



For step-by-step instructions on performing notarizations in these circumstances, see the [Notary Public Manual](#).

# Notarizing in Unique Circumstances

To properly perform a notarial act, a RI Notary Public must carefully screen the signer for three things:

- Identity (the signer is who they claim to be);
- Comprehension (the signer understands what they are signing); and
- Intent (the signer is acting of their own free will).

This requires physical presence of the signer, careful review of the signer’s identification and an interactive conversation between the notary and signer. Detailed below are several unique circumstances you may come across and tips on how to ensure proper screening of identity, comprehension, and intent.



## IDENTIFYING SIGNER

SCENARIO	TIPS
<b>SIGNER SIGNS BY MARK</b>	A mark may be an “x,” a smiley face, or another icon in place of a traditional scrawl signature. A person signing by mark must have two unaffected witnesses attend the notarial ceremony. The notary should indicate clearly on the notarial certificate the name of the signer and names and addresses of the two witnesses.
<b>DOCUMENT WILL BE SIGNED WITH A POWER OF ATTORNEY</b>	The person signing the document should sign with their name as “Attorney-in-Fact” for the grantor, for example, “John Doe, attorney-in-fact for Betty Smith.” It is recommended that notaries review a copy of the power of attorney document to verify the signer’s authority; however, it is not required by law.
<b>SIGNER DOES NOT MATCH ID PHOTO</b>	Look carefully at both the photograph on the signer’s ID and at the person standing before you. Sometimes, weight gain or loss, hairstyle choices, or other physical changes may make it difficult to recognize the signer as the person in the photo on their ID. By taking a close look, you will likely be able to identify the signer using unchanging features such as the shape of the eyes, ears, nose and mouth or identifying facial marks.



## SCREENING FOR WILLINGNESS AND COMPETENCY

SCENARIO	TIPS
<b>SIGNER IS BLIND OR ILLITERATE</b>	The notary should read the entire document to the signer before performing the notarial act to ensure the signer fully understands the contents of the document. You may also wish to add language to the notarial certificate like the following: "I further certify that I read the document to (name of signer) prior to notarization."
<b>SIGNER IS DEAF</b>	If the notary and signer can clearly communicate in sign language or in writing, they may do so. Be sure to note in your journal how you communicated with the signer.
<b>SIGNER WHO DOES NOT SPEAK ENGLISH</b>	If the notary and signer can clearly communicate in another language, the notarization can proceed as usual. If not, the notary or signer can obtain the help of an interpreter. The notary should place the interpreter under oath attesting that the translation is accurate. If using an interpreter, you should add language to the notarial certificate like the following: "I certify that the nature and effect of the document was translated for (name of signer) by (name of interpreter) before notarization." The notarial certificate should be completed in English.



## CONCERNS ABOUT THE DOCUMENT

SCENARIO	TIPS
<b>THE DOCUMENT IS FROM OUT OF STATE</b>	As long as both the notary and the signer are physically in each other's presence in the State of Rhode Island, a RI notary can notarize documents dealing with transactions in other states. The exception to this is if the document specifically requires the services of a notary from another state.
<b>THE DOCUMENT IS IN A FOREIGN LANGUAGE</b>	A notary does not need to understand or swear to the truthfulness of the contents of a document. As long as the signer understands the language on the document and the notary can clearly communicate with the signer, including reviewing their identification documents, the notarization can proceed. The notarial certificate should be completed in English.
<b>THE DOCUMENT IS A WILL OR LIVING WILL</b>	A document presented to a notary as a will should be notarized only if clear instructions and the appropriate notarial certificates are provided to the notary. Performing a notarial act on its own does not make a will "legal" or "valid." Non-attorney notaries cannot offer any advice regarding how a will should be prepared or the legal effects of a will.
<b>THE DOCUMENT IS A TRANSLATION</b>	When notarizing a translation, the document must be signed by the person who provided the translation. The notary must place the signer under oath to affirm that the translation is accurate. If the notary translated the document, that notary cannot also notarize the document.