**Document Signing Instructions**

Please call the Duke Health Justice Clinic at 919-613-7169 with any questions

Thank you for agreeing to assist our client with the signing of his/her legal documents. Please follow these instructions to insure that the documents can take effect.

It is recommended that any person who is named in the documents (for example as executor of the will, beneficiary in the will, agent in the power of attorney) be excluded from the room while the documents are being signed.

**Will:**

A will must be signed in the presence of two witnesses (age 18 or older) and a notary public. The witnesses should not be relatives and should not be anyone who will receive property under the will. By signing, the witnesses are attesting to the fact that the person signing the will is who he says he is, is mentally competent and is signing the will freely and voluntarily. The witnesses need not read the will or be aware of the contents of the will. The witnesses’ signatures will also be notarized, so they should have identification available for the notary.

***Procedure:*** The client should have the original document ready to be signed. Before the witnesses and notary are gathered, check with the client to make sure the client is satisfied with the contents of the will. If the client has any questions or concerns about the contents, please give us a call and do not proceed with the signing. When the client is ready to sign, gather the witnesses and notary together and, in their presence, ask the client the following questions:

1. What is the document you are about to sign?

2. Have you reviewed it carefully?

3. Does it reflect your desires about how your property will pass after your death?

4. Is anyone pressuring you to sign this will?

5. Do you want these people to witness your signing of this will?

Note: if the client does not identify the document as his/her will, indicates that he/she has not read it, states that it does not reflect his/her desires, or that someone is forcing him/her to sign, do not proceed with the signing. Please call the Duke Health Justice Clinic.

After the questions are answered, the client should sign the will in the space provided, then the witnesses should sign. Then the notary public should notarize everyone’s signatures. Make sure the will is dated (above the client’s signature) and that the notary fills in the county above his/her notarization.

***Copies:*** Review the will to make sure all the blanks have been filled in. Then make two photocopies of the will. Give the original and one copy to the client and mail one copy to the Duke Health Justice Clinic, Box 90360, Durham NC 27708-0360. Remind the client to keep the will in a safe place –but not in a safe deposit box – and let his or her executor know where the original will be kept. The client may wish to give the copy to his or her executor.

**Health Care Power of Attorney:**

A health care power of attorney must be signed in the presence of two witnesses (age 18 or older) and a notary public. The witnesses may not be:

– a relative of the client,

– anyone who expects to receive anything under the client’s will,

– the client’s doctor or any employee of the client’s doctor,

– an employee of a health facility in which the client is or was a patient,

– an employee of a nursing home or any group-care home in which the client resides, or

– anyone with any kind of financial claim against the client.

***Procedure:*** The client should have the original document ready to be signed. Before the witnesses and notary are gathered, check with the client to make sure the client is satisfied with the contents of the health care power of attorney. If the client has any questions or concerns about the contents, please give us a call and do not proceed with the signing. When the client is ready to sign, gather the witnesses and notary together and, in their presence, ask the client the following questions:

1. What is the document you are about to sign?

2. Have you reviewed it carefully?

3. Does it reflect your desires about who should make medical decisions for you should you be unable to make them for yourself?

Note: If the client does not understand what the document is or that he/she is appointing someone to make medical decisions for him/her during any period of incompetency, do not proceed with the signing. Call the Health Justice Clinic

Have the client sign in the space provided, and then have the witnesses sign in the spaces provided. Then have the notary notarize all the signatures. Be sure the document is dated above the client’s signature.

The form has a place for the health care agent to sign on the last page. This signature is not required in order for the document to take legal effect. Obtain the signature if you can, but proceed with the other signatures even if the agent is unavailable.

***Copies:*** Review the health care power of attorney to make sure all the blanks have been filled in. Then make two photocopies. Give the original and one copy to the client and mail one copy to the Duke Health Justice Clinic, Box 90360, Durham NC 27708-0360. The client should give his/her copy to the chosen agent. We will mail a copy to the client’s doctor to be placed in the client’s medical chart.

**Living Will:**

A living will must be signed in the presence of two witnesses (age 18 or older) and a notary public. The witnesses may not be:

– a relative of the client,

– anyone who expects to receive anything under the client’s will,

– the client’s doctor or any employee of the client’s doctor,

– an employee of a health facility in which the client is or was a patient,

– an employee of a nursing home or any group-care home in which the client resides, or

– anyone with any kind of financial claim against the client.

***Procedure:*** The client should have the original document ready to be signed. Before the witnesses and notary are gathered, check with the client to make sure the client is satisfied with the contents of the living will. If the client has any questions or concerns about the contents, please give us a call and do not proceed with the signing. When the client is ready to sign, gather the witnesses and notary together and, in their presence, ask the client the following questions:

1. What is the document you are about to sign?

2. Have you reviewed it carefully?

3. Does it reflect your desire not to be kept alive by extraordinary means if you are in a persistent vegetative state or in a condition that is terminal and incurable?

Note: If the client does not understand what the document is or what it means, do not proceed with the signing. Call the Health Justice Clinic.

Have the client sign in the space provided, and then have the witnesses sign in the spaces provided. Then have the notary notarize all the signatures. Be sure the document is dated above the client’s signature.

Copies: Review the living will to make sure all the blanks have been filled in. Then make two photocopies. Give the original and one copy to the client and mail one copy to the Duke Health Justice Clinic, Box 90360, Durham NC 27708-0360. The client should give his/her copy to his/her health care agent if he/she has one; if not to his/her closest family member. We will mail a copy to the client’s doctor to be placed in the client’s medical chart.

**Power of Attorney:**

The power of attorney must be signed in the presence of a notary public. The power of attorney does not require witnesses.

***Procedure:*** The client should have the original document ready to be signed. Before the notary is present, check with the client to make sure the client is satisfied with the contents of the power of attorney. If the client has any questions or concerns about the contents, please give us a call and do not proceed with the signing. When the client is ready to sign, ask the client the following questions:

1. What is the document you are about to sign?

2. Have you reviewed it carefully?

3. Does it reflect your desires about who has the power to handle your financial affairs?

Note: If the client does not understand what the document is or that he/she is appointing someone to handle his or her financial affairs, do not proceed with the signing. Call the Health Justice Clinic.

The client should sign and date the power of attorney and the notary should notarize it.

***Copies***: Review the power of attorney to make sure all the blanks are filled in. Then make two photocopies of the power of attorney. Give the original and one copy to the client and mail one to the Duke Health Justice Clinic, Box 90360, Durham, NC 27708-0360. We will be in contact with the client about recording the power of attorney with the Register of Deeds.