

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

**TITLE 20.**  
**PROBATE AND ADMINISTRATION OF**  
**DECEDENTS' ESTATES.**

**CHAPTER 5.**  
**THE PERSONAL REPRESENTATIVE AND SPECIAL**  
**ADMINISTRATOR; APPOINTMENT, CONTROL AND**  
**TERMINATION OF AUTHORITY.**

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**DISTRICT OF COLUMBIA OFFICIAL CODE**

**CHAPTER 5. THE PERSONAL REPRESENTATIVE  
AND SPECIAL ADMINISTRATOR; APPOINTMENT,  
CONTROL AND TERMINATION OF AUTHORITY.**

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# **CHAPTER 5. THE PERSONAL REPRESENTATIVE AND SPECIAL ADMINISTRATOR; APPOINTMENT, CONTROL AND TERMINATION OF AUTHORITY.**

## **SUBCHAPTER I. APPOINTMENT AND ISSUANCE OF LETTERS; BOND; ACCRUAL OF DUTIES AND POWERS.**

### **§ 20-501. CONDITIONS OF APPOINTMENT.**

As a condition to appointment, a personal representative, whether in a supervised or unsupervised administration, shall file (a) a statement of acceptance of the duties of the office, (b) any required bond, and (c) a written consent to personal jurisdiction in any action brought in the District of Columbia against such personal representative, where service of process is effected pursuant to the rules of the Court at such representative's address shown in the proceedings or, in the case of a nonresident personal representative, pursuant to the provisions of section 20-303(b)(7).

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

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-501.

##### *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 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.

##### *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.

### **§ 20-502. BOND; FORM.**

(a) *When required.* -- Unless excused from giving bond by the decedent's will or written waiver of all interested persons, each personal representative shall execute a bond to the District of Columbia for the benefit of interested persons and creditors with a surety or sureties approved by the Court. Whenever a personal representative is excused from giving a bond by the decedent's will, or by the written waiver of 1 or more interested persons, no bond shall be given (except as provided below). In the absence of a waiver by the testator, the interest of any interested person who does not waive bond shall be protected but no waiver of bond shall be permitted on behalf of a person who is not a competent adult except as provided in section 20-101(d)(2)(C).

(a-1) *Demand for bond.* -- Any person having an interest in the estate worth in excess of \$1,000, or any creditor having a claim in excess of \$1,000, may make a written demand that a personal representative give bond in an amount not exceeding the value of the person's or creditor's interest in the estate. The demand must be filed with the Register and a copy mailed to the personal representative, if appointment and qualification have occurred. Upon a request for bond, the Court may set a hearing to determine if bond is required.

(b)(1) *When not required.* -- Notwithstanding the provisions of subsection (a), no bond shall be required of banks and trust companies authorized under District of Columbia laws to act as personal representatives and national banks, except as otherwise provided by law or Court Rule.

(2) No bond shall be required for any period following the distribution of all known assets and satisfaction of all known claims.

(c) *Surety.* -- The surety on any bond required by subsection (a) may be any corporation authorized to act as a surety in the District of Columbia. All sureties and the personal representative shall be jointly and severally liable on the bond, unless otherwise ordered by the Court.

(d)(1) *Penalty.* -- The penalty sum of any bond required by subsection (a) shall be fixed by the Court in an amount not exceeding the probable maximum value of the personal and D.C. real property of the estate at any time during administration.

(2) Repealed.

(3) The Court may permit the penalty sum of the bond to be reduced by the amount of cash belonging to the estate that is deposited with a bank, trust company, savings and loan association, building association, building and loan association, or federal savings and loan association approved by the Court in an account expressly made subject to withdrawal only in a manner that is approved by the Court.

(3A) The Court may permit the penalty sum of the bond to be reduced by the value of any real or personal property which, at the request of the personal representative or pursuant to Court Order upon good cause shown, cannot be sold or distributed without prior Court authorization.

(4) The penalty sum may be increased or decreased by the Court at its discretion for good cause at any time during administration.

(e) *Filing; certified copy.* -- Every bond executed by a personal representative shall be filed in the office of the Register. Any person may obtain from the Register a certified copy of such bond.

