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IRS Extends Relief for Remote Notarization of Spousal Consents

by [R. Sterling Perkinson](#)

In June, the IRS provided temporary relief that allows for spousal consents for retirement plan loans or distributions to be witnessed remotely through audio visual equipment by a notary public in accordance with a state remote notarization law or by a plan official through December 31, 2020. See our prior blog post [here](#). In recognition of the ongoing COVID-19 emergency, the IRS has issued [Notice 2021-03](#), which extends this relief through June 30, 2021.

Further, Notice 2021-03 includes a request for comments on whether the IRS should make permanent changes to the general requirements that a spousal consent be executed in the “physical presence” of a notary public or a plan official, and if so, what safeguards should be put in place to prevent fraud, coercion or other abuse in obtaining a spousal consent to a loan or distribution. Any changes to the current rules regarding the “physical presence” would be subject to further notice and comment.