

Notarizing for Special Needs Individuals

Most notarizations a notary will perform involve signers who are competent, understand the content in the document, and have the ability to sign freely and willingly. In rare situations you may receive a request to perform a notarization from a client who has Special Needs such as: Deafness, Blindness, Learning Disabled and the Elderly. How will you proceed? Will you refuse to perform the notarization simply because the signer is unable to read? Is it enough to ask those signers for proper identification and acknowledge they understand the contents of the document and proceed with the notarial act? What protections will you offer vulnerable signers to ensure a smooth and honest transaction?

When notarizing for the blind or learning disabled, the steps to proper notarization should always be followed as in any normal notarization. However, due to the heightened potential for fraud, a notary must maintain caution in ensuring they are notarizing the document the signer intended to sign and that the signer fully understands what is being signed. When presented with such a situation, follow the steps below:

The Blind and Learning or Reading Disabled

1. Ask the signer if they are aware of what they are signing and the purpose of the document or what document do they want notarized. If they tell you one title and you read another, suggest that they may have picked up the wrong one. Read the title to them.
2. Read the entire document to the signer. This may take some time, but this is important in ensuring the signer is signing the document they are intending to sign. We are sighted and can read therefore, we can read the document to them. However, to avoid unauthorized practice of law, non-attorney notaries should avoid explaining anything in the document if asked by the signer.
3. If the signer is unable to understand all or any of the document's contents you are reading, then you should refuse to notarize. Detail the refusal in your record book.
4. If you are proceeding with their understanding, place your finger starting where they need to sign. They will follow your finger down and sign on the document and in the Journal.
5. If the person is unable to sign their name due to incapacity, illness or education, a signature by Mark "X" will suffice. Ensure you follow your state notary law requirements regarding Signatures by Mark.

The Elderly

1. Talk with them, ask them questions about their past meal, their Social Security number, who the people were who just stepped out. We must make sure the lights are on and somebody is home. The last thing we want to do is further Elder Abuse.
2. If family members are coercing the person into signing, ask family members to step out of the room until you complete the notarial act. Refuse to proceed if they refuse to step out.
3. As in #5 above signing with an "X" can be performed\

The Hearing Impaired

1. Most hearing impaired can communicate. They will either write notes or perhaps read lips. If you do not use sign language regularly and they cannot write, another Notary with the ability should be sought.
2. I communication will be through written notes you will find that they do not write flowery sentences. You write, "What does this Grant Deed do?" They may write, "Sell House." You may ask, "Who is Susan Smith?" The reply might be, "Sister." Have you communicated? Yes, just not without paper.

Proceeding With The Notarization

1. After the above steps are completed, and understanding and communication has been established proceed with performing the steps to a proper notarization, such as identifying the signer, and

reading the notarial certificate to identify the type of notarial act you will be performing. Entering the information into the Journal.

2. Do not allow the signer to use a signature stamp to sign the document. This may invalidate the notarization in states that do not allow signature stamps. Most states require the notary to witness the signer signing the document. (Note: Oregon does allow the use of a signature stamp by the disabled or the illiterate). Check your state laws to determine if this is permitted.
3. Be sure to follow the same steps above and have the signer sign your notary record book.

As a notary, you are required to exercise a high degree of reasonable care and due diligence when performing your notarial duties. Reasonable care is defined as the standard of care which an ordinary, reasonable and prudent notary public would exercise to ensure a flawless notarization under the same or similar circumstances.