

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

**TITLE 19.**  
**DESCENT, DISTRIBUTION, AND TRUSTS.**

**CHAPTER 3.**  
**INTESTATES' ESTATES.**

**2001 Edition**

# DISTRICT OF COLUMBIA OFFICIAL CODE

## CHAPTER 3. INTESTATES' ESTATES.

---

### TABLE OF CONTENTS

---

§ 19-301. Course of descents generally.	
§ 19-302. Share of spouse or domestic partner.	
§ 19-303. When surviving spouse entitled to one-third.[Repealed]	
§ 19-304. When surviving spouse entitled to one-half.[Repealed]	
§ 19-305. Distribution of surplus after payment to surviving spouse or surviving domestic partner.	
§ 19-306. Children to share equally.	
§ 19-307. Grandchildren's share.	
§ 19-308. Share of father and mother.	
§ 19-309. Share of brother or sister or their descendants.	
§ 19-310. Brothers and sisters to share equally.	
§ 19-311. Share of collateral relations.	
§ 19-312. Share of grandfather and grandmother.	
§ 19-313. Death of distributee before distribution.	
§ 19-314. Share of posthumous children.	
§ 19-315. No distinction between whole- and half-blood.	
§ 19-316. Share of children born out of wedlock; their heirs; mother; father.	
§ 19-317. Trust estates.	
§ 19-318. Antenuptial children.	
§ 19-319. Advancements.	
§ 19-320. Felonious homicide as barring inheritance; insurance policies; bona fide purchasers.	
§ 19-321. Descent through alien ancestor no bar.	
§ 19-322. Definitions.	

# CHAPTER 3. INTESTATES' ESTATES.

## § 19-301. COURSE OF DESCENTS GENERALLY.

The real estate in the District of Columbia, of a deceased person, male or female, if not devised, shall descend in fee simple, and the surplus of the personal estate of a deceased resident of the District, if not bequeathed, shall be distributed, to the surviving spouse or surviving domestic partner, children, and other persons in the manner provided by this chapter. The heirs specified by this section take the real estate as tenants in common in the same proportions as they take the surplus personal estate as provided by this chapter.

(Sept. 14, 1965, 79 Stat. 697, Pub. L. 89-183, § 1; June 24, 1980, D.C. Law 3-72, § 204(b), 27 DCR 2155; Apr. 30, 1988, D.C. Law 7-104, § 5(b), 35 DCR 147; Apr. 4, 2006, D.C. Law 16-79, § 5(l), 53 DCR 1035.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 19-301.

1973 Ed., § 19-301.

#### *Effect of Amendments*

D.C. Law 16-79 substituted "surviving spouse or surviving domestic partner," for "surviving spouse,".

#### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 19-101.

For legislative history of D.C. Law 7-104, see Historical and Statutory Notes following § 19-107a.

For Law 16-79, see notes following § 19-101.02.

## § 19-302. SHARE OF SPOUSE OR DOMESTIC PARTNER.

The intestate share of a decedent's surviving spouse or surviving domestic partner is:

- (1) The entire intestate estate, if no descendant or parent of the decedent survives the decedent;
- (2) Two-thirds of any balance of the intestate estate, if the decedent's surviving descendants are also descendants of the surviving spouse or surviving domestic partner and there is no other descendant of the surviving spouse or surviving domestic partner who survives the decedent;
- (3) Three-fourths of any balance of the intestate estate, if no descendant of the decedent survives the decedent, but a parent of the decedent survives the decedent;
- (4) One-half of any balance of the intestate estate, if all of the decedent's surviving descendants are also descendants of the surviving spouse or surviving domestic partner and the surviving spouse or surviving domestic partner has one or more surviving descendants who are not descendants of the decedent; or
- (5) One-half of any balance of the intestate estate, if one or more of the decedent's surviving descendants are not descendants of the surviving spouse or surviving domestic partner.

(Sept. 14, 1965, 79 Stat. 698, Pub. L. 89-183, § 1; Apr. 27, 2001, D.C. Law 13-292, § 805(b), 48 DCR 2087; Apr. 4, 2006, D.C. Law 16-79, § 5(m), 53 DCR 1035.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 19-302.

