

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

**TITLE 21.**  
**FIDUCIARY RELATIONS AND PERSONS**  
**WITH MENTAL ILLNESS.**

**CHAPTER 1.**  
**GUARDIANSHIP OF INFANTS.**

**2001 Edition**

# DISTRICT OF COLUMBIA OFFICIAL CODE

## CHAPTER 1. GUARDIANSHIP OF INFANTS.

---

### TABLE OF CONTENTS

---

#### Subchapter I. Appointment of Guardian; Bond.

---

- § 21-101. Natural guardians of the person.
- § 21-102. Testamentary guardians of the person.
- § 21-103. Appointment of guardians of the person by court; limitation of number of wards.
- § 21-104. Termination of guardianship of the person.
- § 21-105. Appointment by deed or will for child inheriting from parent.
- § 21-106. Guardian of estate.
- § 21-107. Preferences in appointment of guardian of estate.
- § 21-108. Selection of guardian by infant.
- § 21-109. Spouse as guardian of estate.
- § 21-110. Service on nonresident guardian; failure to give power of attorney.
- § 21-111. Ancillary guardian of estate of nonresident infant.
- § 21-112. Suits by ancillary guardian.
- § 21-113. Enjoining spouse, parent, or testamentary guardian from interfering with minor's estate.
- § 21-114. Bond from parents of child entitled to property.
- § 21-115. Bond of guardian of estate.
- § 21-116. One bond for several wards.
- § 21-117. Additional bond.
- § 21-118. Counter security; petition by surety.
- § 21-119. Allowances made before bond given.
- § 21-120. Settlement of actions involving minor children; appointment of guardian of estate.

#### Subchapter II. Property of Infants.

---

- § 21-141. Possession of property.
- § 21-142. Inventory.
- § 21-143. Duties; accounts; maintenance and education; sales; compensation.
- § 21-144. Property subject to liens.
- § 21-145. Property subject to executory contract.
- § 21-146. Contract for sale by adult in behalf of himself and infant.
- § 21-147. Sale of infant's principal for maintenance or education.
- § 21-148. Sale or exchange of real estate; proceedings.
- § 21-149. Parties.
- § 21-150. Proof.
- § 21-151. Decree of sale; costs.
- § 21-152. Terms of sale; lien.
- § 21-153. Exchanges; appointment of trustees.
- § 21-154. Ratification of sales by court.
- § 21-155. Sale or exchange of particular estate or remainder; application of income.
- § 21-156. Lease of infant's estate.
- § 21-157. Mortgage of infant's estate.

- § 21-158. Final account.

### **Subchapter III. Indigent Boys.**

---

- § 21-181. Enlistment of indigent minor children.
- § 21-182. Preparation of guardianship papers.

# **CHAPTER 1. GUARDIANSHIP OF INFANTS.**

## **SUBCHAPTER I. APPOINTMENT OF GUARDIAN; BOND.**

### **§ 21-101. NATURAL GUARDIANS OF THE PERSON.**

(a) The father and mother are the natural guardians of the person of their minor children. When either dies or is incapable of acting, the natural guardianship of the person devolves upon the other.

(b) This section does not affect the power of a court of competent jurisdiction to appoint another person guardian of the children when it appears to the court that the welfare of the children requires it.

(Sept. 14, 1965, 79 Stat. 737, Pub. L. 89-183, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 21-101.

1973 Ed., § 21-101.

##### *Miscellaneous Notes*

Section 33(a) of D.C. Law 15-354, as amended by section 48(a) of D.C. Law 16- 191, provides that Title 21 is designated Title 21 of the District of Columbia Official Code.

### **§ 21-102. TESTAMENTARY GUARDIANS OF THE PERSON.**

When one parent is dead, the other, whether of full age or not, may, by last will and testament, appoint a guardian of the person to have the care, custody, and tuition of his infant child, other than a married infant; and if the person so appointed refuses the trust, the Probate Court may appoint another person in his place.

(Sept. 14, 1965, 79 Stat. 737, Pub. L. 89-183, § 1; Oct. 1, 1976, D.C. Law 1-87, § 27, 23 DCR 2544.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 21-102.

