

Legal Services

Notarial Services

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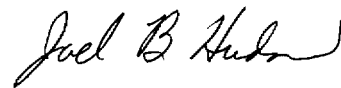
Legal Services

Notarial Services

By order of the Secretary of the Army:

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General, United States Army
Chief of Staff

Official:



JOEL B. HUDSON
Administrative Assistant to the
Secretary of the Army

History. This publication is a major revision.

Summary. This regulation covers policies and procedures for United States Army military and civilian personnel performing notarial services as part of their official duties.

Applicability. This regulation applies to the Active Army, the Army National Guard (ARNG), the Army National Guard

of the United States (ARNGUS), the U. S. Army Reserve (USAR), and all Department of the Army civilians during periods of peace and war during partial and full mobilization. During mobilization, the proponent may modify chapters and policies contained in this regulation.

Proponent and exception authority.

The proponent of this regulation is The Judge Advocate General. The Judge Advocate General has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation. The Judge Advocate General may delegate this authority, in writing, to a division chief within the proponent agency in the grade of colonel or the civilian equivalent.

Army management control process.

This regulation does not contain management control provisions (AR 11–2).

Supplementation. Supplementation of this regulation and establishment of command or local forms are prohibited without approval from the Office of The Judge

Advocate General, 1777 North Kent Street (10th Floor), Rosslyn, VA 22209.

Suggested improvements. Users are invited to send comments and suggested improvements on DA form 2028 (Recommended Changes to Publications and Blank Forms) directly to Legal Assistance Policy Division, Office of The Judge Advocate General, 1777 North Kent Street (10th Floor), Rosslyn, VA 22209.

Distribution. Distribution of this publication is available in electronic media only and is intended for command levels B, C, D, and E for the Active Army, the Army National Guard (ARNG), the Army National Guard of the United States (ARNGUS), and the U. S. Army Reserve (USAR).

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Chapter 1

Introduction

1-1. Purpose

This regulation sets forth the authority of United States Army personnel to administer oaths, to take affidavits, sworn statements, depositions, acknowledgments, and provide other notarial services as part of their official duties.

1-2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

1-4. Responsibilities

a. The Judge Advocate General (TJAG) will set all policies involving administering oaths and the provision of notarial services throughout the Army.

b. The Chief, Legal Assistance Policy Division, Office of The Judge Advocate General, is delegated the authority to grant exceptions to this regulation.

c. The Commandant, Judge Advocate General's Legal Center and School, Army will develop a course of instruction to train noncommissioned officers (NCO) with a 27D military occupational specialty code (MOSC) on this regulation and applicable law.

d. The Commandant, NCO Academy of the United States Army Soldier Support Institute, Fort Jackson, South Carolina will instruct all NCOs with a 27D MOSC at the Basic Noncommissioned Officer's Course for Legal NCOs on this regulation and applicable law.

e. Staff Judge Advocates (SJA) and commanders will—

(1) Ensure compliance with applicable laws and this regulation regarding the provision of all notarial services within their commands.

(2) Ensure that only individuals authorized by this regulation are serving as notaries within their commands.

(3) Authorize, in accordance with paragraph 2-3, civilian employees to obtain commissions as civil notaries and to provide notarial services as a part of their official duties.

(4) Authorize, as appropriate, payment or reimbursement of expenses associated with the procurement of notarial seals or state notarial commissions by civilian employees, when required in the performance of their official duties. (See para 2-3e and f.)

(5) Ensure individuals providing notarial services possess sufficient judgment and maturity.

(6) Ensure appropriate supervision and training are provided to all individuals providing notarial services.

(7) Revoke or limit, when appropriate, the authority of any individual to provide notarial services as part of his or her official duties. (See para 3-6.)

(8) In addition to the above, Reserve Component (RC) SJAs (or Legal Service Organization (LSO) commanders) must authorize RC enlisted notaries to perform notarial services in a nonduty status, before such services are performed. The supervising RC SJA (or LSO commander) is responsible for regulating the RC notaries they authorize to perform such services.

f. SJAs will assist commanders execute their responsibilities under this regulation.

g. Supervisors will ensure that notaries are trained in accordance with paragraph 1-8.

1-5. Authority

The authority of United States Army personnel to provide notarial services is based on Federal, State, and foreign law. (See paras 2-1, 2-3, and 2-4.) Section 573 of the National Defense Authorization Act for Fiscal Year 1997, Public Law 104-201, Volume 110, U.S. Statutes at Large, p. 2534 made significant changes to 10 USC 1044a(b) and eliminated duty status limitations on notarial authority of certain members of the United States Army Reserve (USAR) and the Army National Guard of the United States (ARNGUS). Pursuant to Section 1103 of the National Defense Authorization Act for Fiscal Year 2002, Public Law 107-107, Volume 115, U.S. Statutes at Large, p. 1236, persons performing notarial acts under 10 USC 1044a may do so without regard to geographic limitation. The validity of notarial acts performed pursuant to 10 USC 1044a is a matter of Federal law. State notarial authority may only be exercised in the state concerned.

1-6. Policy

a. An individual performing notarial services will provide these services with integrity, diligence, and skill.

b. Military notaries will comply with the provisions of this regulation when providing notarial services pursuant to Federal notarial authority.

c. Civil notaries will comply with the provisions of this regulation to the extent that this regulation is not