

KANSAS DEPARTMENT OF CORRECTIONS

 INTERNAL MANAGEMENT POLICY AND PROCEDURE	SECTION NUMBER 01-110D	PAGE NUMBER 1 of 2
	SUBJECT: ADMINISTRATION: Notarization of Offender Documents	
Approved By:  Secretary of Corrections	Original Date Issued: 11-03-15	
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APPLICABILITY:	_ ADULT Operations Only	_ JUVENILE Operations Only	<input checked="" type="checkbox"/> DEPARTMENT-WIDE
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POLICY STATEMENT

Each facility shall provide free notary public service to those offenders with documents which require notarization.

DEFINITIONS

Notary: A person appointed by the Kansas Secretary of State to witness the signing of documents, identify the signers, administer oaths and affirmations, and take acknowledgements.

PROCEDURES

I. Designation and Access of Notary Service

- A. Each warden/superintendent shall designate a staff person(s) to provide notary service to offenders. Designation of staff shall ensure reasonable access to all offenders.
- B. Access to notary service shall be communicated to all staff and offenders.

II. Duties of Notaries

- A. Notaries shall have authority to:
 - 1. Take acknowledgements;
 - 2. Administer oaths and affirmations;
 - 3. Take a verification upon oath or affirmation;
 - 4. Witness or attest a signature;
 - 5. Certify or attest a copy;
 - 6. Note a protest of a negotiable instrument; and,
 - 7. Perform any other act permitted by law.
- B. Notaries shall not perform any notarial act if the notary has a direct financial or beneficial interest in the transaction.

III. General

- A. Notaries shall exercise reasonable care in determining the identity of the person whose signature is being notarized.
- B. Notaries shall be certified by the Secretary of State prior to performing any notarial service.
- C. Notary service to offenders shall be free of charge.
- D. Any offender who submits his/her signature for notarization upon a document which the offender knows contains a false statement, and which the offender swears or affirms is correct at the time of notarization, may be subject to prosecution for perjury pursuant to K.S.A. 21-5903 and may additionally be subject to disciplinary action pursuant to:
 - 1. **ADULT**: K.A.R. 44-12-317.
 - 2. **JUVENILE**: K.A.R. 123-12-317 and/or K.A.R. 123-12-1001.
- E. All costs associated with the appointment or re-appointment of facility staff functioning as notaries shall be the responsibility of the respective facility.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None.

REFERENCES

K.S.A. 21-5903; 53-105a, 53-107, 53-109
K.A.R. 44-12-317, 123-12-317, 123-12-1001

ATTACHMENTS

None.