1973 Ed., § 21-102.

##### *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.

### **§ 21-103. APPOINTMENT OF GUARDIANS OF THE PERSON BY COURT; LIMITATION OF NUMBER OF WARDS.**

(a) When an infant has neither a natural nor testamentary guardian, a guardian of the person may be appointed by the Probate Court in its own discretion or on the application of a next friend of the infant.

(b) Only trust companies may act as guardian of the person for more than five infants at one time, unless the infants are members of one family.

(Sept. 14, 1965, 79 Stat. 738, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-103.

1973 Ed., § 21-103.

**§ 21-104. TERMINATION OF GUARDIANSHIP OF THE PERSON.**

A natural guardianship or an appointive guardianship of the person of an infant ceases when said infant becomes 18 years of age or marries.

(Sept. 14, 1965, 79 Stat. 738, Pub. L. 89-183, § 1; July 22, 1976, D.C. Law 1-75, § 4(d), 23 DCR 1181; Apr. 7, 1977, D.C. Law 1-107, title I, § 115, 23 DCR 8737.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-104.

1973 Ed., § 21-104.

*Legislative History of Laws*

Law 1-75, the "District of Columbia Age of Majority Act," was introduced in Council and assigned Bill No. 1-252, which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on April 6, 1976, and April 20, 1976, respectively. Signed by the Mayor on May 14, 1976, it was assigned Act No. 1-116 and transmitted to both Houses of Congress for its review.

Law 1-107, the "Marriage and Divorce Act," was introduced in Council and assigned Bill No. 1-89, which was referred to the Committee on the Judiciary and Criminal Law. The Bill was adopted on amended first readings on July 27, 1976, and September 15, 1976, and second readings on November 22, 1976, and December 7, 1976. Signed by the Mayor on January 4, 1977, it was assigned Act No. 1-193 and transmitted to both Houses of Congress for its review.

**§ 21-105. APPOINTMENT BY DEED OR WILL FOR CHILD INHERITING FROM PARENT.**

(a) In case of the death of either parent from whom his or her minor children inherit or take by devise or bequest, the parent may by deed or last will and testament appoint a guardian of the property of the children, subject to the approval of the proper court of the District of Columbia.

(b) This section does not limit or affect the power of a court of competent jurisdiction to appoint another person guardian of the children when it appears to the court that the welfare of the children requires it.

(Sept. 14, 1965, 79 Stat. 738, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-105.

1973 Ed., § 21-105.

**§ 21-106. GUARDIAN OF ESTATE.**

(a) Subject to sections 21-101 to 21-104, when land descends or is devised to an infant under 18 years of age, or the infant is entitled to a distributive share of the personal estate of an intestate or to a legacy or bequest under a last will, or acquires real or personal property by gift or purchase, the Probate Court may appoint a guardian of the infant's estate; and if there is a guardian of the person of the infant the guardian of the estate so appointed may be the same or a different person.

(b) The appointment may be made at any time after the probate of the will or the grant of administration when the infant is entitled as a devisee, legatee, or next of kin.

(c) Only trust companies may act as guardian of the estate of more than five infants at one time, unless the infants are entitled to shares of the same estate.

(Sept. 14, 1965, 79 Stat. 738, Pub. L. 89-183, § 1; July 22, 1976, D.C. Law 1-75, § 4(e), 23 DCR 1181.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-106.

1973 Ed., § 21-106.

*Legislative History of Laws*

For legislative history of D.C. Law 1-75, see Historical and Statutory Notes following § 21-104.

**§ 21-107. PREFERENCES IN APPOINTMENT OF GUARDIAN OF ESTATE.**

In appointing a guardian of the estate of an infant, unless said infant be over 14 years of age as hereinafter directed in section 21-108, the court shall give preference to --

- (1) the parents, or either of them, if living; or
- (2) the spouse if the infant is married to a person 18 years of age or older --

when in the judgment of the court the parent or spouse is a suitable person to have the management of the infant's estate.

(Sept. 14, 1965, 79 Stat. 738, Pub. L. 89-183, § 1; Oct. 1, 1976, D.C. Law 1-87, § 28, 23 DCR 2544.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-107.

