

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 20.
PROBATE AND ADMINISTRATION OF
DECEDENTS' ESTATES.

CHAPTER 1.
GENERAL PROVISIONS.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 1. GENERAL PROVISIONS.

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CHAPTER 1. GENERAL PROVISIONS.

§ 20-101. DEFINITIONS.

When used in this title, unless otherwise apparent from the context the term:

- (a) "Abbreviated probate proceeding" means the type of proceeding defined in section 20-311.
- (b) "Court" means the Probate Division of the Superior Court of the District of Columbia.
- (c) "Heir" means a person entitled to property of an intestate decedent pursuant to Chapter 3 of Title 19.
- (d)(1) "Interested person" means (A) any person named in the will to serve as personal representative, until the appointment of a personal representative; (B) a personal representative; (C) any legatee in being, whether such legatee's interest is vested or contingent, until the legacy is paid in full; (D) an heir, except that an heir ceases to be an interested person once a will has been admitted to probate; provided, that, an heir is an interested person for the purpose of any proceeding to contest the validity of the will and following any determination that the decedent died intestate as to some or all of the estate; and (E) Any creditor of the decedent, including those persons whose rights accrue at the time of death, who has timely presented a claim in excess of \$500 that has not been barred or discharged.
 - (2)(A) If an interested person, as described in paragraph (1) of this subsection, is legally disabled, the following persons shall also be interested persons unless the Court has appointed a guardian ad litem:
 - (i) the judicially appointed guardian, committee or conservator for such person, if any; or
 - (ii) if there is no judicially appointed guardian, committee or conservator, then the parent or other person having assumed responsibility for such person, or an attorney-in-fact for such person (subject to the terms of the power of attorney), or any other person with legal authority to act for such person.
 - (B) If the Court has appointed a guardian ad litem under section 20-108, the guardian ad litem shall be an interested person.
 - (C) Any guardian, guardian ad litem, committee, conservator, parent, attorney-in-fact, or other legal representative of an interested person who is under any legal disability may act on behalf of such interested person in all matters under this title without the need for any specific authorization from any court, except to the extent otherwise prohibited by a court or by the instrument granting and defining the scope of such representative's powers.
- (3) An heir or legatee whose interest is contingent solely on whether some other heir or legatee survives the decedent or survives by a stated period shall not be an interested person unless and until the other heir or legatee dies within such period.
- (e) "Intestate decedent" means a person who dies without leaving a valid will.
- (f) "Legacy" means a disposition of property made in a will.
- (g) "Legatee" means the surviving spouse of the decedent or a person who, under the terms of a will, would receive a legacy. Legatee includes a trustee of a trust created under or referred to in the decedent's will but not a beneficiary of the trust unless each trustee is also a petitioning party or acting personal representative.
- (h) "Letters" means the official instrument by which a personal representative is appointed by the Court to administer the estate of a decedent.
- (i) "Metropolitan area" means Prince Georges County, and Montgomery County, Maryland; Arlington County, Fairfax County, the City of Fairfax, the City of Falls Church, and the City of Alexandria, Virginia.
- (j) "Personal representative" means a person, other than a special administrator, who has been appointed by the Court to administer the estate of a decedent.
- (k) "Probate" means the admission to record of a decedent's will or the determination of a decedent's intestacy.

(l) "Property" means both real and personal property and any interest in such property that is owned by the decedent and that does not pass at the time of the decedent's death to another person by the terms of the instrument under which it is held, or by operation of law.

(m) "Register" means the Register of Wills.

(n) "Residuary legatee" means the person to whom a testate decedent bequeaths the surplus of such decedent's estate, subject to all debts and other legacies specifically mentioned in the will.

(o) "Rules" means the rules promulgated by the Superior Court of the District of Columbia applicable to the Probate Division of that Court.

(p) "Special administrator" means an administrator appointed as provided in section 20-531.

(q) "Special appraiser" means an appraiser who is not an employee of the Office of the Register.

(r) "Standard probate proceeding" means the type of proceeding defined in section 20-321.

(s) "Standing appraiser" means an appraiser who is an employee of the Office of the Register.

(t) "Testate decedent" means a person who dies leaving a valid will.

(u) "Supervised administration" or "supervised personal representative" means that the administration and the representative have been ordered to be supervised in accordance with this title.

(v) "Unsupervised personal representative" means a personal representative who is not subject to continued court supervision pursuant to this title.

(June 24, 1980, D.C. Law 3-72, § 101, 27 DCR 2155; Mar. 21, 1995, D.C. Law 10-241, § 3(a)-(d), 42 DCR 63; Apr. 18, 1996, D.C. Law 11-110, § 25(a), 43 DCR 530; Apr. 9, 1997, D.C. Law 11-255, § 19(a), 44 DCR 1271.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-101.

Legislative History of Laws

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.

Law 10-241, the "Probate Reform Act of 1994," was introduced in Council and assigned Bill No. 10-649, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 28, 1994, it was assigned Act No. 10-386 and transmitted to both Houses of Congress for its review. D.C. Law 10-241 became effective on March 21, 1995.

