


## Providing Notary Public Service in Public Libraries

How we administer this service at  
Scott County Public Library  
Georgetown, Ky.



### Webinar

February 28, 2018  
2:00-3:00 pm ET  
1:00-2:00 pm CT

Provider: KDLA  
Sponsored by : KDLA

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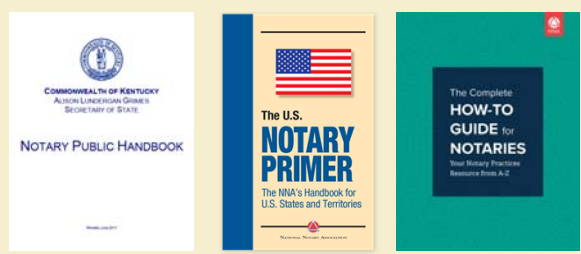
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## Introduction

- **What is a Notary?** A notary public is a public servant appointed by state government to serve as an impartial witness to the signing of documents and to administer oaths. Term: 4 years
- **What is a notary authorized to do?** A notary public can administer oaths and take proof of the execution and acknowledgments of instruments. An acknowledgment is a verification that the person whose signature appears on the document is the person who appears before the notary and whose identity the notary took reasonable steps to verify.
- **Why use a Notary?** Notaries public notarize documents to deter fraud and ensure proper execution.

## Good Reference Materials for Staff



**Requirements to Become a Kentucky Notary**

- 18 years of age
- State at Large commission: must be a Kentucky resident living or employed in county in which application is made or a non-resident of Kentucky and principally employed in county in which application is made
- Special commission: resident of county in which application is made or a non-resident of Kentucky
- Must read, write and understand English
- Be of good moral character
- No felony convictions unless civil rights have been restored
- Be capable of performing duties of Notary

National Notary Association website

**Frequent Notary Acts include:**

- Car titles (*pull your hair out! Or 50 questions!*)
- Simple written/typed statements – you may have to write in your notary statement. Keep it handy.
- Acknowledgements, administer oaths, wills, living wills. Be careful with wills – often the public thinks notarizing a will makes it legal....it does not. If they have a lots of questions.....they should seek the advice of an attorney.
- Divorce papers, parental consent, power of attorney, and several others that are in the notary handbooks.
- Any other documents refer to your handbook.



Kentucky Car Title Back  
From Scott County Clerk website  
2/8/18

**Document Samples**

**Acknowledgment of instrument signed by one person:**

North Carolina \_\_\_\_\_ County

I, \_\_\_\_\_ a Notary Public for said County and State, do hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

(Official Seal) Notary Public \_\_\_\_\_

My commission expires \_\_\_\_\_ 20 \_\_\_\_\_

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**CHILD GUARDIAN CONSENT FORM**

I, \_\_\_\_\_ of \_\_\_\_\_ the natural parent of \_\_\_\_\_ (child's name), do hereby \_\_\_\_\_ hereby appear \_\_\_\_\_ at right parties for me and \_\_\_\_\_ (child's name) (guardian city and state) \_\_\_\_\_

In the presence of two witnesses, we \_\_\_\_\_ will make \_\_\_\_\_

The parties shall have the right to:

1. Obtain and obtain consent medical attention.
2. Provide necessary clothing, food, and shelter.
3. Identify and use the instrument.

Executed for \_\_\_\_\_ day of \_\_\_\_\_

(Parent's Signature) \_\_\_\_\_

Name of \_\_\_\_\_

County of \_\_\_\_\_

In the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the undersigned, a Notary Public, appeared before me and personally appeared \_\_\_\_\_ (child's name) and \_\_\_\_\_ (guardian city and state) in the presence of two witnesses, and after they acknowledged the execution of the same.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_

My Commission Expires \_\_\_\_\_

NOTARY PUBLIC

### What a notary cannot do:

**A notary serves as an impartial and unbiased witness.**

- A notary should not refuse to notarize a document based on an individual's familial status, race, color, religion, national origin, sex, age over forty, or disability.
- A notary should not refuse to notarize a document solely because the individual requesting notarization is not a client or customer of the notary or the notary's employer.

