

**KITSAP COUNTY DISTRICT COURT
STATE OF WASHINGTON**

(1) _____, (2) _____ <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> (1) _____, (2) _____ <p style="text-align: center;">Defendant.</p>	No. _____ SMALL CLAIMS DECLARATION OF NON-MILITARY SERVICE
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After having reviewed the information on page 2, I make the following declaration concerning the military status of _____ –

_____ I am personally acquainted with the Defendant. The Defendant is not an active service member in military service nor is a dependent of an active service member in military service.

_____ On _____, the Defense Manpower Data Center Military Verification website, which is hosted by the Director of the Department of Defense Human Resources Activity Defense Manpower Data Center, was accessed at <https://scra.dmdc.osd.mil/scra/#/home>. According to the information obtained from this website, the Defendant is not an active service member in military service nor is a dependent of an active service member in military service.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct, and that I am the person whose name I typed (or wrote) below.

SIGNED at (city) _____, (state) _____ on (date) _____.

/s/ Signed Electronically

[Note – By typing your name, you intend to sign electronically and agree your electronic signature is the same as a handwritten signature for the purpose of validity, enforceability, and admissibility.]

NOTICE TO SERVICE MEMBERS AND THEIR DEPENDENTS

State and federal law provide protections to defendants who are in the military service and to their dependents. One protection provided is the protection against the entry of a default judgment in certain circumstances.

A “service member in military service” includes – (1) members of the Army, Navy, Air Force, Marine Corps and Coast Guard on active duty; (2) National Guard members called to active duty by the President or Secretary of Defense for over 30 days; and (3) commissioned members of the Public Health Service and the National Oceanographic and Atmospheric Administration. 50 U.S.C. §511.

A “service member” also includes – (1) an active member of the United States armed forces, a member of a military reserve component, or (2) a member of the national guard who is either stationed in or a resident of Washington state. RCW 38.42.010.

A service member “dependent” includes – (1) the service member’s spouse; (2) the service member’s minor child, or (3) an individual for whom the service member provided more than one-half of the individual’s support for one hundred eighty days immediately preceding an application for relief. RCW 38.42.010.

“Military service” means a service member under a call to active service authorized by – (1) the President of the United States or the Secretary of Defense for a period of more than thirty consecutive days; or (2) the Governor under RCW 38.08.040 for a period of more than thirty consecutive days. RCW 38.42.010.

PROTECTION AGAINST DEFAULT JUDGMENTS

In any civil action in which a service member or a dependent is a defendant and does not make an appearance, the court before entering judgment for the plaintiff shall pursuant to RCW 38.42.050(2) require the plaintiff to file with the court an affidavit (or declaration) –

- (a) Stating whether the defendant is in military service, or is a dependent of a service member in military service, and showing necessary facts to support the affidavit; or
- (b) If the plaintiff is unable to determine whether the defendant is in military service or is a dependent of a service member in military service, stating that the plaintiff is unable to determine whether the defendant is in military service or is a dependent of a service member in military service.

If it appears that the defendant is in military service or is a dependent of a service member in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. RCW 38.42.050(4).

A person is guilty of a class C felony for making or using a Declaration Of Non-Military Service knowing it to be false. RCW 38.42.050(8).