

 <div style="text-align: center;"> <b>DIVISION OF ADULT INSTITUTIONS</b>   <b>POLICY AND PROCEDURES</b> </div>	<b>DAI Policy #:</b> 300.00.56	<b>Page</b> 1 of 8
	<b>Original Effective Date:</b> 01/11/99	<b>New Effective Date:</b> 06/25/25
	<b>Supersedes:</b> 300.00.56	<b>Dated:</b> 09/26/22
	<b>Administrator's Approval:</b> Shannon Butcher, Administrator – 06/10/25	
	<b>Required Posting or Restricted:</b> <input checked="" type="checkbox"/> <b>PIOC</b> <input checked="" type="checkbox"/> <b>All Staff</b> <input type="checkbox"/> <b>Restricted</b>	
<b>Chapter:</b> 300 Administration		
<b>Subject:</b> Notary Services to PIOC		

## POLICY STATEMENT

The Division of Adult Institutions shall designate facility staff to perform the duties of a commissioned notary to provide timely and appropriate notary services.

## REFERENCES

F-00036 DHS DPH Wisconsin Basic Power of Attorney for Finances and Property  
1997 Wisconsin Act 133 – State Prison Litigation Reform Act (PLRA)  
Wisconsin Statutes s. 244.61 – Wisconsin statutory power of attorney for finances and property  
Wisconsin Statutes s. 706.07 – Uniform law on notarial acts  
Wisconsin Statutes s. 782.04 – Petition; contents  
Wisconsin Statutes s. 893.82(5) – Claims against state employees; notice of claim; limitation of damages  
DAI Policy 300.00.78 – Name of PIOC and Changes to Name  
Wisconsin Department of Financial Institutions

## DEFINITIONS, ACRONYMS AND FORMS

Acknowledgment – A formal declaration made by a person, stating at the time that person signed a document, it was signed voluntarily and with an understanding of its nature and purpose.

Affidavit – A written document made by a person who swears, under oath or affirmation, the statements in the document are the truth.

Jurat – The name given to the notary's written certificate, which should appear after the signature of a person who has given an oath, or has made a sworn statement. The jurat should specifically recite the date it is completed, the location in which it is written and the name of the person taking the oath or swearing to a statement.

Northpointe Suite – Case management software application that houses the COMPAS assessment, case plans and UA information for PIOC.

Notarial Act – Any act that a notary public is authorized to perform, and includes taking an acknowledgment, administering an oath or affirmation, taking a verification upon oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy and noting a protest of a negotiable instrument.

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Notary Public – An individual issued an appointment by the Governor or Wisconsin Department of Financial Institutions to serve the public as an impartial witness, performing notarial acts as are allowed or required by law.

Oath and Affirmation – Solemn pledges attesting to the truth of given statements. The difference is that an oath requires swearing, (and may be understood to call upon a Supreme Being as a witness), while an affirmation does not. Both oaths and affirmations are subject to penalties of perjury.

PIOC – Persons in Our Care

POA – Power of Attorney

WICS – Wisconsin Integrated Corrections System

## **POLICY**

### **I. General Guidelines**

- A. Wardens/Superintendents shall designate staff to perform notarial acts.
- B. Staff shall not advise PIOC on legal matters.
- C. A notarial act does not require staff to validate the accuracy of the information in the document being notarized, but shall have an understanding of nature and purpose.

### **II. Designated Facility Notary Public Shall:**

- A. Have an engraved official notary seal prior to submission of the application.
  - 1. The seal may be of any size or shape, but shall state only the words “Notary Public”, “State of Wisconsin” and the Notary legal last name.
  - 2. Initials or a shortened first name may be used.
    - a. Current legal last name shall be in full.
    - b. When performing a notarial act, staff shall always sign the name exactly as set forth on the seal.
  - 3. No titles (e.g. Captain, Officer, Corrections Sentencing Associate) shall appear before or after the notary’s name.
- B. Take and pass the notary exam with 90% or better at [www.wdfi.org](http://www.wdfi.org).
- C. Follow the Notary Public Bond instructions found at [www.mcbabonds.com](http://www.mcbabonds.com).
- D. Complete and forward to the Business Office the following items:
  - 1. Four-year Notary Public Commission Application. After printing, complete with stamp and signature.
  - 2. Bond form. After printing, complete signature #1.
  - 3. Oath of Office form. After printing, complete in front of a current notarial officer with stamp and signature.