1973 Ed., § 21-107.

*Legislative History of Laws*

For legislative history of D.C. Law 1-87, see Historical and Statutory Notes following § 21-102.

**§ 21-108. SELECTION OF GUARDIAN BY INFANT.**

(a) When a guardian, either of the person or the estate, of an infant is appointed, the infant shall, if practicable, be brought before the court, and, if over 14 years of age, shall be entitled to select and nominate his or her guardian.

(b) When a guardian has been appointed before the infant has attained the age of 14 years, the infant, upon arriving at that age, may select a new guardian, notwithstanding the appointment before made.

(c) The court shall pass upon the character and competency of the guardian selected by the infant, and the guardian shall be:

- (1) required to give bond as in other cases;
- (2) subject to the control of the court; and
- (3) under the same obligations and discharge the same duties -- as if selected by the court.

(d) When, after a guardian of the estate has been appointed, the infant selects a new guardian upon arriving at the age of 14 years, and the new selection is approved by the court, and the person selected is duly appointed and qualified, the guardian previously appointed shall settle his final account and turn over his ward's estate to the newly appointed guardian.

(Sept. 14, 1965, 79 Stat. 738, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-108.

1973 Ed., § 21-108.

**§ 21-109. SPOUSE AS GUARDIAN OF ESTATE.**

When an infant to whom a guardian of his or her estate has been appointed marries, he or she may select his or her spouse as the guardian of his or her estate, with the approval of the court; and after he is duly appointed and qualified by giving bond, as is required in other cases, the powers of the guardian previously appointed shall cease, and he shall settle his final account and turn over his ward's estate to his or her spouse, according to the order and directions of the court.

(Sept. 14, 1965, 79 Stat. 739, Pub. L. 89-183, § 1; Oct. 1, 1976, D.C. Law 1-87, § 29(a), 23 DCR 2544.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-109.

1973 Ed., § 21-109.

*Legislative History of Laws*

For legislative history of D.C. Law 1-87, see Historical and Statutory Notes following § 21-102.

**§ 21-110. SERVICE ON NONRESIDENT GUARDIAN; FAILURE TO GIVE POWER OF ATTORNEY.**

Before original or ancillary letters of guardianship are issued, the person designated, if a nonresident of the District of Columbia, shall file in the office of the Register of Wills an irrevocable power of attorney designating the Register of Wills and his successors in office as the person upon whom all notices and process issued by a competent court in the District may be served, with like effect as personal service, in relation to all suits, matters, causes, or things affecting or pertaining to the estate in which the letters are to be issued. The Register of Wills shall forthwith forward by registered or certified mail to the address of the guardian, which shall be stated in the power of attorney, all notices or process served upon the Register under this section.

If the person fails to file the power of attorney within 10 days after the entry of the order of appointment, the order shall stand revoked, and he shall forfeit all rights to the office.

(Sept. 14, 1965, 79 Stat. 739, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-110.

1973 Ed., § 21-110.

**§ 21-111. ANCILLARY GUARDIAN OF ESTATE OF NONRESIDENT INFANT.**

When an infant residing outside the District of Columbia is entitled to property or to maintain an action in the District of Columbia, a general guardian or committee of his estate, appointed by a court of competent jurisdiction in the State or territory where the infant resides, or a person at the request of the guardian or committee, may petition the court for ancillary letters as guardian or committee. The petition shall be under oath, accompanied by certified copies of as much of the record and proceedings as shows the appointment of the guardian or committee and that he has given a sufficient bond to account for all property and money that may come into his hands by virtue of the authority conferred. The court may thereupon issue to the guardian or committee ancillary letters as such guardian or committee, without citation, or may cite such persons as it believes proper to show cause why the application should be refused; and the court shall require the security required by law in like cases from a resident guardian or committee.

(Sept. 14, 1965, 79 Stat. 739, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-111.

1973 Ed., § 21-111.

**§ 21-112. SUITS BY ANCILLARY GUARDIAN.**

(a) Upon the granting of ancillary letters, the guardian may institute and prosecute to judgment any action in the courts of the District of Columbia, take possession of all property of his ward, and collect and receive all moneys belonging and due to him therein, give full receipt and acquittances for debts, and release all claims, liens, and mortgages belonging to the ward, on property in the District of Columbia, in the same manner as if his authority had been originally conferred by the Probate Court.

