



SIGNING REQUIREMENTS

(how to make your documents legal)

DOCUMENT	WITNESSES REQUIRED?	NOTARIZATION REQUIRED?	NOTES
Will	Yes Often 2; sometimes 3	No (optional)	Using a notarized 'self-proving affidavit' can simplify probate
Trust	Usually No	Often Yes	Requirements are the same for many Trust-related documents (e.g. Certificate of Trust, Assignment of Assets)
Disposition of Remains	Often Yes	Usually No	In some states, this document has the same requirements as a Will
Durable Power of Attorney	Often Yes Often 2; sometimes 1	Sometimes	Often states require <i>either</i> witnesses or a notary, sometimes both
Health Care Power of Attorney	Yes Often 2; sometimes 1	Sometimes	Often states require <i>either</i> witnesses or a notary, sometimes both
HIPAA Authorization	No	No	
Living Will	Yes Often 2; sometimes 1	Sometimes	Often states require <i>either</i> witnesses or a notary, sometimes both
Guardianship Designation for Minor Children	Yes	Sometimes	Often states require <i>either</i> witnesses or a notary, sometimes both Sometimes contained within a will or POA;
Digital Diary	No	No	

A few practical takeaways (the "don't get tripped up" list)

- **Witnesses ≠ Notaries:** A notary can't usually substitute for witnesses unless the statute explicitly allows it.
- **Healthcare documents often restrict who can witness** (no one related by blood or marriage, interested parties, health care providers, or facility/staff).
- **Notarization is your friend** even when not required — it reduces challenges later.
- **State law controls everything.** Always check state statute for signing requirements.