

Notarizing for Family Members

Notaries must be impartial witnesses to transactions. They may not have an interest in the documents that they notarize. By the same token, notaries are prohibited from notarizing their own signatures, or documents in which they are named.

Just as an employer feels it is convenient to have an employee who is a commissioned notary, your family members may be delighted to learn that you have become a notary public because they may feel it will be a convenience for them. You may find that family members will call upon you to notarize documents. If you agree to go forward with their requests, problems may arise for both you and them.

While most States do not have a specific ban against notaries notarizing documents for spouses or family members, the practice is generally frowned upon in most jurisdictions. In most States, notaries are cautioned against notarizing for family members related by blood or marriage because notaries are forbidden to notarize any document, or participate in any notarial procedure, from which they may profit or gain a financial benefit.

The likelihood of benefitting from the legal transaction of a family member is high and increases with the closeness of the relationship. For instance, a wife may wish to notarize the signature of her husband who is refinancing a home mortgage. Since the wife will ultimately benefit from the transaction, she should decline to notarize the document and engage an impartial Notary to do so.

Even in transactions where a financial benefit to the notary appears remote, it is best for the notary to abstain. A notary may be asked to notarize a document for a second cousin who designates a pension beneficiary. The beneficiary may be the notary's son or daughter. If the cousin passes away, the notary could benefit from the transaction if the child receives the funds. The notarization may be challenged in court at a later date and the notary's impartiality could be called into question.

Therefore, notaries should refuse to perform notarizations for all family members. If a family member makes such a request of you, direct him to another notary. It is better to risk annoying a family member by refusing to notarize a document for him than to risk incurring penalties for violating the universal rule of notarial impartiality.