CUMMINGS & LOCKWOOD LLC

CLIENT ALERT: CONNECTICUT AND NEW YORK AUTHORIZE THE VIRTUAL EXECUTION OF WILLS IN ADDITION TO VIRTUAL NOTARIZATION IN RESPONSE TO THE OUTBREAK OF COVID-19

April 12, 2020

Many legal documents, especially estate planning and real estate related documents that will be recorded on land records, require notarization and witnesses. The Covid-19 Outbreak as made gathering people to witness and notarize documents challenging and potentially dangerous. In response, many states, including Connecticut and New York, have implemented Covid-19 specific changes to the rules for notarization and/or witnessing of various legal documents.

On March 30, 2020, Governor Ned Lamont issued Executive Order No. 7Q which revised and replaced Executive Order 7K regarding remote notarization. This new executive order continues the temporary ability of Notary Publics and attorneys licensed in Connecticut to preform remote notarizations of documents as long as certain formalities are adhered to and recorded and continues the suspension of the need for witnesses on documents which ordinarily require witnesses as well as a notary (other than Wills which always require witnesses whether notarized or not) . The new Order also allows for an attorney licensed in Connecticut to supervise the execution of a Will and its self-proving affidavit by means of electronic transmission by permitting remote witnessing of Wills as well as remote notarization of the witnesses affidavit.. This Executive Order is designed to allow those physically present in Connecticut to have documents notarized and Wills executed by means of popular audio/video communications technology such as Zoom or BlueJeans. However, the notary must record the execution of the documents and retain the recording for 10 years.

On April 7, 2020, Governor Cuomo followed suit by allowing the remote or virtual witnessing of Wills, Durable Powers of Attorney and Health Care Proxies for those physically present in New York state. A prior order already permitted video notarization.

If you have any questions reach out to your Cummings and Lockwood attorney.