Law 11-110, the "Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-485, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 5, 1995, and January 4, 1996, respectively. Signed by the Mayor on January 26, 1996, it was assigned Act No. 11-199 and transmitted to both Houses of Congress for its review. D.C. Law 11-110 became effective on April 18, 1996.

Law 11-255, the "Second Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-905, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 24, 1996, it was assigned Act No. 11-519 and transmitted to both Houses of Congress for its review. D.C. Law 11-255 became effective on April 9, 1997.

Miscellaneous Notes

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-108.01.

Uniform Disclaimer of Property Interests: See § 19-1501 et seq.

Section 32(a) of D.C. Law 15-354 provides that Title 20 is designated Title 20 of the District of Columbia Official Code.

§ 20-102. VERIFICATION.

(a) When a writing is required by this title to be verified, verification shall be sufficient if the writing is signed by the person required to make the verification and contains the following representation:

"I do solemnly declare and affirm under penalty of law that the contents of the foregoing document are

true and correct to the best of my knowledge, information, and belief."

(b) Any person who in making a verification under this section willfully and contrary to the verification states any material matter that such person does not believe to be true shall be guilty of an offense. Any person convicted of this offense shall be punished by imprisonment for not less than 2 or more than 10 years.

(June 24, 1980, D.C. Law 3-72, § 101, 27 DCR 2155.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-102.

Legislative History of Laws

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-101.

§ 20-103. NOTICE.

(a) *First notice.* -- Unless personal service or notice by publication is expressly required by this title or by the Rules, the first notice required or permitted to be given to any person under this title shall be sufficient if deposited as registered or certified mail, postage prepaid, return receipt requested, addressed to the addressee at the address last known to the sender, with delivery restricted to the addressee.

(b) *Subsequent notice.* -- Any subsequent notice to such person in accordance with this title shall be sufficient if deposited as ordinary mail, postage prepaid, addressed either to the same address at which the first notice was received, as evidence by return receipt from the post office or, if the sender has received written notice from the addressee of a change of address, to the new address.

(c) *Failure of notice.* -- If no return receipt is received apparently signed by the addressee, and there is no proof of actual notice, no action taken in any proceeding under this title shall prejudice the rights of the person entitled to notice unless the sender verifies, to the satisfaction of the Court, that reasonable efforts to locate and warn the addressee of the pendency of the action have been made.

(d) *Notice to personal representative.* -- A personal representative or special administrator is not required to give self notice.

(e) *Notice for contingent interests.* -- If the interest of an heir or legatee is solely contingent on whether some other heir or legatee survives the decedent or some other event or period, any notice given before the contingent interest vests shall conclusively be deemed to have been given to the heir or legatee whose interest has been contingent.

(June 24, 1980, D.C. Law 3-72, § 101, 27 DCR 2155; Mar. 21, 1995, D.C. Law 10-241, § 3(e), 42 DCR 63.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-103.

Legislative History of Laws

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-101.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-108.01.

Miscellaneous Notes

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-108.01.

§ 20-104. PRESUMPTION.

Unless otherwise expressly provided, whenever this title states that a fact shall be presumed, the presumption is rebuttable.

(June 24, 1980, D.C. Law 3-72, § 101, 27 DCR 2155.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-104.

Legislative History of Laws

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-101.

§ 20-105. DEVOLUTION OF PROPERTY AT DEATH.

Except as provided in section 20-357, all property of a decedent shall be subject to this title and, upon the decedent's death, shall pass directly to the personal representative, who shall hold the legal title for administration and distribution of the estate.

(June 24, 1980, D.C. Law 3-72, § 101, 27 DCR 2155.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-105.

Legislative History of Laws

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-101.

§ 20-106. PREFERENCE.

Except as provided in sections 20-343 and 20-703, there shall be no preference or priority between real and personal property.

(June 24, 1980, D.C. Law 3-72, § 101, 27 DCR 2155; Mar. 21, 1995, D.C. Law 10-241, § 3(f), 42 DCR 63.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-106.

Legislative History of Laws

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-101.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-108.01.

Miscellaneous Notes

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-108.01.

§ 20-107. RIGHT TO SEEK COURT RESOLUTION.

(a) An interested person, the beneficiary of a trust, or the Register may, at any time, petition the Court for an order, following notice to interested persons and with or without a hearing, to resolve a question or controversy arising in the course of a supervised or unsupervised administration of a decedent's estate.

(b) Any interested person in an unsupervised administration, any unpaid creditor of either the decedent or the estate whose claim is not barred, and the personal representative, may request Court action or assistance in connection with any specific issue related to the administration of the estate. Upon receiving such request, if the Court determines a hearing is necessary, the Court shall notify the personal representative and set a hearing on the matter (unless waived by all interested persons); the personal representative shall certify to the Court that the personal representative has given notice of the hearing to the interested persons, by certified mail or personal delivery at least 10 days prior to the hearing.

