

7 FAM 860

CERTIFICATION OF TRUE COPIES OF DOCUMENTS

(CT:CON-449; 03-25-2013)
(Office of Origin: CA/OCS/L)

7 FAM 861 STATE LAWS LIMITING PRACTICE OF CERTIFICATION OF TRUE COPIES

(CT:CON-449; 03-25-2013)

- a. Some states in the United States provide that notaries public may execute certifications of true copies of documents. Many U.S. states, however, have eliminated this as a function of notaries due to concern about security and fraud.
 - (1) See the Martindale-Hubbell Law Digest volume for the U.S. state in question. This is available to U.S. Department of State personnel via Lexis/Nexis, which you can access by contacting the U.S. Department of State Library Lexis/Nexis Page.
 - (2) Consult the web page for the National Association of Notary Public Administrators (NPA);
 - (3) You may also contact CA/OCS/L at Ask-OCS-L@state.gov; or
 - (4) See 7 FAM Exhibit 861 for a chart with state requirements.
- b. Avoid Certifying True Copies of Public Documents: Refer Inquirer to Custodian of Records: If the document is a public document, such as a birth, death, marriages or divorce record, a notarizing officer should direct the inquirer to the custodian of records in that state or other jurisdiction. See HHS/NCHS Where to Write for Birth, Death, Marriage and Divorce Records.

Note: CA/OCS is aware that in international adoption, for example, a notarized certified true copy of a birth, death, marriage, divorce decree is not acceptable in most foreign jurisdictions. Applicants must obtain copies certified by the official custodian of the public records. See country specific adoption information material on the Consular Affairs Internet home page (travel.state.gov). For consular reports of birth or death, see How to Apply for a Certified Copy of One of These Reports.

7 FAM 862 SWORN OR AFFIRMED STATEMENT BY THE BEARER

(CT:CON-110; 09-13-2005)

- a. Sworn or Affirmed Statement by the Bearer: An alternative is to permit the requester to make a sworn statement that the document presented is a true copy (see 7 FAM 850). This is a process whereby an individual makes a sworn statement declaring that a copy is an exact reproduction of an original document he or she possesses. This is also known as a "Copy Certification by a Document Custodian."
- b. Notarizing officers should ask the following questions before performing this function.

7 FAM 863 THRESHOLD QUESTIONS

(CT:CON-407; 06-29-2012)

- a. Foreign Public Documents:
 - (1) Is it possible for the applicant to obtain a duplicate original or certified true copy of the document in the host country from the custodian of records?
 - (2) If the answer to (a) is "no," has the applicant presented adequate evidence that the document is required for use in the United States?
- b. U.S. Public Documents:
 - (1) Is a notary public authorized to execute certified true copies of documents, including vital records (birth, death, marriage records, etc.) located in the jurisdiction where the document will be used?
 - (2) If the answer to (a) is "yes," has the applicant presented adequate evidence that the document is required for use in the United States? The state Notary Public Administrator can provide this information. CA/OCS/L is conducting a survey of states to confirm current state law on this subject.

7 FAM 864 THROUGH 869 UNASSIGNED

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7 FAM Exhibit 861

STATE REQUIREMENTS ABOUT CERTIFICATION OF TRUE COPIES

(CT:CON-118; 10-26-2005)

The best source of information about the requirements of the individual U.S. states and other U.S. jurisdictions regarding certification of true copies of documents by notaries public is the state notary public administrator. The chart below summarizes this information.

U.S. State	Certification of True Copies Permitted (YES/NO)	Notes
Alabama	Yes	Only register pages.
Alaska	No	Alaska's notaries do not have the authority to certify documents or photocopies of documents. When it is necessary to authenticate a photocopy of a document or a document has not been notarized at the time of issue it may be possible to use a process called Copy Certification By Document Custodian. It is against the law to make copies of Alaska Vital Statistics documents (AS 18.50.320 (5)). The Lieutenant Governor will not be able to authenticate photocopies of Vital Statistic documents even if they have been properly notarized via the Copy Certification by Document Custodian process.
American Samoa		
Arizona	Yes	
Arkansas	Yes	
California	Yes	Only powers of attorney and notary journal pages.

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Colorado	Yes	Only with signed written request stating certified copy not available from the office of any recorder of public documents or other custodian of documents in the state.
Connecticut	No	Under Connecticut law, notaries have no authority to prepare "certified" or "true" copies of any documents. Bearer may execute sworn statement regarding a copy, except for birth, death, marriage or divorce records which Connecticut law prohibits certification except by issuing authority. See Connecticut Notary Manual.
Delaware	Yes	
District of Columbia	Yes	
Florida	Yes	Only with supervised photocopying. A notary may supervise the making of a photocopy of an original document and attest to the trueness of the copy. F.S.A. §117.05(15). A notary cannot attest to the trueness of a photocopy; only photocopies of original documents may be attested as to trueness. F.S.A. §117.05(15)(a). A notary cannot attest to the trueness of a photocopy of a public record if a copy can be made by another public official. F.S.A. §117.05(15)(a).
Georgia	Yes	Only with supervised photocopying.
Guam		
Hawaii	Yes	Only protests and notary journal pages.
Idaho	Yes	
Illinois	No	

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Indiana	No	
Iowa	Yes	
Kansas	Yes	
Kentucky	Yes	Only protests.
Louisiana	No	
Maine	No	
Maryland	Yes	Only register pages.
Massachusetts	No	
Michigan	No	Michigan notaries are prohibited from issuing certified copies of public records or any other documents. Requests for certified copies should be directed to the agency that holds or issued the original.
Minnesota	Yes	
Mississippi	No	
Missouri	Yes	
Montana	Yes	Only records issued or filed on the job.
Nebraska	No	
Nevada	Yes	
New Hampshire	No	
New Jersey	No	
New Mexico	Yes	
New York	No	
North Carolina	No	
North Dakota	No	
Northern		

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Mariana Islands		
Ohio	No	
Oklahoma	Yes	
Oregon	Yes	Notaries are not permitted to certify copies of public documents, especially vital statistics. There is a regulation of the Health Records Division that specifically prohibits copying their records. The prohibition is not in the notary law, but in the law of the custodian of records. Oregon would allow an affidavit attesting to a true copy by the bearer, but the notary should encourage the bearer to get the real certified copy from the custodian of record.
Pennsylvania	Yes	
Puerto Rico		
Rhode Island	No	
South Carolina	No	
South Dakota	No	
Tennessee	No	
Texas		<p>A notary may not notarize a certified true copy of a recordable document. Birth certificates and marriage licenses are recordable documents.</p> <p>A recordable document is one that is recorded with some type of entity whether it be the Secretary of State's Office, a court of law, a county clerk, or the Bureau of Vital Statistics. Certified copies may be obtained by contacting such entities.</p> <p>A non-recordable document is one that has not been nor will ever be recorded with any type of entity. For instance, a</p>

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		letter is not recorded with anyone but there are times the sender of the letter would like to obtain a certified copy of that letter for his or her file.
Utah	Yes	Only if custodian of original appears.
Vermont	Yes	
Virgin Islands		
Virginia	Yes	
Washington	Yes	
West Virginia	Yes	Only with signed written request stating certified copy not available from the office of any recorder of public documents or other custodian of documents in state.
Wisconsin	Yes	
Wyoming	No	