(f) *Premium payable out of estate.* -- Bond premiums shall be chargeable against the property of the estate.

(g) *Form of bond.* -- A bond shall be in the form prescribed by the Rules.

(June 24, 1980, D.C. Law 3-72, § 101, 27 DCR 2155; Mar. 21, 1995, D.C. Law 10-241, § 3(v), 42 DCR 63; Mar. 24, 1998, D.C. Law 12-81, § 13(a), 45 DCR 745.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-502.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-501.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-501.

Law 12-81, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-408, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 1997, and December 4, 1997, respectively. Signed by the Mayor on December 22, 1997, it was assigned Act No. 12-246 and transmitted to both Houses of Congress for its review. D.C. Law 12-81 became effective on March 24, 1998.

##### *Miscellaneous Notes*

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

### **§ 20-503. ISSUANCE AND CONTENT OF LETTERS.**

After appointment, letters shall be issued to the personal representative by the Register. Letters shall contain:

- (a) the name and address of the Court;
- (b) the name of the decedent and the personal representative;
- (c) the date of appointment of the personal representative;
- (d) the date the will, if any, was admitted to probate;
- (e) the signature of the Register and the seal of the Court;
- (f) the date the letters were issued; and
- (g) whether the administration is supervised or unsupervised and, if supervised, any limitations on the powers of the personal representative.

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

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-503.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-501.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-501.

##### *Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-501.

### **§ 20-504. FORM OF LETTERS.**

Letters of administration shall be in substantially the following form:

#### **LETTERS OF ADMINISTRATION**

To all persons who may be interested in the estate of ....., deceased:

Administration of the estate of the deceased has been granted on ..... to ..... (and the will of the deceased was probated on .....). This administration (is) (is not) (strike the inapplicable language) subject to continuing supervision of the Court. The powers of the personal representative (are not limited) (are limited as follows: .....). The appointment is in full force and effect as of this date.

(SEAL)

Witness:

Dated:

Register of Wills.

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

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-504.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-501.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-501.

##### *Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-501.

## **§ 20-505. TIME OF ACCRUAL OF DUTIES AND POWERS.**

The duties and powers of a personal representative commence upon the issuance of the letters. Good faith acts beneficial to the estate which in fact were committed by the personal representative prior to issuance of letters shall have the same effect as acts occurring after the issuance of letters. A personal representative may ratify acts done on behalf of the estate by others if the personal representative is authorized to perform such acts.

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

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 20-505.

#### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-501.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-501.

#### *Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-501.

## **SUBCHAPTER II. SEVERAL PERSONAL REPRESENTATIVES.**

### **§ 20-511. POWERS AND DUTIES OF SUCCESSOR PERSONAL REPRESENTATIVE.**

A successor personal representative shall have the same powers and duties as the original personal representative including the powers granted in the will but excluding any power that the will expressly made personal to the personal representative named in the will.

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

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 20-511.

#### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-501.

### **§ 20-512. COPERSONAL REPRESENTATIVES; WHEN JOINT ACTION REQUIRED; LIABILITY.**

(a) When two or more persons are appointed copersonal representatives, the concurrence of all is required on all acts connected with the administration and distribution of the estate; except, for: (1) giving receipts for or receiving property due the estate; (2) in emergency situations, when all personal representatives cannot reasonably be consulted in the time available; (3) when a personal representative has validly delegated power to act to a copersonal representative; and (4) when the will or a statute provides otherwise.

(b) Persons dealing with a copersonal representative without knowledge that such representative is not the sole personal representative shall be as fully protected as if the person with whom they dealt had been the sole personal representative.

(c) If a personal representative delegates power to act to a copersonal representative, such delegation shall not reduce such representative's fiduciary responsibility.

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

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 20-512.

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-501.

### **§ 20-513. POWERS OF SURVIVING COPERSONAL REPRESENTATIVE.**

Unless the will otherwise provides: (a) when the appointment of a copersonal representative is terminated, the remaining copersonal representative or representatives may exercise all powers previously exercised by the copersonal representatives; and (b) when one of two or more persons nominated by the will as copersonal representatives is not appointed by the Court, those appointed may exercise all the powers of the office.