### General Notaries Cannot Do Apostilles and Authentications

- Some documents intended for use abroad (e.g., birth, death and marriage certificates; transcripts and diplomas; adoption papers and corporate documents) require some form of certification. The Secretary of State provides this certification in the form of either an apostille or certificate of authentication. If in doubt send them to the Clerk's office and let them clarify.
- **Procedure Upon Having Documents Apostilled or Authenticated**
- **Apostille** - if the country in which the document(s) will be used is party to the [Hague Convention](#), an apostille is affixed to documents by the Office of the Secretary of State and returned to the address provided by the customer.
- **Authentication** - if the country in which the document(s) will be used is not a party to the Hague Convention, a certificate of authentication is affixed to the documents by the Office of the Secretary of State and returned to the address provided by the customer, who must then submit the documents to the [U.S. Department of State](#) for application of the Seal of the U.S. Department of State.

from Kentucky Sec. of State website 02/02/18

### A Notary should refuse:

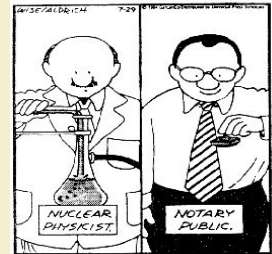
- to notarize a document if the notary suspects the signer is being coerced
- if signer does not understand or is at the time of signing incapable of comprehending the consequences of signing the document
- if the signer is not present, the document appears incomplete or blank, the notary is the signer, the signer is not personally known to the notary and cannot produce acceptable identification
- the notary is a party to the underlying transaction, or the notary has a financial interest in the transaction. [Best not to notarize family members.]
- to notarize any transaction that would call into question his/her impartiality.
- **YOU HAVE THE RIGHT TO REFUSE TO NOTARIZE ANY DOCUMENT YOU ARE UNCOMFORTABLE WITH!**

## You Are Not An Attorney !!!

- You are not an attorney and cannot give legal advice in drafting, preparing, selecting, completing or understanding a document or transaction.
- You should not fill in blank spaces in document for other persons, tell others what documents they need or how to draft them, or advise others about the legal sufficiency of a document.
- Notarization does not legalize or validate a document. If it is legally flawed the flaws will still be there.
- **It's OK to tell the patron you cannot legally advise them!**

## The Notary Process

### Real Life Adventures



Jobs in which nobody understands what you do.

## What the patron must bring

- Patron will need to provide documents to be notarized and a current photo ID.
- Photo identification for all signers and witnesses is required.
- *Kentucky requires an ID with photo, signature, and physical description.*
- The following are examples of ID that are acceptable:
  - Valid driver's license or identification card issued by a U.S. state
  - United States Passport
  - Identification card that includes a photo, the signature of the person, and physical description. (Notary has discretion)
- **\*All signers must be present at the time of the notarization.**

At time of this webinar, Kentucky is considering legislation to clarify some gray areas in types of acceptable IDs

## How to notarize a document

- Review where the notary signature is required.
- If witnesses are needed, have them present to witness the patron signing.
- Make sure all signers are present at time of notarization.
- Ask for and verify ID.
- Fill out the Notary journal (address, Drivers Lic #, date, etc.)
- Have patron print and sign name in journal.
- Now you can have patron sign document and you can do the notary act.



Our notary location is semi-private.

## Things for Management to Consider

- Do you want to provide full or partial coverage for hours you will offer the service?
- If you advertise they will come! You may want to use 'word of mouth' until staff notaries are comfortable with process.
- Select volunteer employees, if possible. You may want to write the Notary position in the job description.
- Select employees who are able to understand the parameters of the position and will use good judgement in administering the duties of a notary.
- The public does appreciate having the service available, and it is good PR for the library. Patrons leave happy, and that is what we want!

## Things for Management to Consider

- Employee must be bonded, check with your local Clerk of Court for cost...it can vary. Also, check with your insurance company regarding a surety bond.
- Stamp vs Seal - required for out of state
 

<i>Notary Stamps</i>	<i>Notary Seal</i>
✓ can be faxed	✓ will not show on fax
✓ takes more space	✓ takes up little space
✓ contains more info	✓ contains less info
- If staff is needed to witness, it will interfere with back time and desk duties. This could affect your staff schedules.
- *Expect it to intrude upon staffer back time* - best to select more than one staff person as a notary backup. We have 7!
- We are firm not to interrupt a staffer's lunch to do a notary.
- You cannot predict how long a notary job may take, you may have a simple 3 minute job....or you may have a 20 minute mortgage.

