



## **NOTARIZING FOR SIGNERS WITH PHYSICAL OR OTHER CHALLENGES**

All notaries must comply with the provisions of the Americans with Disabilities Act (ADA), whether they run brick-and-mortar businesses or are mobile notaries who travel to clients. It is easy to imagine accommodations like ensuring physical accessibility to places of business, but how does the Act apply to notarizations?

Oregon statute does not directly address most signer impairments, but we do have best practices for accommodating signers with impairments.

### Signers with physical challenges to signing:

- A stamp of their signature is permissible, provided that their stamp signature matches the signature on their ID
- Signature with a mark (such as an X), provided that this is the way they signed their ID
- Signature by third party (the signer brings another individual who signs their signature at their direction). Remember: you must verify the identity of the individual doing the signing, create a journal entry for them, and add the appropriate language to the certificate. For guidance see the Notary Public Guide, p.59.

### Signers with hearing or vision challenges:

- Writing back and forth is a permissible way to communicate with a deaf signer. ASL is not, unless the notary speaks it and is doing the signing.
- It is permissible to read a document aloud to a blind signer. Notaries should not notarize without doing so, and they must make sure that the signer understands the document (through asking clarifying questions; explaining the document constitutes giving legal advice, which is forbidden).

### Signers with cognitive challenges:

- It is unwise to notarize for someone with dementia or Alzheimer's. While they may be having a 'good day' at the time of the signing, there is a real chance of the document and notarization being challenged, which can result in complaints or even lawsuits against the notary.
- For signers with other issues, it is the responsibility of the notary to determine whether the signer understands what they are signing and is willing to sign, through direct communication with the signer. It is up to the notary to exercise good judgement in determining the signer's understanding and willingness.