

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

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

**CHAPTER 3.**  
**TRANSFERS TO MINORS; UNIFORM LAW.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 3. TRANSFERS TO MINORS; UNIFORM**  
**LAW.**

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# CHAPTER 3. TRANSFERS TO MINORS; UNIFORM LAW.

*Refs & Annos*

Jurisdiction	Laws	Effective Date	Statutory Citation
Alabama	1986, No. 86-453	10-1-1986	Code 1975, §§ 35-5A-1 to 35-5A-24.
Alaska	1990, c. 11	1-1-1991	AS 13.46.010 to 13.46.999.
Arizona	1988, c. 81	5-16-1988 [FN*]	A.R.S. §§ 14-7651 to 14-7671.
Arkansas	1985, No. 476	3-21-1985	A.C.A. §§ 9-26-201 to 9-26-227.
California	1984, c. 243	6-24-1984 [FN*]	West's Ann.Cal.Prob.Code, §§ 3900 to 3925.
Colorado	1984, p. 383	7-1-1984	West's C.R.S.A. §§ 11-50-101 to 11-50-126.
Connecticut	1995, P.A. 95-117	10-1-1995	C.G.S.A. §§ 45a-557 to 45a-560b.
Delaware	70 Del. Laws, c. 393	6-26-1996	12 Del. C. §§4501 to 4523.
District of Columbia	1986, D.C. Law 6-87	3-12-1986	D.C. Official Code, 2001 Ed. §§ 21-301 to 21-324.
Florida	1985, c. 85-95	10-1-1985	West's F.S.A. §§ 710.101 to 710.126.
Georgia	1990, p. 667	7-1-1990	O.C.G.A. §§ 44-5-110 to 44-5-134.
Hawaii	1985, No. 91	7-1-1985	HRS §§ 553A-1 to 553A-24.
Idaho	1984, c. 152	7-1-1984	I.C. §§ 68-801 to 68-825.
Illinois	1985, P.A. 84-915	7-1-1986	S.H.A. 760 ILCS 20/1 to 20/24.
Indiana	1989, P.L. 267-1989	5-4-1989 [FN*]	West's A.I.C. 30-2-8.5-1 to 30-2-8.5-40.
Iowa	1986, H.F. 2381	4-7-1986 [FN*]	I.C.A. §§ 565B.1 to 565B.25.
Kansas	1985, c. 143	4-4-1985 [FN*]	K.S.A. 38-1701 to 38-1726.
Kentucky	1986, c. 182	3-28-1986 [FN*]	KRS 385.012 to 385.252.
Louisiana	1987, No. 469	1-1-1988	LSA-R.S. 9:751 to 9:773.
Maine	1987, c. 734	4-19-1988 [FN*]	33 M.R.S.A. §§ 1651 to 1674.
Maryland	1989, c. 638	7-1-1989	Code, Estates and Trusts, §§ 13-301 to 13-324.
Massachusetts	1986, c. 362	1-30-1987	M.G.L.A. c. 201A, §§ 1 to 24.
Michigan	1998, P.A. 433	12-30-1998	M.C.L.A. §§ 554.521 to 554.552.
Minnesota	1985, c. 221	1-1-1986	M.S.A. §§ 527.21 to 527.44.
Mississippi	1994, c. 416	1-1-1995	Code 1972, §§ 91-20-1 to 91-20-49.
Missouri	1985, S.B. 35, 17, 18, 84, 206, 259, 278	7-30-1985 [FN*]	V.A.M.S. §§ 404.005 to 404.094.
Montana	1985, c. 102		MCA 72-26-501 to 72-26-803.
Nebraska	1992, LB 907	2-28-1992 [FN*]	R.R.S.1943, §§ 43-2701 to 43-2724.
Nevada	1985, c. 51	3-28-1985 [FN*]	N.R.S. 167.010 to 167.100.
New Hampshire	1985, No. 197:1	7-30-1985	RSA 463-A:1 to 463-A:26.
New Jersey [FN1]	1987, c. 18	7-1-1987	N.J.S.A. 46:38A-1 to 46:38A-57.
New Mexico	1989, c. 357	7-1-1989	NMSA 1978, §§ 46-7-11 to 46-7-34.

