

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 20.
PROBATE AND ADMINISTRATION OF
DECEDENTS' ESTATES.

CHAPTER 4.
SUPERVISED AND UNSUPERVISED
ADMINISTRATION.

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CHAPTER 4. SUPERVISED AND UNSUPERVISED ADMINISTRATION.

§ 20-401. SUPERVISED ADMINISTRATION; IN GENERAL.

(a) Supervised administration is a single in rem proceeding to secure complete administration and settlement of a decedent's estate under the continuing authority of the Court which extends until entry of an order approving distribution of the estate and discharging the personal representative or other order terminating the proceeding. A supervised personal representative is responsible to the Court, as well as to the interested parties, and is subject to directions concerning the estate made by the Court on its own motion or on the motion of any interested party. Except as otherwise provided in this chapter, or as otherwise ordered by the Court, a supervised personal representative has the same duties and powers as a personal representative who is not supervised.

(b) Unsupervised administration differs from supervised administration only in the following ways: in an unsupervised administration, the personal representative is not required to file any inventories or accounts with the Court, is not subject to provisions of this title which expressly apply only to a personal representative in a supervised administration, and, in general, is subject only to any order of the Court rendered upon a failure to satisfy filing requirements imposed by this title or a finding of good cause after a narrow issue or question has been brought to the Court's attention by either the personal representative or an interested person, but otherwise is not subject to continuing Court supervision.

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

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-401.

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.

§ 20-402. SUPERVISED ADMINISTRATION; PROCEDURE.

(a) A prayer for supervised administration may be made in the petition for probate. The Court shall order supervised administration of a decedent's estate only:

- (1) If the decedent's will directs supervised administration;
- (2) If the decedent's will directs unsupervised administration, but for good cause shown the Court finds that supervised administration is necessary for the protection of persons interested in the estate; or
- (3) In other cases where, for good cause shown, the Court finds that supervised administration is necessary under the circumstances which the Court shall specify.

(b) In no event shall the appointment of a personal representative be delayed pending the Court's decision

pursuant to subsection (a) of this section. Thus, whenever the Court must make a decision under subsection (a)(2) or (a)(3) of this section, the Court shall appoint the personal representative in unsupervised administration; thereafter, an Order for supervised administration shall convert the proceeding to supervised administration.

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

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-402.

Legislative History of Laws

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-401.

Miscellaneous Notes

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-401.

§ 20-403. SUPERVISED ADMINISTRATION; CHANGES AND EFFECT.

(a) The filing of signed waivers by all interested persons in accordance with section 20-731 shall be treated for all purposes as a change to unsupervised administration, but the filing of a subsequent demand for the filing of inventories and accounts by any such interested person shall be treated as a change back to supervised administration.

(b) A petition for supervised administration may be filed by any interested person or by a personal representative at any time before the termination of a probate proceeding; similarly, the Court may initiate such a proceeding upon good cause shown. In either event, after notice to interested persons and a hearing (unless the hearing is waived by both the petitioner and the personal representative, or by the interested persons if petitioner is the personal representative), the Court may order supervised administration, applying the same standards as under section 20-402. In no event, however, shall any Court Order be deemed to convert the proceeding to a supervised administration unless the Order expressly so provides. The filing of such petition does not affect any powers and duties of the personal representative unless they are expressly restricted by the Court pending the hearing or final Order.

(c) In the event of a change from one form of administration to another pursuant to this title, such change shall be prospective only. Except in the case of fraud, no action of the personal representative shall be set aside by the Court solely by reason of a change from one form of administration to another.

(Mar. 21, 1995, D.C. Law 10-241, § 3(t), 42 DCR 63; Apr. 18, 1996, D.C. Law 11-110, § 25(b), 43 DCR 530.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-403.

Legislative History of Laws

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-401.

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.

Miscellaneous Notes

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-401.

§ 20-404. SUPERVISED ADMINISTRATION; POWERS OF PERSONAL REPRESENTATIVE.

Unless restricted by the Court for good cause shown, a supervised personal representative has, without any interim order approving exercise of a power, all powers of personal representatives under this title. Any restriction on the power of a personal representative ordered by the Court must be endorsed on the letters of appointment and, unless so endorsed, is ineffective as to persons dealing in good faith with the personal representative.

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

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-404.

Legislative History of Laws

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-401.

Miscellaneous Notes

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-401.

§ 20-405. SUPERVISED ADMINISTRATION; INTERIM ORDERS; DISTRIBUTION AND CLOSING ORDERS.

Unless otherwise ordered by the Court, supervised administration is terminated by order in accordance with the provisions of section 20-1301. Interim orders granting other relief may be issued by the Court at any time during the pendency of a supervised administration on the application of the personal representative or any interested person.

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

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-405.

Legislative History of Laws

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-401.

Miscellaneous Notes

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-401.

§ 20-406. UNSUPERVISED PERSONAL REPRESENTATIVE.

A personal representative appointed without court supervision having been ordered, and any other personal representative except during any period for which court supervision has been ordered, is not subject to continuing court supervision except as provided in section 20-107 or otherwise in this title, and is not subject to sections of this title applicable only to supervised personal representatives or estates.

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

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 20-406.

Legislative History of Laws

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-401.

Miscellaneous Notes

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-401.