

Unsworn Declaration in place of Notarized Affidavit

The law regarding notarized affidavits have changed. Both Federal law and Pennsylvania Commonwealth law* have accepted that an Unsworn Declaration is legally acceptable to a Notarized Affidavit (in most cases). Therefore, YHSA has developed an Unsworn Declaration, that does NOT need to be notarized, for home education supervisors to submit to their superintendents to commence home education programs or continue with them.

References:

Federal law (28 U.S. Code § 1746)

Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:

(1)

If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date).

(Signature)".

(2)

If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date).

(Signature)".

PA state law (Act 15 of 2020, Chapter 62)

"Unsworn declaration." A declaration in a signed record [that is] not given under oath but [is] given under penalty of perjury.

§ 6203. Applicability.

This chapter applies to an unsworn declaration by a declarant who at the time of making the declaration is physically located **within or** outside the boundaries of the United States whether or not the location is subject to the jurisdiction of the United States. [This chapter does not apply to a declaration by a declarant who is physically located on property that is within the boundaries of the United States and subject to the jurisdiction of another country or a federally recognized Indian tribe.]

§ 6206. Form of unsworn declaration.

An unsworn declaration under this chapter must be in substantially the following form:

I declare under penalty of perjury under the law of the Commonwealth of Pennsylvania that the foregoing is true and correct[, and that I am physically located outside the geographic boundaries of the United States, Puerto Rico, the Virgin Islands and any territory or insular possession subject to the jurisdiction of the United States.

Executed] **Signed** on the.....day of....., at....., (date).....(month).....(year).....

([city] **county** or other location, and state)..... (country).....

(printed name).....

(signature).....