NOTARY SERVICES

Most military legal assistance offices offer notary services, free of charge, to military members, family members, civilian employees, retirees, and others eligible for legal assistance.

A "notary" or "notary public" is a person authorized to administer oaths and to certify documents as genuine. Military notaries are authorized by federal statute (Title 10, United States Code, Section 1044a). That statute also requires all states and US territories honor the notarial acts of military notaries.

Notarial services help make the statements in affidavits, powers of attorney, and other documents more "official" and promotes their acceptance. A notary's certification on a document assures whoever examines it that it is what it appears to be.

One of the most common notarial acts is certifying a signature, for example, on an affidavit or power of attorney. A notary may provide this service only when the signer is physically present. The personal appearance requirement explains why the notary's seal is so widely accepted. The notary can certify that the signature is genuine, because the person actually signs in the presence of the notary and provides positive proof of identity.

Another common notarial act is certifying copies of documents as true copies of the original. By comparing the original document to the copy, the notary can certify that the copy is a duplicate of the original. This certified true copy is acceptable for most purposes. There are some limits, however, on the types of copies that a military notary can certify.

If you need an unrestricted certification, for a court proceeding, for example, then you may obtain that from the actual custodian of the vital record. Bureaus of Vital Statistics provide certified copies of birth, death, and marriage records. The Officer-in-Charge or other designated official of a military record holding-facility, such as a Military Personnel Office, Finance Office, Health Clinic, etc., can provide certified copies of those types of military records.

Common Questions & Answers About Notaries:

What does a Notary do?

A Notary acts as an official, unbiased witness to the identity and signature of a person who appears before the notary for an oath or affirmation, or to sign a document. The notary’s signature indicates that the notary verified the identity of the person who appeared and signed, executed, or acknowledged the document. Notaries are careful to ensure that the person signing is in fact, who he/she claims to be. In addition, the notary makes sure that the client is acting voluntarily and not being forced to sign documents against his/her will. The Notary should be confident that a client is not being bullied into signing a document against his/her will. Moreover, the Notary makes sure the client understands what he/she is signing. If the client responds to questions understandably and
requests the notarization, then the notary will proceed.

**Does a Notary certify when notarizing?**

Often, military notaries are asked to certify copies instead of, or in addition to, notarizing them. There is a difference.

**Notarization:** The notary signature and seal indicates that the person purporting to sign the document appeared before the notary, produced identification or was known personally by the notary, and signed the document in the presence of the notary.

**Certification:** This is a process that means that a document is a full, true, and accurate copy (transcription or reproduction) of the original document. Most public records and documents like marriage licenses, birth certificates, divorce decrees, titles, etc., are recorded in public offices and those offices certify copies. Occasionally, Army notaries may make a "true" copy for presentation to a military agency.

**Are there any limits on notary services?**

State laws and regulations restrict notary services. For example:
A notary cannot notarize a previously signed or incomplete document (one with blanks left in it) or "verify" (authenticate) the signature of someone who does not personally appear before the notary at the time the signature was affixed to the document. Those items intended to remain blank or empty should be lined through or have "Not applicable" entered before signature.

**Do Notaries keep a record of the notarization?**
Yes, Notaries frequently keep a journal of services provided. It may include the name and actual signature of the individual whose signature was notarized, general description of the document notarized, and the dates and locations the services performed.

**Where can I get a document notarized?**
Persons eligible for legal assistance desiring to have a document notarized should take their ID card (or other photo identity evidence) and the document unsigned to the supporting Legal Assistance Office. Most Legal Assistance Offices offer notary services on a walk-in, no appointment basis during normal duty hours. Find your local legal assistance office using the legal assistance locator button on the web site.
§ 1044a. Authority to act as notary

(a) The persons named in subsection (b) have the general powers of a notary public and of a consul of the United States in the performance of all notarial acts to be executed by any of the following:
(1) Members of any of the armed forces.
(2) Other persons eligible for legal assistance under the provisions of section 1044 of this title or regulations of the Department of Defense.
(3) Persons serving with, employed by, or accompanying the armed forces outside the United States and outside the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.
(4) Other persons subject to the Uniform Code of Military Justice (chapter 47 of this title) outside the United States.

(b) Persons with the powers described in subsection (a) are the following:
(1) All judge advocates, including reserve judge advocates when not in a duty status.
(2) All civilian attorneys serving as legal assistance attorneys.
(3) All adjutants, assistant adjutants, and personnel adjutants, including reserve members when not in a duty status.
(4) All other members of the armed forces, including reserve members when not in a duty status, who are designated by regulations of the armed forces or by statute to have those powers.
(5) For the performance of notarial acts at locations outside the United States, all employees of a military department or the Coast Guard who are designated by regulations of the Secretary concerned or by statute to have those powers for exercise outside the United States.

(c) No fee may be paid to or received by any person for the performance of a notarial act authorized in this section.

(d) The signature of any such person acting as notary, together with the title of that person’s offices, is prima facie evidence that the signature is genuine, that the person holds the designated title, and that the person is authorized to perform a notarial act.

§ 1044b. Military powers of attorney: requirement for recognition by States

(a) Instruments To Be Given Legal Effect Without Regard to State Law. A military power of attorney
(1) is exempt from any requirement of form, substance, formality, or recording that is provided for powers of attorney under the laws of a State; and
(2) shall be given the same legal effect as a power of attorney prepared and executed in accordance with the laws of the State concerned.
(b) **Military Power of Attorney.** For purposes of this section, a military power of attorney is any general or special power of attorney that is notarized in accordance with section 1044a of this title or other applicable State or Federal law.

(c) **Statement To Be Included.**

(1) Under regulations prescribed by the Secretary concerned, each military power of attorney shall contain a statement that sets forth the provisions of subsection (a).

(2) Paragraph (1) shall not be construed to make inapplicable the provisions of subsection (a) to a military power of attorney that does not include a statement described in that paragraph.

(d) **State Defined.** In this section, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, and a possession of the United States.