

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

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## Should I use this?

Yes, if both of these are true:

- You want to sign a document such as a power of attorney, Will, or deed.
- You are physically unable to write your name.

If you are competent to understand what you are signing, the fact that you cannot actually sign should not keep you from executing the document. Just follow the procedures we explain here.

## Can a notary public help me?

Yes. A notary can sign on your behalf if all these are true:

1. You are disabled and you cannot sign the document.
2. The notary has satisfactory evidence that you are physically unable to sign your name or make your mark and you are otherwise mentally competent.
3. The notary's statement states that the notary obtained your signature under [RCW 64.08.100](#).
4. You tell the notary to sign your name on your behalf.

[RCW 42.44.080\(2\)](#).

## I can sign my name. It is hard to read. What should I do?

If your physical impairment affects the *quality* of your signature, but you *can* still sign with a mark that you consider your signature, you do not need a notary. The mark is enough legally. It does not matter how bad it looks. You should have the mark notarized or witnessed if it is hard to read. This way no one can 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 1: You are mentally competent. A stroke has paralyzed you. You can tell your friend, Sue Smith, to sign your name on your Will. Sue Smith signs your name, and then her own name, and states 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.")

Example 2: you could make a mark, such as an "X," on the signature line. That is the same as a signature.

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- ❖ The requirement that two people witness you signing a Will still applies when you are signing it with a mark or are having someone sign for you.
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### **What happens if the person signing lacks legal capacity?**

A person has legal capacity until a court rules that they do not. If someone actually is not able to understand what they are signing, or the consequences of signing, the signature may later be declared invalid. A notary will not sign or notarize a document when capacity is an issue.

To avoid this, the person's legal guardian or someone with a valid, durable power of attorney should sign the document, if possible. If there is no guardian or durable power of attorney, someone may need to file a court action to declare the person incapacitated and appoint a guardian to sign documents for the incapacitated person.

All adults should give someone trustworthy a durable power of attorney to prevent the need for court proceedings. Our do-it-yourself packet, [Durable Power of Attorney Documents](#), has forms and instructions. The person signing a power of attorney must understand what they are signing. Otherwise, it is not valid.

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