(b) The guardian shall give security for the costs which may accrue in an action brought by him, in the same manner as other nonresidents bringing suit in the courts of the District.

(Sept. 14, 1965, 79 Stat. 740, Pub. L. 89-183, § 1; July 29, 1970, 84 Stat. 567, Pub. L. 91-358, title I, § 150(a)(1).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-112.

1973 Ed., § 21-112.

**§ 21-113. ENJOINING SPOUSE, PARENT, OR TESTAMENTARY GUARDIAN FROM INTERFERING WITH MINOR'S ESTATE.**

On application of a friend of an infant entitled to real or personal estate, or in the exercise of its own discretion, the court may enjoin a parent or spouse or testamentary guardian from interfering with the infant's estate without being appointed and giving bond as guardian of the estate.

(Sept. 14, 1965, 79 Stat. 740, Pub. L. 89-183, § 1; Oct. 1, 1976, D.C. Law 1-87, § 30(a), 23 DCR 2544.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-113.

1973 Ed., § 21-113.

*Legislative History of Laws*

For legislative history of D.C. Law 1-87, see Historical and Statutory Notes following § 21-102.

**§ 21-114. BOND FROM PARENTS OF CHILD ENTITLED TO PROPERTY.**

When an infant whose father or mother is living becomes entitled to property, the Probate Court may require the father or mother, as guardian, to give bond and security to account for the property, and on his or her failure or refusal so to do may appoint another person guardian, who shall give bond as in other cases.

(Sept. 14, 1965, 79 Stat. 740, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-114.

1973 Ed., § 21-114.

**§ 21-115. BOND OF GUARDIAN OF ESTATE.**

A guardian appointed by the court, other than a corporation authorized to act as guardian, and a testamentary guardian, unless otherwise directed by the will making the appointment, before entering upon or taking possession of or interfering with the estate of the infant, shall execute a bond in such penalty and with such surety as the court approves, to be recorded and to be liable to be sued upon for the use of a person interested, with the condition that if he, as guardian, faithfully accounts to the court, as required by law, for the management of the property and estate of the infant under his care, and delivers up the property agreeably to the order of the court or the directions of law, and in all respects performs the duty of guardian according to law, then the obligation shall cease; it shall otherwise remain in full force.

(Sept. 14, 1965, 79 Stat. 740, Pub. L. 89-183, § 1; July 29, 1970, 84 Stat. 567, Pub. L. 91-358, title I, § 150(a)(2).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-115.

1973 Ed., § 21-115.

**§ 21-116. ONE BOND FOR SEVERAL WARDS.**



When a person is guardian to a number of persons entitled to shares of the same estate the court may accept one bond instead of separate bonds for each ward, and the bond shall be liable to be sued upon for the use of all or any of the wards as fully as separate bonds might be.

(Sept. 14, 1965, 79 Stat. 740, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-116.

1973 Ed., § 21-116.

**§ 21-117. ADDITIONAL BOND.**

The court may at any time require a guardian to give bond or additional bond, when the interests of the infant require it, and on his failure or refusal so to do, may revoke his appointment and appoint another guardian in his place, and require the estate of the infant to be forthwith delivered to the newly appointed guardian, and may direct the latter to bring suit upon the bond of his predecessor.

(Sept. 14, 1965, 79 Stat. 740, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-117.

1973 Ed., § 21-117.

**§ 21-118. COUNTER SECURITY; PETITION BY SURETY.**

If a surety of a guardian by petition sets forth that he apprehends himself to be in danger of loss in consequence of his suretyship, and prays the court to be relieved, the court, after summoning the guardian to answer the petition, may require him to give counter security to indemnify his original surety or to deliver his ward's estate into the hands of the surety or of another person. In either case, the court shall require sufficient security for the proper management and application of the estate to be given by the person into whose hands the estate is delivered, and make such other order as seems just.

(Sept. 14, 1965, 79 Stat. 740, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-118.

