

COVID-19 and Estate Planning

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For many people, living in a pandemic brings about fears and uncertainties that might otherwise have never ensued. With the novel coronavirus sweeping the world, it is common to ask questions about preparing for your future. Creating your estate planning documents is one sure way to do so. However, in Illinois, estate planning requires both witnesses and a notary to be present and observe the signor “in person” in order to execute these documents. With the shelter in place order in effect many people are feeling vulnerable and uncertain regarding the means to even plan for their future. Fortunately, the State of Illinois has recognized these concerns, and in return issued executive orders which can alleviate some of the stress surrounding estate planning.

As technology improves at a faster and faster rate, the current laws have no choice but to attempt to keep up. For example, in December 2019, a bill was introduced to allow remote and electronic notaries. Although this has not yet been made law, the precursor of a more evolved electronic future is on the horizon. In March 2020, the coronavirus had made its mark on Illinois. After the shelter- in- place went into effect the Governor issued Executive order 2020-14, which allowed for changes for both notaries and witnesses. The first part of the new order allows for a Notary of the Public to perform a remote notarization through the means of communication technology. The technology must be a two-way audio-video communication technology. The Notary must be both physically in the State of Illinois and commissioned by the State of Illinois. The second part of the new order amends the laws for witnessing documents. The rules for witnesses are bit more stringent, providing the audio and video happen at the same time, preserving the recording for three (3) years, and a 24-hour time frame of faxing or electronically transmitting documents back and forth. Although it is different, it does allow for you to plan and execute your estate planning documents from the comfort of your own home.

With technology such as zoom, skype, facetime, and email, executing important documents can be completed instantaneously. With times so uncertain, creating and having these important estate planning documents can provide you and your family with peace of mind. In a time where travel is restricted and businesses are suffering, a general power of attorney can be created in order to help you or a loved one conduct business and participate in important transactions without leaving your home. This allows you to take care of the important matters while maintaining your health and safety. With hospitals minimizing visitation, a power of attorney for healthcare can also be beneficial to protect your needs or a loved one’s in a time of crisis. While most events right now are out of your control, estate planning is something you can do right now to take control of your future and provide you with some peace of mind.