New York	1996, c. 304	7-10-1996	McKinney's EPTL, 7-6.1 to 7-6.26.
North Carolina	1987, c. 563	10-1-1987	G.S. §§ 33A-1 to 33A-24.
North Dakota	1985, c. 508		NDCC 47-24.1-01 to 47-24.1-22.
Ohio	2006, H.B. 416	1-1-2007	R.C. §§ 5814.01 to 5814.09.
Oklahoma	1986, c. 261	11-1-1986	58 Okl.St. Ann. §§ 1201 to 1225.
Oregon	1985, c. 665	1-1-1986	ORS 126.805 to 126.886.
Pennsylvania	1992, Act 152	12-16-1992	20 Pa.C.S.A., §§ 5301 to 5321.
Rhode Island	1985, c. 389	6-28-1985	Gen.Laws 1956, §§ 18-7-1 to 18-7-26.
South Dakota	SL 1986, c. 409		SDCL 55-10A-1 to 55-10A-26.
Tennessee	1992, c. 664	10-1-1992	T.C.A. §§ 35-7-101 to 35-7-126.
Texas	1995, c. 1043	9-1-1995	V.T.C.A. Property Code, §§ 141.001 to 141.025.
Utah	1990, c. 272	7-1-1990	U.C.A. 1953, 75-5a-101 to 75-5a-123.
Virgin Islands	2001, No. 6423	8-2-2001 [FN*]	15 V.I.C. §§ 1251a to 1251x.
Virginia	1988, c. 516		Code 1950, §§ 31-37 to 31-59.
Washington	1991, c. 193	7-1-1991	West's RCWA 11.114.010 to 11.114.904.
West Virginia	1986, c. 169	7-1-1986	Code 36-7-1 to 36-7-24.
Wisconsin	1987-89, c. 191	4-8-1988	W.S.A. 54.854 to 54.898.
Wyoming	1987, c. 201	5-22-1987	Wyo.Stat. Ann. §§ 34-13-114 to 34-13-137.

[FN\*] Date of approval.

[FN1] Repealed Gifts to Minors Act of 1966, effective July 1, 2007. Transfers to Minors Act adopted, effective July 1, 1987.

## § 21-301. DEFINITIONS.

For purposes of this chapter the term:

- (1) "Adult" means an individual who has attained the age of 18 years.
- (2) "Benefit plan" means an employer's plan for the benefit of an employee or a partner.
- (3) "Broker" means a person lawfully engaged in the business of effecting transactions in securities or commodities for the person's own account or for the account of others.
- (4) "Conservator" means a person appointed or qualified by a court to act as general, limited, or temporary guardian of a minor's property or a person legally authorized to perform substantially the same functions.
- (5) "Court" means the Superior Court of the District of Columbia.
- (6) "Custodial property" means 1 of the following:
  - (A) Any interest in property transferred to a custodian under this chapter; and
  - (B) The income from and the proceeds of that interest in property.
- (7) "Custodian" means a person so designated under section 21-309 or a successor or substitute custodian designated under section 21-318.
- (8) "District" means the District of Columbia.
- (9) "Financial institution" means a bank, trust company, savings institution, or credit union, chartered and supervised under state or federal law.
- (10) "Legal representative" means an individual's personal representative or conservator.
- (11) "Member of the minor's family" means the minor's parent, step-parent, spouse, grandparent, brother, sister, uncle, or aunt, whether of the whole or half blood or by adoption.
- (12) "Minor" means an individual who has not reached the age of 18 years.
- (13) "Person" means an individual, a corporation, an organization, or other legal entity.
- (14) "Personal representative" means an executor, administrator, successor personal representative, or special administrator of a decedent's estate or a person legally authorized to perform substantially the same functions.
- (15) "State" includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession subject to the legislative authority of the United States.
- (16) "Transfer" means a transaction that creates custodial property under section 21-309.
- (17) "Transferor" means a person who makes a transfer under this act.

(18) "Trust company" means a financial institution, a corporation, or other legal entity authorized to exercise general trust powers.

(Mar. 12, 1986, D.C. Law 6-87, § 2(a), 33 DCR 278.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 21-301.

##### *Legislative History of Laws*

Law 6-87, the "District of Columbia Uniform Transfers to Minors Act," was introduced in Council and assigned Bill No. 6-58, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 19, 1985, and December 3, 1985, respectively. Signed by the Mayor on December 30, 1985, it was assigned Act No. 6-115 and transmitted to both Houses of Congress for its review.