1973 Ed., § 21-118.

**§ 21-119. ALLOWANCES MADE BEFORE BOND GIVEN.**

An allowance made to a guardian for the clothing, support, maintenance, education or other expenses incurred for the ward or his estate, before the guardian gives bond or is appointed, has the same effect in law as if made subsequently to the appointment of the guardian and his giving bond.

(Sept. 14, 1965, 79 Stat. 741, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-119.

1973 Ed., § 21-119.

**§ 21-120. SETTLEMENT OF ACTIONS INVOLVING MINOR CHILDREN; APPOINTMENT OF GUARDIAN OF ESTATE.**

(a) A person entitled to maintain or defend an action on behalf of a minor child, including an action relating to real estate, is competent to settle an action so brought and, upon settlement thereof or upon satisfaction of a judgment obtained therein, is competent to give a full acquittance and release of all liability in connection with the action, but such a settlement is not valid unless approved by a judge of the court in

which the action is pending.

(b) A person may not receive money or other property on behalf of a minor in settlement of an action brought on behalf of or against the minor or in satisfaction of a judgment in the action, where, after deduction of fees, costs and all other expenses incident to the matter, the net value of the money and property due the minor exceeds \$3,000, before he is appointed by a court of competent jurisdiction as guardian of the estate of the minor to receive the money or property, and qualifies as such.

(Sept. 14, 1965, 79 Stat. 741, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-120.

1973 Ed., § 21-120.

## **SUBCHAPTER II. PROPERTY OF INFANTS.**

### **§ 21-141. POSSESSION OF PROPERTY.**

On the execution of his bond, a guardian is entitled to an order of the court directing the real and personal estate of the ward to be delivered into his possession, and all legacies and distributive shares to which the ward is entitled to be paid or delivered to him when they are properly payable or distributable according to law.

(Sept. 14, 1965, 79 Stat. 741, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-141.

1973 Ed., § 21-141.

### **§ 21-142. INVENTORY.**

Within three months after the execution and approval of his bond, a guardian shall return to the court, under oath, an inventory of the real and personal estate of his ward and of the probable annual income thereof, and the court may direct the estate to be appraised and the annual income thereof to be ascertained by two competent persons, to be appointed by the court, who shall report their appraisal and finding under oath.

(Sept. 14, 1965, 79 Stat. 741, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-142.

1973 Ed., § 21-142.

### **§ 21-143. DUTIES; ACCOUNTS; MAINTENANCE AND EDUCATION; SALES; COMPENSATION.**

A guardian shall manage the estate for the best interests of the ward, and once in each year, or oftener if required, he shall settle an account of his trust under oath. He shall account for all profit and increase of his ward's estate and the annual value thereof, and shall be allowed credit for taxes, repairs, improvements, expenses, and commissions, and he is not answerable for any loss or decrease sustained without his fault. The court shall determine the amounts to be expended annually in the maintenance and education of the infant, regard being had to his future condition and prospects in life; and if it deems it advantageous to the ward, may allow the guardian to exceed the income of the estate and to make use of the principal and sell it or part thereof, under the court's order, as provided by this subchapter; but a guardian may not sell any property of his ward without an order of the court previously had therefor. The court shall allow a reasonable compensation for services rendered by the guardian not exceeding a commission of five per centum of the amounts collected, if and when disbursed.

(Sept. 14, 1965, 79 Stat. 741, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-143.

1973 Ed., § 21-143.

**§ 21-144. PROPERTY SUBJECT TO LIENS.**

When an infant is entitled to real or personal estate in the District of Columbia which is liable to a mortgage, trust, or lien, or is in any way charged with the payment of money, the court may decree in the case as if the infant were of full age.

(Sept. 14, 1965, 79 Stat. 742, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-144.

1973 Ed., § 21-144.

**§ 21-145. PROPERTY SUBJECT TO EXECUTORY CONTRACT.**

When an infant is:

(1) entitled to real or personal estate in the District of Columbia bound by executory contract entered into by the person from whom the infant derived title; or

(2) claims a right or interest in property under such a contract—

the court may decree the execution of the contract or enter a just and proper decree, as if the parties were of full age.

(Sept. 14, 1965, 79 Stat. 742, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-145.

