

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 11.**  
**ORGANIZATION AND JURISDICTION OF**  
**THE COURTS.**

**CHAPTER 21.**  
**REGISTER OF WILLS.**

**2001 Edition**

# DISTRICT OF COLUMBIA OFFICIAL CODE

## CHAPTER 21. REGISTER OF WILLS.

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# CHAPTER 21. REGISTER OF WILLS.

## § 11-2101. CONTINUATION OF OFFICE.

The Office of the Register of Wills shall continue as an office in the Probate Division of the Superior Court. (July 29, 1970, 84 Stat. 516, Pub. L. 91-358, title I, § 111.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 11-2101.

1973 Ed., § 11-2101.

## § 11-2102. APPOINTMENT; OATH; QUALIFICATIONS; COMPENSATION.

(a) The Superior Court shall appoint and remove the Register of Wills. The Register of Wills shall --

(1) take an oath for the faithful and impartial discharge of the duties of the office; and

(2) seasonably record (A) the decrees and orders of the court in any matters over which the court exercises probate jurisdiction or powers, (B) all wills proved before the Register of Wills or the court, and (C) all other matters directed to be recorded in the court or in the office.

(b) A person may not be appointed the Register of Wills for the District of Columbia unless that person --

(1) is a citizen of the United States;

(2) has been a member of the bar of the District of Columbia for a period of at least five of the ten years immediately before appointment; and

(3) has been actively engaged in the practice of probate law in the District of Columbia or otherwise has broad experience in, or knowledge on the subject of, the administration of the estates of deceased persons in the District of Columbia.

(c) The compensation of the Register of Wills shall be fixed by the Superior Court without regard to chapter 51 and subchapter III of chapter 53 of title 5 of the United States Code but at a rate not to exceed the maximum rate prescribed for GS-16 of the General Schedule.

(July 29, 1970, 84 Stat. 516, Pub. L. 91-358, title I, § 111; June 13, 1994, Pub. L. 103-266, §§ 1(b)(96), (97), 108 Stat. 713; Oct. 18, 2004, 118 Stat. 1345, Pub. L. 108-335, § 329; Oct. 16, 2006, 120 Stat. 2027, Pub. L. 109-356, § 116(a).)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 11-2102.

1973 Ed., § 11-2102.

#### *Effect of Amendments*

Pub. L. 108-335 repealed subsec. (a)(2) which had read as follows:

"(2) give bond, with two or more sureties, to be approved by the chief judge of the Superior Court, in the amount designated by the court, faithfully to discharge the duties of the office, and seasonably to record (A) the decrees and orders of the court in any matters over which the court exercises probate jurisdiction or powers, (B) all wills proved before the Register of Wills or the court, and (C) all other matters directed to be recorded in the court or in the office."

Pub. L. 109-356 made a technical correction to Pub. L. 108-335 that deleted "bond ;" from the section heading, substituted "seasonably record" for "give bond, with two or more sureties, to be approved by the chief judge of the Superior Court, in the amount designated by the court, faithfully to discharge the duties of the office, and seasonably to record" in subsec. (a)(2), and deleted the third sentence of subsec. (a) which read

as follows: "The bond shall be entered in full upon the minutes of the Superior Court and the original filed with the records of the Superior Court."

*Effective Dates*

Section 116(c) of Pub. L. 109-356 provides that the amendments made by this section shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2005 [Pub. L. 108-335].

*References in Text*

The General Schedule, referred to at the end of subsection (c) of this section, appears in 5 U.S.C. § 5332.

### **§ 11-2103. SERVICES AS CLERK.**

With respect to the Probate Division of the Superior Court, the Register of Wills shall perform such duties as clerk as the chief judge of the Superior Court may assign.

(July 29, 1970, 84 Stat. 516, Pub. L. 91-358, title I, § 111.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 11-2103.