## Things for Management to Consider

- Give the notarization a certain amount of prestige, it is an important act and service that you are providing.
- You may want to designate a location for the notary act. We have a designated location at end of circulation that is semi-private. All notaries use that space.
- Notaries need to keep their notebook and stamp in a secure location when not in use. Example: desk drawer, cabinet, etc.
- If the stamp were to be stolen you need to report it to the Kentucky Secretary of State's office.
- It looks good on a resume!

## Frequently Asked Questions

**How do I become a notary in Kentucky?**  
 Make sure you meet all of Kentucky's eligibility requirements. Complete the notary application, which can be found online, and mail it with a check for \$10 (made out to Kentucky State Treasurer). Once your application is processed, your certificate will be sent to the county clerk in the county you applied. You will receive notice in the mail when your certificate is ready. You will then have 30 days to go to the county clerk's office, post your bond, take your oath of office, and file and record your commission.

**What is a jurat?**  
 A jurat is a signature made under oath. A notary public is empowered to administer most types of oath. For a jurat, the notary administers an oath of testimony, which swears a person to the truthfulness of their statement. The oath is very familiar to anyone who grew up watching TV and the movies: "Do you solemnly swear to tell (or write) the truth, the whole truth and nothing but the truth (so help you God?)."

**Can a Notary Public - State at Large perform notarial acts anywhere in the United States?**  
 No, notarial acts must be performed within the state's borders unless the notary has received a Special Commission.

## Frequently Asked Questions

### Does a notary seal or a stamp need to be used?

Kentucky notary statutes do not require a seal or stamp to be used. If a seal or stamp is used, it should indicate your name and notary public title. Note that any document that will be used out-of-state might require a seal, so it's a very good idea to have one.

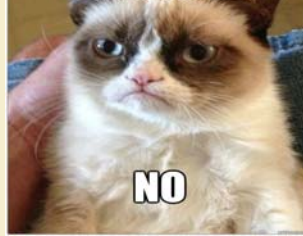
### Can a notary acknowledge a signature that was placed on a document before it was brought to the notary for notarization?

Yes. The notary must take reasonable steps to verify that the person whose signature appears on the document is the person who is presenting the document for notarization. (Ask them to sign again in front of you if you wish.)

### Can a notary be liable for notarial misconduct?

Yes, a notary is liable for not only civil damages but possible criminal prosecution as a result of the notary's errors, omissions, neglect or misconduct or improper performance of duty.

YOU WANT ME TO NOTARIZE  
WITHOUT AN ID?



Things That  
Make You Go  
Hummm.....

## On the lighter side.....people are funny!

- The husband who seriously hesitated to sign a spousal benefits form, we practically had a marital spat right there in the library!
- The man (alcohol breath) who tried to sell his wife's car to a buddy; I noticed wife was only one on the title so I told him she needed to be the signer not him. He got a bit upset and both left with an un-notarized title. Wonder if the wife knew what he was up to!
- The couple who was signing their divorce papers and were lovey all over each other. Maybe they should have reconsidered the divorce!
- Man who borrowed ink pad, inked baby's foot, stamped the foot on a piece of paper and asked staffer to notarize it. Staffer wrote up a statement and notarized it!

## Resources

- Commonwealth of Kentucky – Notary Public Handbook. Revised June 2017
- The U.S. Notary Primer: The NNA's Handbook for U.S. States and Territories. Published by National Notary Association. 7<sup>th</sup> edition.
- The Complete How-To-Guide for Notaries: Your Notary Practices Resource from A-Z. Published by National Notary Association. 1<sup>st</sup> edition. 2017
- Kentucky Secretary of State website:  
<https://www.sos.ky.gov/bus/businessrecords/notaries/Pages/default.aspx>
- National Notary Association website:  
<https://www.nationalnotary.org/kentucky/training>
- Your County Clerk's office



Thank you to the Institute of Museum and Library Services (IMLS) for sponsorship of this webinar.

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KDLA CE



### Save the Date

Visit KDLA's [CE Events Calendar](#) to register for more webinars!

**Skillbuilders: Programs for Those Navigating Life Changes**

Friday, March 2 – 10:00-11:00 am ET

**Women's Fiction Readers' Advisory**

Thursday, March 15 – 10:00-11:00 am ET

**All About Audiobooks**

Wednesday, March 21 – 10:00-11:00 am ET

**Time Management for Library Supervisors**

Wednesday, March 28 – 11:00 am-12:00 pm ET

### Thank you for attending!

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