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

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-513.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-501.

## **SUBCHAPTER III. SUSPENSION AND TERMINATION OF POWERS.**

### **§ 20-521. RESTRAINING ACTS OF PERSONAL REPRESENTATIVES.**

(a) On the petition of any interested person, the Court by temporary order and for good cause shown may restrain a supervised personal representative from performing specified acts of administration, disbursement, or distribution, or exercising any powers or discharging any duties of such office, or make any other order to secure proper performance of the supervised personal representative's duty, if it appears to the Court that the supervised personal representative otherwise may take some action which would unreasonably jeopardize the interest of the petitioner. Persons with whom the supervised personal representative may transact business may be made parties.

(b) The matter shall be set for hearing within 10 days unless the parties otherwise agree. Notice as the Court directs shall be given to the supervised personal representative and his attorney of record, if any, and to any other parties named defendant in the petition.

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

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-521.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-501.

For legislative history of D.C. Law 10-241, see Historical and Statutory Notes following § 20-501.

##### *Miscellaneous Notes*

Application of Law 10-241: See Application of Law 10-241 and Emergency act amendment notes to § 20-501.

### **§ 20-522. TERMINATION; GENERAL.**

The appointment of a personal representative shall be terminated in accordance with Chapter 13 of this title (Closing the Estate) or by the personal representative's death, disability, resignation, or removal as provided in sections 20-524 through 20-527.

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

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 20-522.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-501.

### **§ 20-523. TERMINATION; EFFECT.**

(a) *Powers and duties.* -- Termination ends the rights and powers of the personal representative as conferred by will or by this title. Except as provided in section 20-524, a personal representative whose appointment has been terminated shall: (1) unless otherwise ordered by the Court, perform acts necessary to protect property belonging to the estate; and (2) deliver such property to the special administrator or the successor personal representative, if any.

(b) *Liability.* -- Termination does not discharge a personal representative from liability for transactions or omissions occurring before termination or reduce the personal representative's duty to protect property subject to such representative's control, to account for such property and to deliver such property to the special administrator or successor representative. Termination does not affect the personal jurisdiction consented to pursuant to section 20-501 in proceedings which may be commenced against such representative arising out of the performance of duties as personal representative. If the personal representative fails to account for and deliver the property belonging to the estate to the successor personal representative or special administrator, as required by subsection (a), the Court may enter judgment against the personal representative and the personal representative's surety.

(c) *Acts prior to termination.* -- All lawful acts of a personal representative prior to the termination of appointment shall remain valid and effective.

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

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 20-523.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-501.

### **§ 20-524. TERMINATION; DEATH OR DISABILITY.**

The appointment of a personal representative shall be terminated by his death or by a judicial determination of his disability. Upon the death or a judicial determination of disability of a personal representative, any interested person (including a person indicated in the decedent's will as the successor personal representative to the personal representative who is deceased or has been determined to have a disability) may apply to the court for the appointment of a special administrator or successor personal representative. Unless there is a surviving copersonal representative, the personal representative of a deceased personal representative or the person appointed to protect the estate of a personal representative under legal disability shall: (a) have the duty to protect property belonging to the estate that was being administered by the personal representative who is deceased or has been determined to have a disability; (b) have the power to perform acts necessary for the protection of property of such estate; (c) immediately apply to the Court for the appointment of a special administrator or successor personal representative to carry on the administration of the estate which was being administered by the personal representative who is deceased or has been determined to have a disability; and (d) immediately account for and deliver the property of such estate to a successor personal representative or special administrator. If the personal representative of a deceased personal representative or the person appointed to protect the estate of a personal representative under legal disability fails to account to and deliver the property belonging to the estate as required by this section, the Court may enter judgment against the estate of the personal representative who is deceased or has been determined to have a disability and the surety of the personal representative who is deceased or has been determined to have a disability.

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

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 20-524.

*Effect of Amendments*

D.C. Law 16-305 substituted "personal representative who is deceased or has been determined to have a



disability" for "deceased or disabled personal representative" and "deceased or the disabled personal representative" and substituted "surety of the personal representative who is deceased or has been determined to have a disability" for "deceased or disabled personal representative's surety".