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4. Certificate from the Notary Public Tutorial and Exam.

E. Not perform notarial acts until they have been notified by the Wisconsin Department of Financial Institutions that their commission has been issued.

### **III. Business Office Staff/Designee Shall:**

A. Process the order for the seal.

B. Make a check payable to the Wisconsin Department of Financial Institutions for filing fees.

C. Make a check payable to Notary Bond Renewal Service to obtain a \$500 bond from an insurance company for the applicant. This applies to new and renewal notaries.

D. Forward the four-year Notary Public Application, the completed bond form, the Oath of Office form, Certificate of Completion from the Notary Public Exam and checks to Notary Bond Renewal Service, PO Box 602, Butler, WI 53007.

E. Receive copy of the completed F-00036 form for filing and upload in WICS if applicable.

### **IV. Notary Public Shall:**

A. Perform notarial acts only after being notified by the Wisconsin Department of Financial Institutions that the commission has been issued. A certificate is forwarded to the mailing address listed on the application form.

B. Provide written notice of any change in contact information, to include email address, to the Wisconsin Department of Financial Institutions within 10 days of the change by completing the Wisconsin Notary Public Commission Change of Address/Name/Seal form. This form can be found at [http://www.wdfi.org/Apostilles\\_Notary\\_Public\\_and\\_TradeMarks/forms\\_notary.htm](http://www.wdfi.org/Apostilles_Notary_Public_and_TradeMarks/forms_notary.htm).

C. Perform notarial acts only in counties of the State of Wisconsin.

D. Affix a clear impression of the official notarial seal every time a notarial act is performed.

E. Sign documents. Signature stamps shall not be used.

1. Use the proper ceremony and written certificate language.

2. Sign and affix a legible impression of your seal/stamp.

3. Indicate your commission expiration date.

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4. Review the document to be sure there are no blanks or incomplete statements. If the document has blanks for two persons to sign, but only one signature is being witnessed, cross out and initial the blank line.
- F. Insert a jurat at the end of the document if there is not enough room:
  1. The jurat may be placed on a separate sheet of paper and securely attached to the sworn statement.
    - a. When the jurat is not written on the document it applies to, a statement on the document shall indicate that a jurat is attached.
    - b. The jurat shall bear a statement identifying the document to which it is attached.
  2. If there is sufficient space, the jurat shall be placed in the side margin.
- G. Locate another notary for assistance if the contents of the document are not understandable or are written in a foreign language. Contact a department approved translator if needed.

## **V. Performance of Notarial Duties**

- A. Taking an acknowledgment:
  1. Require PIOC be in the notary's presence.
  2. Verify identity.
  3. Determine PIOC knows what kind of document is being signed and its intended purpose.
  4. Determine PIOC are signing the document voluntarily of the PIOC own free will.
  5. Witness PIOC sign the document.
- B. Notarizing an unsworn signature:
  1. Require PIOC be in the notary's presence.
  2. Verify identity.
  3. Witness PIOC signing the document.
- C. Notarizing a statement sworn to, or taken under oath or affirmation and providing a jurat:
  1. Require PIOC making the statement be in the notary's presence.
  2. Verify identity.
  3. Require PIOC specifically confirm they swear or affirm under penalty of perjury that the statement in the document to be notarized is true.
  4. Witness PIOC signing the document.
- D. Language to use for notarial acts
  1. If the appropriate jurat is provided, complete the information requested in the jurat.
  2. If the jurat is not provided, then it is the responsibility of the Notary Public to stamp or write the jurat.
    - a. Administer an oath or affirmation

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- i. State of Wisconsin.
  - ii. County of (insert name of county where notarization is done).
  - iii. Signed and sworn before me on (date) by (name of person making the statement).
  - iv. Notary's signature, expiration date and seal.
- b. Acknowledge a signature
  - i. State of Wisconsin.
  - ii. County of (insert name of county where notarization is done).
  - iii. This signature was acknowledged before me on (date) by (name of person whose signature is acknowledged).
  - iv. Notary's signature, expiration date and seal.

