

PA Department of State Issues Emergency Allowance of Remote Notarization of Some Documents During Coronavirus Pandemic

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Remote notarization is when a signer personally appears before a Notary at the time of a notarization using audio-visual technology over the internet rather than being physically present in the same room. Currently, only 23 states have passed remote notarization laws. Pennsylvania currently does not have a law permitting remote notarization.

Due to the COVID-19 pandemic, I and other attorneys at Julian Gray Associates, alongside the Elder Law Section of the Pennsylvania Bar Association, have been urging the Legislature to pass necessary remote notarization laws to protect seniors and other Pennsylvania residents to enable them to create or update their estate planning, power of attorney and/or advanced directive documents while remaining safe in their homes.

Legislation regarding remote notarization has been introduced to the Legislature via Senate Bill 1097 and House Bill 2370, but has not yet been passed.

However, because of the potentially fatal nature of COVID-19 and the challenges of meeting in-person with attorneys, witnesses and notaries, the Department of State has issued a temporary limited suspension of the Pennsylvania Statute that requires physical presence of a notary for a number of legal documents and also for a number of documents where notarization is a best practice including the following:

Powers of Attorney;

Self-executing Wills;

Advance Health Care Directives/Health Care Powers of Attorney;

Living Wills; and

Standby and Temporary Guardianship documents

Julian Gray Associates is currently monitoring the status of a more comprehensive law and will continue to update our website and social media pages as news develops. To read the Emergency Notice issued by the Pennsylvania Department of State please visit:

<https://www.dos.pa.gov/Documents/2020-04-02-Remote-Notarization.pdf>