

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 18.
WILLS.

CHAPTER 7.
INTERNATIONAL WILL; INFORMATION
REGISTRATION.

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DISTRICT OF COLUMBIA OFFICIAL CODE

**CHAPTER 7. INTERNATIONAL WILL;
INFORMATION REGISTRATION.**

TABLE OF CONTENTS

[§ 18-701. Definitions.](#)

[§ 18-702. International will; validity.](#)

[§ 18-703. International will; requirements.](#)

[§ 18-704. International will; other points of form.](#)

[§ 18-705. International will; certificate.](#)

[§ 18-706. International will; effect of certificate.](#)

[§ 18-707. International will; revocation.](#)

[§ 18-708. Source and construction.](#)

[§ 18-709. Persons authorized to act in relation to international will; eligibility; recognition by authorizing agency.](#)

[§ 18-710. International will information registration.](#)

CHAPTER 7. INTERNATIONAL WILL; INFORMATION REGISTRATION.

§ 18-701. DEFINITIONS.

For the purposes of this chapter, the term:

(1) "Authorized person" or "person authorized to act in connection with international wills" means a person who by section 18-709, or by the laws of the United States, including members of the diplomatic and consular service of the United States designated by Foreign Service Regulations, is empowered to supervise the execution of international wills.

(2) "International will" means a will executed in conformity with sections 18-702 through 18-705.

(Apr. 27, 2001, D.C. Law 13-292, § 102(b), 48 DCR 2087.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 13-292, the "Omnibus Trusts and Estates Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-298, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 5, 2000, and December 19, 2000, respectively. Signed by the Mayor on January 26, 2001, it was assigned Act No. 13-599 and transmitted to both Houses of Congress for its review. D.C. Law 13-292 became effective on April 27, 2001.

§ 18-702. INTERNATIONAL WILL; VALIDITY.

(a) A will shall be valid as regards form, irrespective particularly of the place where it is made, of the location of the assets, and of the nationality, domicile, or residence of the testator, if it is made in the form of an international will complying with the requirements of this chapter.

(b) The invalidity of the will as an international will shall not affect its formal validity as a will of another kind.

(c) This chapter shall not apply to the form of testamentary dispositions made by 2 or more persons in one instrument.

(Apr. 27, 2001, D.C. Law 13-292, § 102(b), 48 DCR 2087.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For D.C. Law 13-292, see notes following § 18-701.

§ 18-703. INTERNATIONAL WILL; REQUIREMENTS.

(a) The will shall be made in writing. It need not be written by the testator himself or herself. It may be written in any language, by hand, or by any other means.

(b) The testator shall declare in the presence of 2 witnesses and of a person authorized to act in connection with international wills that the document is his or her will and that he or she knows the contents thereof. The testator need not inform the witnesses, or the authorized person, of the contents of the will.

(c) In the presence of the witnesses, and of the authorized person, the testator shall sign the will or, if he or she has previously signed it, shall acknowledge his or her signature.

(d) When the testator is unable to sign, the absence of his or her signature does not affect the validity of the international will if the testator indicates the reason for his or her inability to sign and the authorized person makes note thereof on the will. In these cases, it is permissible for any other person present, including the authorized person or one of the witnesses, at the direction of the testator, to sign the

testator's name for him or her, if the authorized person makes note of this also on the will, but it is not required that any person sign the testator's name for him or her.

(e) The witnesses and the authorized person shall then and there attest the will by signing in the presence of the testator.

(Apr. 27, 2001, D.C. Law 13-292, § 102(b), 48 DCR 2087.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For D.C. Law 13-292, see notes following § 18-701.

§ 18-704. INTERNATIONAL WILL; OTHER POINTS OF FORM.

(a) The signatures shall be placed at the end of the will. If the will consists of several sheets, each sheet shall be signed by the testator or, if he or she is unable to sign, by the person signing on his or her behalf or, if there is no such person, by the authorized person. In addition, each sheet shall be numbered.

(b) The date of the will shall be the date of its signature by the authorized person. That date shall be noted at the end of the will by the authorized person.

(c) The authorized person shall ask the testator whether he or she wishes to make a declaration concerning the safekeeping of his or her will. If so, and at the express request of the testator, the place where he or she intends to have his or her will kept shall be mentioned in the certificate provided for in section 18-705.

(d) A will executed in compliance with section 18-703 shall not be invalid merely because it does not comply with this section.

(Apr. 27, 2001, D.C. Law 13-292, § 102(b), 48 DCR 2087.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For D.C. Law 13-292, see notes following § 18-701.