## **VI. Documents Requiring Notary Services**

- A. Statutory items (shall administer an oath or affirmation)
  - 1. Affidavits to support or oppose a motion for summary judgment.
  - 2. Affidavits to establish indigence, for Petitions for Writs of Mandamus, Certiorari, or Prohibition.
  - 3. Notice of claims filed with the Attorney General's Office under Wisconsin Statutes s. 893.82(5).
  - 4. Filing a lawsuit for money damages, return of property, etc. in circuit court or small claims courts.
  - 5. Petition for a Writ of Habeas Corpus under Wisconsin Statutes s. 782.04.
  - 6. Responses to discovery documents such as interrogatories or requests for admissions.
  - 7. Statutory Form of Power of Attorney under Wisconsin Statutes s. 244.61.
    - a. Each facility shall designate a staff person to review all notary requests for POA for Finances and Property. The designated staff shall:
      - i. Review whether the appointed agent for POA for finance is under supervision of the DOC or is currently incarcerated.
      - ii. Deny request for notary services if it is determined the designated agent is either under the supervision of the DOC or is currently incarcerated.
      - iii. Deny request for notary services if, after investigation and consultation with the Security Director/designee, it is determined the appointment of the agent for POA may be for illegal purposes, may jeopardize the security of the institution or the safety of the public, staff or other PIOC.
      - iv. Inform PIOC of reason for denial.
      - v. Forward approved POA forms directly to notary public for completion.
    - b. PIOC shall disclose to the designated institution staff person, the identity and reason for the agent being designated as their power of attorney.
    - c. PIOC shall inform Business Office of revocation of POA.
    - d. Upon receipt of approved F-00036 from the designated staff person, notary shall meet with PIOC to complete notary process.

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- e. Notary shall provide a copy of the completed F-00036 to the business office to implement the designation for appropriate financial transactions related to said PIOC.
- f. The original shall be returned to PIOC.
- g. Approval or denial of power of attorney for finance shall be documented in Northpointe Suite.

**B. Official Wisconsin State Statutory Documents:**

- 1. F-00036 DHS DPH Wisconsin Basic Power of Attorney for Finances and Property
- 2. DCF-F (CFS-0142) – Affidavit.
- 3. DPH 5024 – Voluntary Paternity Acknowledgment.

**C. Official Wisconsin State Court documents (shall administer an oath)**

- 1. AP-012 – Prisoner’s Petition for Waiver of Fees/Costs – Affidavit of Indigency; Allegation of Imminent Danger.

**D. United States Department of State documents (signature acknowledgement)**  
DS-3053 – Statement of Consent or Special Circumstances: Issuance of a Passport to a Minor Under Age 16.

**E. If PIOC requests additional notary services, PIOC shall produce written verification of its requirement before such additional service is allowed to be rendered. Written verification may include:**

- 1. Statute.
- 2. Court Order.
- 3. Attorney correspondence.
- 4. Official state or federal form with preprinted notary jurat.

**F. There may be situations where an insurance company, a bank, a real estate company, tribal government or some other entity may require a document be notarized. Such a requirement shall be stated in writing and PIOC shall be required to produce it.**

**G. Vital records/documents are prohibited from being copied and/or notarized. This may include social security cards, certificates of birth, death, divorce, annulments, marriage, drivers license, etc.**

**VII. Notary Services Not Required**

**A. Employees shall not witness PIOC wills because of potential litigation regarding contesting of wills and competency of the testator and witnesses.**

**B. Affidavits are not required to file standard state or federal summons and complaint lawsuits.**

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- C. Many Wisconsin court forms have been updated and no longer require notary services; ensure the most up to date form is being used.

## DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

<b>Facility:</b> Name		
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<b>New Effective Date:</b> 00/00/00	<b>Supersedes Number:</b>	<b>Dated:</b>
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<b>Will Implement</b> <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
<b>Warden's/Center Superintendent's Approval:</b>		

## REFERENCES

## DEFINITIONS, ACRONYMS AND FORMS

## FACILITY PROCEDURE

I.

A.

B.

1.

2.

a.

b.

c.

3.

C.

II.

III.

## RESPONSIBILITY

I. Staff

II. PIOC

III. Other