

Notarizing Foreign Language Documents

One of the keys to acceptable and accurate notarizations is clear communication between the signer and the notary. Even though various jurisdictions may differ on such issues as the permissibility of notarizing for a family member or mandatory notary record keeping, the universal mandate for all jurisdictions is to require the physical presence of the signer - the notary and the signer must meet face to face at the time of notarization. Otherwise, not only is the notarization fraudulent - belying the notary certificate assertion that the signer personally appeared before me on a certain date - but there is also no occasion for honest and clear communication between the notary and the signer.

The notary must always be able to communicate - converse, dialogue - with the signer in a mutually understood language. There can never be the use of an interpreter when the notary is performing the verbal ceremony. Otherwise, how will the notary know for certain that the interpreter is properly representing what he or she has said or that the signer has responded in an acceptable manner to allow the notary to proceed with the notarization?

If the document itself is written in a language other than the primary language of the notary, it is best to direct the signer to a notary who can both speak in the language of the signer and fluently read the language of the document. Though a notary is not required to read the full contents of any document, he or she should be able to make a cursory inspection to ascertain that the document conforms to the representation offered by the document signer. Where feasible, a document may be translated into a mutually understood language as long as the notary does not act as the translator; this would violate the notary's impartiality. If the notary wishes to proceed with the notarization despite the fact that the document is in another language, he or she should still perform the pre-notarization steps such as scanning the document for blanks and making sure the person named in the text is the same as the name on any identification documents. In any case, the wording in the notary certificate must be in the primary language of the notary and the signer must be able to respond to the verbal ceremony in a language understood by the notary. To be in compliance with notary laws, the notary must record a "brief" description of the notarized document in a notary record book, which the signer must provide the notary.

A notary should never proceed with any notarization if there is not the opportunity for clear communication. If you do not feel comfortable with the notarization, you may refuse to perform it. The notary should document the circumstances of the declined notarization in the notary record book or journal.