1973 Ed., § 21-145.

**§ 21-146. CONTRACT FOR SALE BY ADULT IN BEHALF OF HIMSELF AND INFANT.**

When a contract is made for the sale of real estate by persons interested therein jointly or in common with an infant, for and in behalf of all the persons so interested, which the court, upon a hearing and examination of the circumstances, considers to be for the interest and advantage both of the infant and of the other persons interested therein to be confirmed, the court may confirm the contract and order a deed to be executed according to it. Sales and deeds made in pursuance of the order are sufficient in law to transfer the estate and interest of the infant in the real estate.

(Sept. 14, 1965, 79 Stat. 742, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-146.

1973 Ed., § 21-146.

**§ 21-147. SALE OF INFANT'S PRINCIPAL FOR MAINTENANCE OR EDUCATION.**

When it appears, upon the verified petition of a guardian, or in a case of his refusal to act, a next friend of an infant, and the appearance and answer of the infant by guardian to be appointed by the court, and proof by deposition of one or more disinterested witnesses, that a sale of the principal of the infant's estate, or of a part thereof, whether real or personal, is necessary for his maintenance or education, regard being had to his condition and prospects in life, the Probate Court may decree the sale on terms which to it seem

proper.

(Sept. 14, 1965, 79 Stat. 742, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-147.

1973 Ed., § 21-147.

**§ 21-148. SALE OR EXCHANGE OF REAL ESTATE; PROCEEDINGS.**

When a guardian or, in case of his refusal to act, a next friend, deems that the interests of the ward will be promoted by a sale of his freehold or leasehold estate in lands, for the purpose of reinvesting the proceeds in other property or securities, or by an exchange of the property for other property, he may file a verified petition in the court, setting forth all the estate of the ward, real and personal, and all the facts which, in his opinion, tend to show whether the ward's interest will be promoted by the sale or exchange.

(Sept. 14, 1965, 79 Stat. 742, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-148.

1973 Ed., § 21-148.

**§ 21-149. PARTIES.**

The infant, together with those who would succeed to the estate if he were dead, shall be made parties defendant in the proceeding provided by section 21-148; and the court shall appoint a fit and disinterested person to be guardian ad litem for the infant, who shall answer the petition under oath. The infant also, if above the age of 14 years, shall answer the petition in proper person, under oath.

(Sept. 14, 1965, 79 Stat. 742, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-149.

1973 Ed., § 21-149.

**§ 21-150. PROOF.**

Every fact material to determine the propriety of a sale or exchange shall be clearly proved, in a proceeding brought pursuant to section 21-148, by disinterested witnesses, whose testimony shall be taken in writing in the presence of the guardian ad litem or upon interrogatories agreed upon by him.

(Sept. 14, 1965, 79 Stat. 743, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-150.

1973 Ed., § 21-150.

**§ 21-151. DECREE OF SALE; COSTS.**

When, in a proceeding brought pursuant to section 21-148, the court is satisfied from the evidence that the interests of the infant require a sale or exchange, as prayed, and the rights of others will not be violated thereby, the sale or exchange may be decreed, and the costs of the suit shall be paid out of the infant's estate; otherwise they shall be paid by the complainant.

(Sept. 14, 1965, 79 Stat. 743, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-151.

1973 Ed., § 21-151.

**§ 21-152. TERMS OF SALE; LIEN.**

A sale pursuant to a decree issued pursuant to section 21-151 may be made upon such terms as to cash and credit as the court directs, and a lien shall be retained on the property sold for the purchase money.

(Sept. 14, 1965, 79 Stat. 743, Pub. L. 89-183, § 1.)

**§ 21-153. EXCHANGES; APPOINTMENT OF TRUSTEES.**

In decreeing an exchange of an infant's estate for other property, pursuant to section 21-151, the court need not require equality or sameness in the quantity or character of the estate or interest, and the court may appoint trustees to execute the deeds necessary to carry the exchange into effect.

(Sept. 14, 1965, 79 Stat. 743, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-153.

1973 Ed., § 21-153.

**§ 21-154. RATIFICATION OF SALES BY COURT.**

A sale of property of an infant is not effectual to pass title to the property sold until it is reported to and ratified by the court.

(Sept. 14, 1965, 79 Stat. 743, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-154.

