

# How do I Sign Documents When I am Physically Unable?

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## Should I Use This Publication?

Yes, if you want to sign a document - such as a power of attorney, Will, or deed - but you are physically unable to write your name. As long as you are mentally competent to understand what you are signing, the fact that you cannot actually sign does not need to keep you from executing the document. Just follow the procedures we explain in this publication. The laws we talk about in this publication are attached at the end.

## Can a Notary Public Help Me?

Yes. State law at [RCW 42.44.080\(2\)](#), says a notary may sign on your behalf under the following conditions:

1. You are disabled and unable to sign the document.
2. The notary must have satisfactory evidence that you are physically unable to sign your name or to make your mark and you are otherwise mentally competent.
3. The notary's statement must state that the signature was obtained under the provision of [RCW 64.08.100](#).
4. You must tell the notary to sign your name on your behalf.

## I can sign my name, but it is hard to read. What should I do?

If your physical impairment affects the *quality* of penmanship, but you *can* still sign with a mark that you consider your

signature, you do not need a notary. The mark that you consider your signature is enough legally, no matter how bad it looks. But you should have the mark notarized or witnessed if it is hard to read, in case someone wants to try to argue later that you really did not sign the document. The fact that it is notarized should settle any argument.

## Can I Sign a Will this way?

State law at [RCW 11.12.030](#) tells you exactly how to sign a will when you are physically unable.

Example: You are mentally competent, but paralyzed by a stroke. You can tell your friend, Sue Smith, to sign your name on your Will. Sue Smith would sign your name, and then her own name, and state that she signed your name at your request. (The Will would look like this: "Your Name, signed by Sue Smith at Your Name's request.")

Or, you could just make a mark, such as an "X," on the signature line. That would be considered the same as an actual signature. The requirement that your signing a Will be witnessed by two people would still apply when you are signing the Will with a mark or you are directing someone else to sign for you.

## If the Person Signing Lacks Legal Capacity

A person is considered to have legal capacity until a court rules that she is not. However, if a person is actually not able to understand what she is signing, or the

consequences of signing, the signature may later be declared to be invalid. A notary will not sign or notarize a document when capacity is an issue.

To avoid this result, the document should be signed, when possible, by the legal guardian or by someone with a valid, durable power of attorney. If there is no guardian or durable power of attorney, it may be necessary to file a court action to declare the person incapacitated and appoint a guardian to sign documents for her.

It is a good idea for all adults to give someone trustworthy a durable power of attorney to prevent the need for court proceedings. We have a do-it-yourself packet with the forms and instructions needed to sign a power of attorney. See [Questions and Answers about Powers of Attorney](#). Like any other document, the person signing a power of attorney must understand what she is signing for the document to be valid.

### **The Laws:**

[RCW 64.08.100](#) - Acknowledgments by persons unable to sign name

Any person who is otherwise competent but is physically unable to sign his or her name or make a mark may make an acknowledgment authorized under this chapter by orally directing the notary public or other authorized officer taking the acknowledgment to sign the person's name on his or her behalf. In taking an acknowledgment under this section, the notary public or other authorized officer shall, in addition to stating his or her name and place of residence, state that the

signature in the acknowledgment was obtained under the authority of this section.

[RCW 42.44.080](#) - Standards for notarial acts (This is not the whole statute. Click the link for all of it.)

A notary public is authorized to perform notarial acts in this state. Notarial acts shall be performed in accordance with the following, as applicable:

1. In taking an acknowledgment, a notary public must determine and certify, either from personal knowledge or from satisfactory evidence, that the person appearing before the notary public and making the acknowledgment is the person whose true signature is on the document.
2. In taking an acknowledgment authorized by [RCW 64.08.100](#) from a person physically unable to sign her name or make a mark, a notary public shall, in addition to other requirements for taking an acknowledgment, determine and certify from personal knowledge or satisfactory evidence that the person appearing before the notary public is physically unable to sign his or her name or make a mark and is otherwise competent. The notary public shall include in the acknowledgment a statement that the signature in the acknowledgment was obtained under the authority [of RCW 64.08.100](#).
3. In taking a verification upon oath or affirmation, a notary public must determine, either from personal

knowledge or from satisfactory evidence, that the person appearing before the notary public and making the verification is the person whose true signature is on the statement verified.

4. In witnessing or attesting a signature, a notary public must determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the notary public and named in the document. . . .
5. A notary public has satisfactory evidence that a person is the person described in a document if that person: (a) Is personally known to the notary public; (b) is identified upon the oath or affirmation of a credible witness personally known

to the notary public; or (c) is identified on the basis of identification documents.

6. The signature and seal or stamp of a notary public are prima facie evidence that the signature of the notary is genuine and that the person is a notary public. . . .

[RCW 11.12.030](#) - Signature of testator at his direction - Signature by mark

Every person who shall sign the testator's or testatrix's name to any will by her direction shall subscribe his own name to such will and state that he subscribed the testator's name at his request: *Provided*, that such signing and statement shall not be required if the testator shall evidence the approval of the signature so made at his request by making his mark on the will.

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