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-501.

For Law 16-305, see notes following § 20-108.

## **§ 20-525. TERMINATION; RESIGNATION.**

A personal representative may resign by filing a written statement of resignation with the Register after giving at least 15 days written notice to all interested persons of intention to resign. If, within such 15 days, no one applies for the appointment of a successor personal representative or special administrator and no appointment is made, the resigning personal representative may apply to the Court for the appointment of a successor. Upon the appointment of such successor, the resigning personal representative shall immediately account for and deliver the property belonging to the estate to the successor personal representative or special administrator. The resignation of a personal representative shall be effective upon approval by the Court.

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

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 20-525.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-501.

## **§ 20-526. TERMINATION; REMOVAL.**

(a) *Cause for removal.* -- A personal representative shall be removed from office upon a finding by the Court that such representative: (1) misrepresented material facts in the proceedings leading to the appointment; (2) willfully disregarded an order of the Court; (3) is unable, for any reason, to discharge the duties and powers effectively; (4) has mismanaged property; or (5) has failed, without reasonable excuse, to perform any material duty of such office; provided, that the Court may continue the personal representative in office following a finding in accordance with paragraph (5) if the Court finds that such continuance would be in the best interests of the estate and would not adversely affect the rights of interested persons or creditors.

(b) *Hearing.* -- The Court shall conduct a hearing prior to the removal of a personal representative. Such hearing may be held on the Court's own motion, on motion of the Register, or on the written petition of any interested person. The Register shall give notice of such hearing to all interested persons and the Court shall conduct the hearing within a reasonable time thereafter. Upon receipt of such notice, the personal representative may exercise only the powers of a special administrator, as provided in by section 20-533.

(c) *Appointment of successor.* -- At the time of removal of a personal representative, the Court shall appoint a successor personal representative or a special administrator.

(d) *Duty of removed personal representative.* -- A personal representative who has been removed from office shall immediately account for and deliver the property belonging to the estate to the successor personal representative or special administrator.

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

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 20-526.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-501.

## **§ 20-527. TERMINATION; CHANGE IN PROCEEDING.**

Upon a timely request for standard probate, a personal representative previously appointed shall have only the powers and duties of a special administrator until the appointment of a personal representative in the

standard probate proceeding, subject to any order in the standard probate proceeding. Nothing in this section shall be construed to prohibit the reappointment of a person who was previously appointed in an abbreviated probate proceeding or a small estates proceeding.

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

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 20-527.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-501.

## **SUBCHAPTER IV. SPECIAL ADMINISTRATOR.**

### **§ 20-531. APPOINTMENT; QUALIFICATIONS.**

(a) *Appointment.* -- Upon the filing of a petition by an interested party, a creditor, or the Register, or upon the motion of the Court, the Court may appoint a special administrator: (1) when the appointment is necessary to protect property prior to the appointment and qualification of a personal representative; or (2) upon the termination of appointment of a personal representative and prior to the appointment of a successor personal representative.

(b) *Qualifications.* -- The Court may appoint any suitable person as a special administrator. In making such appointment, the Court shall give special consideration to any person who is likely to be appointed as the personal representative in accordance with section 20-303 and who is immediately available for appointment.

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

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 20-531.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-501.

### **§ 20-532. BOND.**

A special administrator shall satisfy the requirements of section 20-502 relating to the bond of a personal representative.

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

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 20-532.

*Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-501.

### **§ 20-533. POWERS AND DUTIES.**

A special administrator shall have the duty and all powers necessary to collect, manage, and preserve the property, in addition to any other duties and powers authorized by the Court. Upon the appointment of a personal representative, the special administrator shall account for the property of the decedent.

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

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 20-533.

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-501.

## **§ 20-534. TERMINATION OF APPOINTMENT.**

The appointment of a special administrator terminates either upon the appointment of a personal representative or in the same manner provided in subchapter III of this chapter for the suspension and termination of a personal representative.

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

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 20-534.

#### *Legislative History of Laws*

For legislative history of D.C. Law 3-72, see Historical and Statutory Notes following § 20-501.