1973 Ed., § 19-302.

#### *Effect of Amendments*

D.C. Law 13-292 rewrote the section which had read:

"When the intestate leaves a surviving spouse and no child, parent, grandchild, brother, or sister, or the child of a brother or sister of the intestate, the surviving spouse is entitled to the whole."

D.C. Law 16-79, in the section heading, substituted "spouse or domestic partner" for "spouse"; in the lead-in language, substituted "surviving spouse or surviving domestic partner" for "surviving spouse"; and, in pars. (2), (4), and (5), substituted "surviving spouse or surviving domestic partner" for "surviving spouse".

*Legislative History of Laws*

For D.C. Law 13-292, see notes following § 19-101.01.

For Law 16-79, see notes following § 19-101.02.

*Miscellaneous Notes*

Section 1102 of D.C. Law 13-292 provides:

"Sec. 1102. Applicability.

"For the purposes of Title 5 and Title 9 and sections 801(b), 805, and 806 of Title 8 [of this act], the provisions relating to the administration of decedents' estates shall apply only to the estates of decedents who die on or after the effective date of this act."

### **§ 19-303. WHEN SURVIVING SPOUSE ENTITLED TO ONE-THIRD.[REPEALED]**

(Sept. 14, 1965, 79 Stat. 698, Pub. L. 89-183, § 1; Apr. 27, 2001, D.C. Law 13-292, § 805(c), 48 DCR 2087.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 19-303.

1973 Ed., § 19-303.

*Legislative History of Laws*

For D.C. Law 13-292, see notes following § 19-101.01.

### **§ 19-304. WHEN SURVIVING SPOUSE ENTITLED TO ONE-HALF.[REPEALED]**

(Sept. 14, 1965, 79 Stat. 698, Pub. L. 89-183, § 1; Apr. 27, 2001, D.C. Law 13-292, § 805(c), 48 DCR 2087.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 19-304.

1973 Ed., § 19-304.

*Legislative History of Laws*

For D.C. Law 13-292, see notes following § 19-101.01.

### **§ 19-305. DISTRIBUTION OF SURPLUS AFTER PAYMENT TO SURVIVING SPOUSE OR SURVIVING DOMESTIC PARTNER.**

The surplus, above the share of the surviving spouse or surviving domestic partner, or the whole surplus, when there is no surviving spouse or surviving domestic partner, descends and is distributed as provided by this chapter and by section 19-701.

(Sept. 14, 1965, 79 Stat. 698, Pub. L. 89-183, § 1; Apr. 4, 2006, D.C. Law 16-79, § 5(n), 53 DCR 1035.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 19-305.

1973 Ed., § 19-305.

*Effect of Amendments*

D.C. Law 16-79, in the section heading, substituted "surviving spouse or surviving domestic partner" for "surviving spouse"; and substituted "surviving spouse or surviving domestic partner" for "surviving spouse" throughout section.

*Legislative History of Laws*

For Law 16-79, see notes following § 19-101.02.

### **§ 19-306. CHILDREN TO SHARE EQUALLY.**

When the intestate leaves children and no other descendants, the surplus is divided equally among them.  
(Sept. 14, 1965, 79 Stat. 698, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 19-306.

1973 Ed., § 19-306.

### **§ 19-307. GRANDCHILDREN'S SHARE.**

(a) Subject to subsection (b) of this section, and to section 19-319, when the intestate leaves a child and a child of a deceased child, the child of the deceased child takes such share as his deceased parent would, if living, be entitled to, and every other descendant in existence at the death of the intestate stands in the place of his deceased ancestor.

(b) Those in equal degree claiming in the place of an ancestor take equal shares.

(Sept. 14, 1965, 79 Stat. 698, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 19-307.

1973 Ed., § 19-307.

### **§ 19-308. SHARE OF FATHER AND MOTHER.**

When the intestate leaves no child, or descendant, the whole is divided equally between the father and mother or their survivor.

(Sept. 14, 1965, 79 Stat. 698, Pub. L. 89-183, § 1; Sept. 10, 1966, 80 Stat. 738, Pub. L. 89-567, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 19-308.

