any branch of military service.

If you have personal knowledge relevant to the defendant's military service:

You can fill out the affidavit if you can truthfully provide the court with enough information to conclude that the defendant is not on active duty in the military service. Here are some **examples** of information that the court might be willing to consider in reaching its decision:

I know the defendant personally and s/he has never given any indication that s/he is in the military service.

I called the defendant, who informed me on [date] that s/he is not in the military service.

I see this person regularly and therefore believe she/he is not on active duty.

If you do not have personal knowledge about the defendant's military service:

If you have the defendant's social security number or birth date: The Department of Defense has a website to help you find out whether the defendant is on active duty in the military service. They have information for all branches of the United States military service and for the Wisconsin Army and Air National Guard. The website is found at <https://www.dmdc.osd.mil/appj/scra/scrahome.do>

You must provide last name, first name, and either social security number or birth date. If you have the defendant's social security number, the website will be able to confirm the defendant's military status. If you have only the birth date, the website might or might not be able to confirm. If you don't have either one, you will not be able to use the website.

If the defendant is in the military service, the website will provide the beginning date of active duty status. If the defendant is not, it will provide a certificate saying that the defendant is not known to be in the military service. You can print this certificate and submit it with your affidavit.

If you do not have the social security number: If you do not have the defendant's social security number or birth date, it may be very difficult for you to find out if the defendant is on active military duty. If you have tried the Department of Defense website without success, you may check the box on the GF-175 that indicates you are unable to verify the defendant's military status.

This information was updated on 4/2/13.