1973 Ed., § 11-2103.

### **§ 11-2104. POWERS AND DUTIES; RESTRICTIONS.**

(a) The Register of Wills may --

- (1) receive inventories and accounts of sales, examine vouchers, and state accounts of executors, administrators, collectors, and guardians, subject to final approval of the court;
- (2) take the probate of claims against the estates of deceased persons that are properly brought before the Register of Wills, and approve or reject claims not exceeding \$300;
- (3) take the probate of wills and accept the bonds of executors, administrators, collectors, and guardians, subject to approval of the court; and
- (4) audit and state fiduciary accounts.

(b) In matters over which the Superior Court has probate jurisdiction or powers, the Register of Wills shall--

- (1) make full and fair entries, in separate records, of the proceedings of the court;
- (2) record in electronic or other format all wills proved before the Register of Wills or the court and other matters required by law to be recorded in the court;
- (3) lodge in places of safety designated by the court original papers filed with the Register of Wills;
- (4) make out and issue every summons, process, and order of the court;
- (5) prepare and submit to the Executive Officer of the District of Columbia courts such reports as may be required; and
- (6) in every respect, act under the control and direction of the court.

(c) The Register of Wills may not --

- (1) practice law in any court of the District of Columbia or of the United States; or
- (2) demand or receive any fee, gratuity, gift, or reward for giving advice in any matter relating to the office.

(July 29, 1970, 84 Stat. 516, Pub. L. 91-358, title I, § 111; Oct. 28, 1986, 100 Stat. 3228, Pub. L. 99-573, § 5(b); June 13, 1994, Pub. L. 103-266, §§ 1(b)(98)-(102), 108 Stat. 713; Oct. 16, 2006, 120 Stat. 2024, Pub. L. 109-356, § 111(a), (b)(1).)

*HISTORICAL AND STATUTORY NOTES*

*Effect of Amendments*

Pub. L. 109-356, in the section heading, deleted "penalties" ; and rewrote subsec. (b) and repealed subsecs. (d) and (e), which read as follows:

"(b) In matters over which the Superior Court has probate jurisdiction or powers, the Register of Wills shall --

"(1) make full and fair entries, in separate records, of the proceedings of the court;

"(2) make fair record in strong bound books of all wills proved before the Register of Wills or the court,

keeping separate books for wills within the jurisdiction of the court;

"(3) make fair and separate record of other matters required by law to be recorded in the court;

"(4) lodge in places of safety, designated by the court, original papers filed with him [the Register of Wills];

"(5) make out and issue every summons, process, and order of the court;

"(6) make fair and uniform tables of the Register's fees, and post them in a conspicuous place in the Register's office for the inspection of persons having business therein;

"(7) prepare and submit to the Executive Officer of the District of Columbia courts such reports as may be required; and

"(8) in every respect, act under the control and direction of the court."

"(d) The Register of Wills shall forfeit to the court the sum of \$50 for each day that the tables referred to in subsection (b)(6) are missing through the Register's neglect, which may be recovered as other debts for the same amount are recoverable.

"(e) If the Register of Wills or a person acting for the Register of Wills takes a greater fee than the fee provided for by law, the Register of Wills shall pay the party injured \$100, which may be recovered as other debts for the same amount are recoverable."

*Prior Codifications*

1981 Ed., § 11-2104.

1973 Ed., § 11-2104.

## **§ 11-2105. DEPUTIES AND OTHER EMPLOYEES.**

The Executive [Executive] Officer of the District of Columbia courts shall appoint and remove such personnel as may be needed by the Register of Wills, pursuant to Chapter 17 of this title.

(July 29, 1970, 84 Stat. 517, Pub. L. 91-358, title I, § 111.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 11-2105.

1973 Ed., § 11-2105.

*Editor's Notes*

Near the beginning of this section, "Executive" was inserted, in brackets, to correct a misspelling.

## **§ 11-2106. ACCOUNTS.**

All fees, costs, and other moneys, except uncollected fees not required by law to be prepaid, collected by the Register of Wills with respect to matters within the jurisdiction of the Superior Court shall be turned over to the Fiscal Officer of the District of Columbia courts.

(July 29, 1970, 84 Stat. 517, Pub. L. 91-358, title I, § 111.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 11-2106.

1973 Ed., § 11-2106.