



**THE UNITED STATES VIRGIN ISLANDS
OFFICE OF THE LIEUTENANT GOVERNOR
The Notaries Public Division**

NOTARY
The Bulletin
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"Safeguarding SENIORS: A Notary's Role"

Notarization is a precaution that safeguards the rights of our senior community. Notarization assures that legal documents governing financial decisions, medical care, or estate planning are valid and enforceable in a court of law. Without notarization, the legal standing of these documents may be disputed, perhaps leading to disputes and invalidating the senior's desires.

Our Virgin Islands' community continues to see an increase in the number of senior citizens needing support services. Notaries are one of those services that aid in defending the rights of senior citizens and relieve some of the strain on committed caretakers. A notary public acts as an impartial witness to the signing of essential legal papers, guaranteeing their legitimacy and that they are completed freely, without compulsion. This is especially important for the elderly, as they may be more vulnerable to improper influence or fraud.

Elder fraud is an unfortunate reality, which means seniors often need additional protection when notarizing documents. Notaries play a vital role in preventing fraud by ensuring that signers are acting voluntarily and fully understand what they are signing. This includes carefully assessing factors such as mental capacity and any physical or mobility limitations. Proper identification must always be required, and notaries should observe the senior's willingness and awareness throughout the process. These steps serve as an important safeguard against individuals who may attempt to exploit vulnerable seniors.

Notaries public play a crucial yet often underrecognized role in protecting the rights of senior citizens. They help ensure that important legal documents, such as wills, powers of attorney, and advance directives, are properly executed and legally recognized. Notarizing documents for seniors requires patience, respect, and close attention to detail to ensure the process is both accurate and trustworthy. By adhering to clear professional guidelines, notaries can help safeguard seniors' intentions, reduce the risk of fraud or misunderstandings, and provide reassurance to both individuals and their families. This essential service contributes to greater peace of mind during important life decisions.



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FIVE IMPORTANT FACTS

1. Choose a time when the signer is calm and alert.

Schedule the appointment in advance, ideally in coordination with family members or caregivers, to ensure the signer is not upset, fatigued, or otherwise distressed. A peaceful setting helps the signer focus fully on the notarization process.

2. Engage the signer in a brief conversation.

Take a few moments to speak with the signer to confirm they are conscious, attentive, and able to communicate clearly. Simple questions about their interests, daily activities, or current events can help you assess their awareness while also putting them at ease.

3. Explain your role as a notary.

Clearly describe your function as an impartial third-party witness to the signing of the document. While you do not provide legal advice, you are responsible for verifying the identity of the signer and ensuring they understand they are signing voluntarily. A clear explanation of the process can help reduce any anxiety and build trust.

4. Ask the signer to describe the document.

Invite the signer to explain, in their own words, what they are signing. This is a practical way to assess their awareness and comprehension. If they are unable to do so, it may indicate confusion or a lack of understanding, and the notarization should not proceed.

5. Observe the behavior of others present.

If family members or caregivers are present, remain vigilant for any signs of pressure or coercion, especially when documents involve financial authority, such as powers of attorney. Take a moment to introduce yourself and reinforce your neutral role. If you suspect undue influence, pause the process immediately, refuse to notarize the document, and record the reason in your notary journal.

Notarized documents serve a vital function in mitigating potential legal disputes by providing unequivocal evidence that a senior's intentions were accurately documented and witnessed by an impartial third party. This is particularly critical for sensitive legal instruments, such as wills and trusts, where familial conflicts are frequently encountered. Proper notarization significantly diminishes the likelihood of challenges predicated on allegations of forgery, coercion, or misunderstanding. Proactively notarizing these important legal documents helps ensure that older adults' wishes are clearly documented, legally recognized, and respected. This process provides peace of mind to seniors and their families while protecting their rights, preserving their autonomy, and safeguarding their personal and financial interests over the long term.