##### *References in Text*

"This act", referred to in paragraph (17), is the District of Columbia Uniform Transfers to Minors Act, D.C. Law 6-87 which is codified primarily as § 21-301 et seq.

##### *Uniform Law*

This section is based upon § 1 of the Uniform Transfers to Minors Act. See 8B Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.

## **§ 21-302. SCOPE AND JURISDICTION.**

(a) This chapter applies to a transfer that refers to this act in the designation under section 21-309(a) by which the transfer is made if at the time of the transfer, the transferor, the minor, or the custodian is a resident of the District or the custodial property is located in the District. The custodianship so created remains subject to this chapter despite a subsequent change in residence of a transferor, the minor or the custodian, or despite the removal of custodial property from the District.

(b) A person designated as custodian under this chapter is subject to personal jurisdiction in the District with respect to any matter relating to the custodianship.

(c) A transfer that purports to be made and which is valid under the Uniform Transfers to Minors Act, the Uniform Gifts to Minors Act, or a substantially similar act, of another state is governed by the law of the designated state and may be executed and is enforceable in the District if, at the time of the transfer, the transferor, the minor, or the custodian is a resident of the designated state or the custodial property is located in the designated state.

(Mar. 12, 1986, D.C. Law 6-87, § 2(a), 33 DCR 278; Apr. 30, 1988, D.C. Law 7-104, § 6(a), 35 DCR 147; Mar. 24, 1998, D.C. Law 12-81, § 14(a), 45 DCR 745.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 21-302.

##### *Legislative History of Laws*

For legislative history of D.C. Law 6-87, see Historical and Statutory Notes following § 21-301.

Law 7-104, the "Technical Amendments Act of 1987," was introduced in Council and assigned Bill No. 7-346, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 24, 1987, and December 8, 1987, respectively. Signed by the Mayor on December 22, 1987, it was assigned Act No. 7-124 and transmitted to both Houses of Congress for its review.

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.

##### *References in Text*

"This act," referred to in the first sentence of subsection (a) of this section, is the District of Columbia Uniform Transfers to Minors Act, D.C. Law 6-87 which is codified primarily as § 21-301 et seq.

##### *Uniform Law*

This section is based upon § 2 of the Uniform Transfers to Minors Act. See 8B Uniform Laws Annotated,

### **§ 21-303. NOMINATION OF CUSTODIAN.**

(a) A person having the right to designate the recipient of property transferable upon the occurrence of a future event may revocably nominate a custodian to receive the property for a minor beneficiary upon the occurrence of the event by naming the custodian followed in substance by the words: "as custodian for \_\_\_\_\_ [name of minor] under the District of Columbia Uniform Transfers to Minors Act." The nomination may name 1 or more persons as substituted custodians to whom the property must be transferred, in the order named, if the first nominated custodian dies before the transfer or is unable, declines, or is ineligible to serve. The nomination may be made in a will, a trust, a deed, an instrument exercising a power of appointment, or in a writing designating a beneficiary of contractual rights which is registered with or delivered to the payor, the issuer, or other obligor of the contractual rights.

(b) A custodian nominated under this section must be a person to whom a transfer of property of that kind may be made under section 21-309(a).

(c) The nomination of a custodian under this section does not create custodial property until the nominating instrument becomes irrevocable or a transfer to the nominated custodian is completed under section 21-309. Unless the nomination of a custodian has been revoked, upon the occurrence of the future event the custodianship becomes effective and the custodian shall enforce a transfer of the custodial property pursuant to section 21-309.

(Mar. 12, 1986, D.C. Law 6-87, § 2(a), 33 DCR 278.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 21-303.

##### *Legislative History of Laws*

For legislative history of D.C. Law 6-87, see Historical and Statutory Notes following § 21-301.

##### *Uniform Law*

This section is based upon § 3 of the Uniform Transfers to Minors Act. See 8B Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.

### **§ 21-304. TRANSFER BY GIFT OR EXERCISE OF POWER OF APPOINTMENT.**

A person may make a transfer by irrevocable gift to, or the irrevocable exercise of a power of appointment in favor of, a custodian for the benefit of a minor pursuant to section 21-309.