(c) Any request filed by an interested person, including any pleading described in this title as a petition, need not be in any particular format. It will be sufficient for the purpose intended as long as it is in writing and specifically identifies the particular issue or concern which the interested person wishes the Court to review or resolve.

(June 24, 1980, D.C. Law 3-72, § 101, 27 DCR 2155; Mar. 21, 1995, D.C. Law 10-241, § 3(g), 42 DCR 63.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-107.

Legislative History of Laws

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-101.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-108.01.

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-108.01.

§ 20-108. APPOINTMENT OF GUARDIAN AD LITEM.

If it appears to the Court that there is an apparent conflict between an interested person under a legal disability and a person described in section § 20-101(d)(2)(A), the Court may, in its discretion, appoint a guardian ad litem for the person with a legal disability.

(June 24, 1980, D.C. Law 3-72, § 101, 27 DCR 2155; Apr. 24, 2007, D.C. Law 16-305, § 34(a), 53 DCR 6198.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-108.

Effect of Amendments

D.C. Law 16-305 substituted "person with a legal disability" for "legally disabled person".

Legislative History of Laws

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-101.

Law 16-305, the "People First Respectful Language Modernization Act of 2006", was introduced in Council and assigned Bill No. 16-664, which was referred to Committee on the Whole. The Bill was adopted on first and second readings on June 20, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 17, 2006, it was assigned Act No. 16-437 and transmitted to both Houses of Congress for its review. D.C. Law 16-305 became effective on April 24, 2007.

§ 20-108.01. EFFECT OF FRAUD AND EVASION.

(a) Whenever fraud has been perpetrated in connection with any proceeding or in any statement filed under this title or if fraud is used to avoid or circumvent the provisions or purposes of this title, any person injured thereby may obtain appropriate relief against the perpetrator of the fraud or restitution from any person (other than a bona fide purchaser) benefiting from the fraud, whether innocent or not. Any proceeding must be commenced within 2 years after the discovery of the fraud, but no proceeding may be brought against one not a perpetrator of the fraud later than 5 years after the time of commission of the fraud. This section has no bearing on remedies relating to fraud practiced on a decedent during lifetime that may affect the succession to the decedent's estate.

(b) Notwithstanding the remedy provided in subsection (a) of this section, nothing in this title shall be construed to validate any document with respect to which there was any misrepresentation, fraudulent act, or illegal provision in connection with its execution.

(c) In addition to the remedy provided in subsection (a) of this section, any person convicted of a fraudulent act in connection with the collection, administration, distribution, or closing of an estate under this title and who thereby obtains property of another or causes another to lose property, shall be subject to the penalties set forth in section 122 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; § 22-3222).

(Mar. 21, 1995, D.C. Law 10-241, § 3(i), 42 DCR 63.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-108.1.

Emergency Act Amendments

For temporary amendment of § 4 of D.C. Law 10-241, see § 2 of the Probate Reform Act of 1994 Emergency Amendment Act of 1995 (D.C. Act 11-79, June 28, 1995, 42 DCR 3452).

Legislative History of Laws

Law 10-241, the "Probate Reform Act of 1994," was introduced in Council and assigned Bill No. 10-649, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 28, 1994, it was assigned Act No. 10-386 and transmitted to both Houses of Congress for its review. D.C. Law 10-241

became effective on March 21, 1995.

Miscellaneous Notes

Application of Law 10-241: Section 4 of D.C. Law 10-241, as amended by § 2 of D.C. Law 11-54, provided that the act shall be applicable to estates of decedents who died on or after July 1, 1995.

Section 32(b) of D.C. Law 15-354 provides that the section designation of § 20-108.1 of the District of Columbia Official Code is redesignated as § 20- 108.01.

§ 20-109. EFFECTIVE DATE.

This title shall apply only to an estate of a decedent who died on or after January 1, 1981. Title 20 of the D.C. Official Code enacted by virtue of An Act To enact Part III of the District of Columbia Code, entitled "Decedents' Estates and Fiduciary Relations", codifying the general and permanent laws relating to decedents' estates and fiduciary relations in the District of Columbia, approved September 14, 1965 (79 Stat. 703), and An Act To amend chapter 19 of title 20 of the District of Columbia Code to provide for distribution of a minor's share in a decedent's personal estate where the share does not exceed the value of \$1,000, approved August 11, 1971 (85 Stat. 307), shall apply to an estate of a decedent who died before January 1, 1981.

(June 24, 1980, D.C. Law 3-72, § 402, 27 DCR 2155; Aug. 2, 1983, D.C. Law 5-24, § 3, 30 DCR 3341.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-109.

Legislative History of Laws

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-101.

Law 5-24, the "Technical and Clarifying Amendments Act of 1983," was introduced in Council and assigned Bill No. 5-169, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 10, 1983, and May 24, 1983, respectively. Signed by the Mayor on June 9, 1983, it was assigned Act No. 5-41 and transmitted to both Houses of Congress for its review.

References in Text

"Chapter 19 of title 20", referred to in this section, did not exist in the 1981 Edition at the time of the recodification into the 2001 Edition.