1973 Ed., § 21-154.

**§ 21-155. SALE OR EXCHANGE OF PARTICULAR ESTATE OR REMAINDER; APPLICATION OF INCOME.**

Where an infant is entitled to a particular estate, as for life or years, and another person is entitled to an estate in remainder or reversion or by way of executory devise in the same property, or the other person is entitled to the particular estate and the infant is entitled in remainder or reversion or executory devise, the court may decree a sale or exchange as provided by sections 21-148 to 21-153, having reference solely to the interests of the infant, if the other person so interested consents to the sale or exchange and execute the conveyances necessary to carry it into effect. The court shall direct the annual income from the fund or property acquired by the sale or exchange to be applied according to the interests of the respective parties.

(Sept. 14, 1965, 79 Stat. 743, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-155.

1973 Ed., § 21-155.

**§ 21-156. LEASE OF INFANT'S ESTATE.**

Where it appears to the court that it will be to the advantage of the infant that his real estate be demised, the court shall decree that it be demised for a term of years not to exceed the minority of the infant, yielding such rents and on such terms and conditions as the court directs. Where the infant is entitled to only a part

of the estate, the decree demising the estate shall be made only if all the owners of the other interest assent.

(Sept. 14, 1965, 79 Stat. 743, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-156.

1973 Ed., § 21-156.

**§ 21-157. MORTGAGE OF INFANT'S ESTATE.**

Where it appears to the court by proof that it would be for the advantage of the infant to raise money by mortgage for his maintenance or to improve his real property or to pay off charges, liens, or incumbrances thereon, the court may, on the application of the guardian or of the infant by next friend, decree a conveyance of the property, by mortgage or deed of trust, to be executed by the guardian, on such terms as to the court seem expedient. This section also applies where the infant holds jointly or in common with other persons of full age or holds a portion of the estate, as a particular estate, for life or years or in remainder or reversion, if the other owners interested, all being of full age, consent to the decree and unite in the mortgage or deed of trust.

(Sept. 14, 1965, 79 Stat. 743, Pub. L. 89-183, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-157.

1973 Ed., § 21-157.

**§ 21-158. FINAL ACCOUNT.**

On arrival of a ward at the age of 18 years the guardian shall exhibit a final account of his trust to the court and shall, agreeably to the court's order, deliver up to the ward all the property of the ward in his hands and if he fails to do so, his bond may be sued upon for the use of the party interested, and he may be attached.

(Sept. 14, 1965, 79 Stat. 744, Pub. L. 89-183, § 1; July 29, 1970, 84 Stat. 567, Pub. L. 91-358, title I, § 150(a) (3); July 22, 1976, D.C. Law 1-75, § 4(c), 23 DCR 1181.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-158.

1973 Ed., § 21-158.

*Legislative History of Laws*

For legislative history of D.C. Law 1-75, see Historical and Statutory Notes following § 21-104.

## **SUBCHAPTER III. INDIGENT BOYS.**

**§ 21-181. ENLISTMENT OF INDIGENT MINOR CHILDREN.**

The Probate Court may appoint guardians to indigent minor children for the purpose of securing their enlistment in the naval or marine service of the United States, as provided by law, free of costs on account of the proceeding.

(Sept. 14, 1965, 79 Stat. 744, Pub. L. 89-183, § 1; Oct. 1, 1976, D.C. Law 1-87, § 31(a)(2), (3), 23 DCR 2544.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-181.

1973 Ed., § 21-181.

For legislative history of D.C. Law 1-87, see Historical and Statutory Notes following § 21-102.

## **§ 21-182. PREPARATION OF GUARDIANSHIP PAPERS.**

The Register of Wills shall prepare papers in connection with appointment of guardians to enable indigent minor children to enlist in the United States Navy as provided by law, without making a charge therefor.

(Sept. 14, 1965, 79 Stat. 744, Pub. L. 89-183, § 1; Oct. 1, 1976, D.C. Law 1-87, § 31(a)(4), 23 DCR 2544.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 21-182.

1973 Ed., § 21-182.

#### *Legislative History of Laws*

For legislative history of D.C. Law 1-87, see Historical and Statutory Notes following § 21-102.