§ 18-705. INTERNATIONAL WILL; CERTIFICATE.

The authorized person shall attach to the will a certificate, to be signed by him or her, establishing that the requirements of this chapter for valid execution of an international will have been complied with. The authorized person shall keep a copy of the certificate and deliver another to the testator. The certificate shall be substantially in the following form:

"CERTIFICATE

"(Convention of October 26, 1973)

"1. I, _____ (name, address and capacity), a person authorized to act in connection with international wills

"2. Certify that on _____ (date) at _____ (place)

"3. (testator) _____

"(name, address, date and place of birth) in my presence and that of the witnesses

"4. (a) _____ (name, address, date and place of birth)

"(b) _____ (name, address, date and place of birth)

"has declared that the attached document is his or her will and that he knows the contents thereof.

"5. I furthermore certify that:

"6. (a) in my presence and in that of the witnesses

"(1) the testator has signed the will or has acknowledged his signature previously affixed.

"(2) [to be completed if appropriate] following a declaration of the testator stating that he or she was unable to sign his will for the following reason _____, I have mentioned this declaration on the will and the signature has been affixed by _____ (name and address)

"7. (b) the witnesses and I have signed the will;

"8. (c) [to be completed if appropriate] each page of the will has been signed by _____ and numbered;

"9. (d) I have satisfied myself as to the identity of the testator and of the witnesses as designated above;

"10. (e) the witnesses met the conditions requisite to act as such according to the law under which I am acting;

"11. (f) [to be completed if appropriate] the testator has requested me to include the following statement concerning the safekeeping of his will:

"12. PLACE OF EXECUTION

"13. DATE

"14. SIGNATURE and, if necessary, SEAL."

(Apr. 27, 2001, D.C. Law 13-292, § 102(b), 48 DCR 2087.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For D.C. Law 13-292, see notes following § 18-701.

§ 18-706. INTERNATIONAL WILL; EFFECT OF CERTIFICATE.

In the absence of evidence to the contrary, the certificate of the authorized person shall be conclusive of the formal validity of the instrument as a will under this chapter. The absence or irregularity of a certificate shall not affect the formal validity of a will under this chapter.

(Apr. 27, 2001, D.C. Law 13-292, § 102(b), 48 DCR 2087.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For D.C. Law 13-292, see notes following § 18-701.

§ 18-707. INTERNATIONAL WILL; REVOCATION.

The international will shall be subject to the ordinary rules of revocation of wills.

(Apr. 27, 2001, D.C. Law 13-292, § 102(b), 48 DCR 2087.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For D.C. Law 13-292, see notes following § 18-701.

§ 18-708. SOURCE AND CONSTRUCTION.

Sections 18-701 through 18-707 derive from Annex to Convention of October 26, 1973, Providing a Uniform Law on the Form of an International Will. In interpreting and applying this chapter, regard shall be had to its international origin and to the need for uniformity in its interpretation.

(Apr. 27, 2001, D.C. Law 13-292, § 102(b), 48 DCR 2087.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For D.C. Law 13-292, see notes following § 18-701.

§ 18-709. PERSONS AUTHORIZED TO ACT IN RELATION TO INTERNATIONAL WILL; ELIGIBILITY; RECOGNITION BY AUTHORIZING AGENCY.

Individuals who have been admitted to practice law before the courts of the District of Columbia and who are in good standing as active law practitioners in the District, are hereby declared to be authorized persons in relation to international wills.

(Apr. 27, 2001, D.C. Law 13-292, § 102(b), 48 DCR 2087.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For D.C. Law 13-292, see notes following § 18-701.

§ 18-710. INTERNATIONAL WILL INFORMATION REGISTRATION.

The Mayor of the District of Columbia shall establish a registry system by which authorized persons may register in a central information center, information regarding the execution of international wills, keeping that information in strictest confidence until the death of the maker and then making it available to any person desiring information about any will who presents a death certificate or other satisfactory evidence of the testator's death to the center. Information that may be received, preserved in confidence until death, and reported as indicated is limited to the name, social security or any other individual-identifying number established by law, address, and date and place of birth of the testator, and the intended place of deposit or safekeeping of the instrument pending the death of the maker. The Mayor, at the request of the authorized person, may cause the information the Mayor receives about execution of any international will to be transmitted to the registry system of another jurisdiction, as identified by the testator, if that other system adheres to rules protecting the confidentiality of the information similar to those established in the District of Columbia.

(Apr. 27, 2001, D.C. Law 13-292, § 102(b), 48 DCR 2087.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For D.C. Law 13-292, see notes following § 18-701.