1973 Ed., § 19-308.

### **§ 19-309. SHARE OF BROTHER OR SISTER OR THEIR DESCENDANTS.**

When the intestate leaves a brother or sister, or child or descendant of a brother or sister, and no child, descendant, or father or mother, the brother, sister, or child or descendant of a brother or sister is entitled to the whole.

(Sept. 14, 1965, 79 Stat. 698, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 19-309.

1973 Ed., § 19-309.

## **§ 19-310. BROTHERS AND SISTERS TO SHARE EQUALLY.**

Each brother and sister of the intestate is entitled to an equal share, and the children or descendants of a brother or sister of the intestate, stand in the place of their deceased parents respectively.

(Sept. 14, 1965, 79 Stat. 698, Pub. L. 89-183, § 1.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 19-310.

1973 Ed., § 19-310.

## **§ 19-311. SHARE OF COLLATERAL RELATIONS.**

After children, descendants, parents, brothers, and sisters of the deceased and their descendants, all collateral relations in equal degree share, and representation among the collaterals is not allowed.

(Sept. 14, 1965, 79 Stat. 699, Pub. L. 89-183, § 1.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 19-311.

1973 Ed., § 19-311.

## **§ 19-312. SHARE OF GRANDFATHER AND GRANDMOTHER.**

The grandparents, or such of them as survive, share alike where there are no collaterals.

(Sept. 14, 1965, 79 Stat. 699, Pub. L. 89-183, § 1.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 19-312.

1973 Ed., § 19-312.

## **§ 19-313. DEATH OF DISTRIBUTE BEFORE DISTRIBUTION.**

When a person entitled to distribution dies before the distribution is made, his share goes to his estate or legal representatives.

(Sept. 14, 1965, 79 Stat. 699, Pub. L. 89-183, § 1.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 19-313.

1973 Ed., § 19-313.

## **§ 19-314. SHARE OF POSTHUMOUS CHILDREN.**

A right in the inheritance to real or personal property does not accrue to or vest in a person other than the children of the intestate and their descendants, unless the person is in being and capable in law to take as heir or distributee at the time of the intestate's death; but a child or descendant of the intestate born after the death of the intestate has the same right of inheritance as if born before his death.

(Sept. 14, 1965, 79 Stat. 699, Pub. L. 89-183, § 1.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 19-314.

1973 Ed., § 19-314.

## **§ 19-315. NO DISTINCTION BETWEEN WHOLE- AND HALF-BLOOD.**

There is no distinction between the kindred of the whole- and the half-blood.

(Sept. 14, 1965, 79 Stat. 699, Pub. L. 89-183, § 1.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 19-315.

1973 Ed., § 19-315.

## **§ 19-316. SHARE OF CHILDREN BORN OUT OF WEDLOCK; THEIR HEIRS; MOTHER; FATHER.**

Children born out of wedlock and the heirs of children born out of wedlock are capable of taking real and personal estate by inheritance from their mother or from their father if parenthood has been established, or from each other, or from heirs of each other, as the case may be, in like manner as if born in lawful wedlock, and the mother and such father, and their respective heirs, are capable of inheriting from such children.

(Sept. 14, 1965, 79 Stat. 699, Pub. L. 89-183, § 1; Oct. 1, 1976, D.C. Law 1-87, § 22(a), (c), 23 DCR 2544; June 13, 1978, D.C. Law 2-78, § 2, 24 DCR 9282; June 24, 1980, D.C. Law 3-72, § 204(c), 27 DCR 2155.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 19-316.

1973 Ed., § 19-316.

#### *Legislative History of Laws*

Law 1-87, the "Anti-Sex Discriminatory Language Act," was introduced in Council and assigned Bill No. 1-36, which was referred to the Committee on the Judiciary and Criminal Law. The Bill was adopted on first and second readings on June 15, 1976, and June 29, 1976, respectively. Signed by the Mayor on July 27, 1976, it was assigned Act No. 1-143 and transmitted to both Houses of Congress for its review.

Law 2-78, the "Paternity Proceedings Clarifying Amendment Act of 1978," was introduced in Council and assigned Bill No. 2-232, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on February 21, 1978, and March 7, 1978, respectively. There being no action by the Mayor, it was assigned Act No. 2-172 and transmitted to both Houses of Congress for its review.

Law 3-72, the "District of Columbia Probate Reform Act of 1980," was introduced in Council and assigned Bill No. 3-91, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on April 1, 1980, and April 22, 1980, respectively. Signed by the Mayor on May 7, 1980, it was assigned Act No. 3-181 and transmitted to both Houses of Congress for its review.

## **§ 19-317. TRUST ESTATES.**

When a trustee is seized of the naked legal estate in real estate in fee simple, and dies intestate thereof, the legal estate descends according to section 19-301 to the persons who would inherit the beneficial estate if it were vested in them.

(Sept. 14, 1965, 79 Stat. 699, Pub. L. 89-183, § 1.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 19-317.

1973 Ed., § 19-317.

## **§ 19-318. ANTENUPTIAL CHILDREN.**

When a man has a child by a woman whom he afterwards marries, the child, if acknowledged by the man, is, in virtue of the marriage and acknowledgment, legitimated and capable in law of inheriting and transmitting heritable property as if born in wedlock.

(Sept. 14, 1965, 79 Stat. 699, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 19-318.

1973 Ed., § 19-318.

**§ 19-319. ADVANCEMENTS.**

(a) If a child or descendant has been advanced by the intestate during the intestate's lifetime, by settlement or portion, real estate or personal estate, the value thereof is reckoned for the purposes of descent and distribution as part of the estate of the intestate descendible and to be divided among his heirs or distributed to his distributees. Where the advancement is equal to or greater than a share, the child or descendant is excluded from any further share in the estate of the intestate and is not liable to refund any part of the amount so advanced; but the surviving spouse has no advantage by bringing the advancement into reckoning. Where the advancement is less than a share, the child or descendant receives so much, only, of the personal estate, and inherits so much, only, of the real estate, of the intestate, as is sufficient to make all the shares of all the children in the whole property, including the advancement, equal. The value of real or personal estate so advanced shall be estimated according to the worth thereof when given. Maintenance or education of a child or descendant, or giving him money or real estate, without a view to a portion or settlement in life, is not an advancement.

(b) Where an advancement to be adjusted, as provided by subsection (a) of this section, consisted of real estate, the adjustment shall be made out of the real estate descendible to the heirs. Where the advancement was in personal estate, the adjustment shall be made out of the surplus of the personal estate to be distributed to the distributees. Where either species of estate is insufficient to enable the adjustment to be fully made, the deficiency shall be adjusted out of the other.

(Sept. 14, 1965, 79 Stat. 699, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 19-319.

1973 Ed., § 19-319.

**§ 19-320. FELONIOUS HOMICIDE AS BARRING INHERITANCE; INSURANCE POLICIES; BONA FIDE PURCHASERS.**

(a) A person convicted of felonious homicide of another person, by way of murder or manslaughter, takes no estate or interest in property of any kind from that other person by way of:

(1) inheritance, distribution, devise, or bequest; or

(2) remainder, reversion, or executory devise dependent upon the death of the other person.

The estate, interest, or property to which the person so convicted would have succeeded or would have taken in any way from or after the death of the decedent goes, instead, as if the person so convicted had died before the decedent.

(b) Policies of insurance directly or indirectly procured by a person convicted as specified by subsection (a) of this section, for his own benefit or payable to him upon the life of the person killed by him, are void.

(c) This section does not affect the rights of bona fide purchasers of property specified by subsection (a) of this section, for value and without notice.

(Sept. 14, 1965, 79 Stat. 700, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 19-320.

1973 Ed., § 19-320.

**§ 19-321. DESCENT THROUGH ALIEN ANCESTOR NO BAR.**

In making title by descent it is no bar to a party claiming as heir that an ancestor, whether living or dead,



through whom he derives his descent from the intestate, is or has been an alien.  
(Sept. 14, 1965, 79 Stat. 700, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 19-321.

1973 Ed., § 19-321.

**§ 19-322. DEFINITIONS.**

For the purposes of this chapter, the term "domestic partner" shall have the same meaning as provided in § 32-701(3).

(Apr. 4, 2006, D.C. Law 16-79, § 5(o), 53 DCR 1035.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For Law 16-79, see notes following § 19-101.02.