(Mar. 12, 1986, D.C. Law 6-87, § 2(a), 33 DCR 278.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 21-304.

##### *Legislative History of Laws*

For legislative history of D.C. Law 6-87, see Historical and Statutory Notes following § 21-301.

##### *Uniform Law*

This section is based upon § 4 of the Uniform Transfers to Minors Act. See 8B Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.

### **§ 21-305. TRANSFER AUTHORIZED BY WILL OR TRUST.**

(a) A personal representative or trustee may make an irrevocable transfer pursuant to section 21-309 to a custodian for the benefit of a minor as authorized in the governing will or trust, subject to the authority of the court under section 20-1106.

(b) If the testator or the settlor has nominated a custodian under section 21-303 to receive the custodial property, the transfer must be made to that person.

(c) If the testator or the settlor has not nominated a custodian under section 21-303 or if all persons so nominated die before the transfer or are unable, decline, or are ineligible to serve, the personal

representative or the trustee shall designate a custodian from among those eligible to serve as custodian for property of that kind under section 21-309(a).

(Mar. 12, 1986, D.C. Law 6-87, § 2(a), 33 DCR 278.)

## **§ 21-306. OTHER TRANSFERS BY FIDUCIARY.**

(a) Subject to subsection (c) of this section, a personal representative or trustee may make an irrevocable transfer to another adult or to a trust company, as custodian, for the benefit of a minor pursuant to section 21-309, in the absence of a will or under a will or trust that does not contain an authorization to do so.

(b) Subject to subsection (c) of this section, a conservator may make an irrevocable transfer to another adult or to a trust company, as custodian, for the benefit of the minor pursuant to section 21-309.

(c) A transfer under subsection (a) or (b) of this section may be made only if the following occur:

(1) The personal representative, the trustee, or the conservator considers the transfer to be in the best interests of the minor;

(2) The transfer is not prohibited by or inconsistent with the provisions of the applicable will, trust agreement, or other governing instrument; and

(3) The transfer is authorized by the court if it exceeds \$10,000 in value.

(Mar. 12, 1986, D.C. Law 6-87, § 2(a), 33 DCR 278.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 21-306.

#### *Legislative History of Laws*

For legislative history of D.C. Law 6-87, see Historical and Statutory Notes following § 21-301.

#### *Uniform Law*

This section is based upon § 6 of the Uniform Transfers to Minors Act. See 8B Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.

## **§ 21-307. TRANSFER BY OBLIGOR.**

(a) Subject to subsection (b) and (c) of this section, a person not subject to section 21-305 or 21-306 and who holds property of or owes a liquidated debt to a minor not having a conservator may make an irrevocable transfer to a custodian for the benefit of the minor pursuant to section 21-309.

(b) If a person having the right to do so under section 21-303 has nominated a custodian under that section to receive the custodial property, then the transfer must be made to that person.

(c) With the exception of section 21-120, if no custodian has been nominated under section 21-303, or if all persons so nominated as custodian die before the transfer or are unable, decline, or are ineligible to serve, then a transfer under this section may be made to an adult member of the minor's family or to a trust company unless the property exceeds \$10,000 in value.

(Mar. 12, 1986, D.C. Law 6-87, § 2(a), 33 DCR 278; Apr. 30, 1988, D.C. Law 7-104, § 6(b), 35 DCR 147; Feb. 5, 1994, D.C. Law 10-68, § 21, 40 DCR 6311.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 21-307.

#### *Legislative History of Laws*

For legislative history of D.C. Law 6-87, see Historical and Statutory Notes following § 21-301.

For legislative history of D.C. Law 7-104, see Historical and Statutory Notes following § 21-302.

D.C. Law 10-68, the "Technical Amendments Act of 1993," was introduced in Council and assigned Bill No. 10-166, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 29, 1993, and July 13, 1993, respectively. Signed by the Mayor on August 23, 1993, it was assigned Act No. 10-107 and transmitted to both Houses of Congress for its review. D.C. Law 10-68 became effective on February 5, 1994.

#### *Uniform Law*

This section is based upon § 7 of the Uniform Transfers to Minors Act. See 8B Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.

## **§ 21-308. RECEIPT FOR CUSTODIAL PROPERTY.**

A written acknowledgement of delivery by a custodian constitutes a sufficient receipt and discharge for custodial property transferred under this act.

(Mar. 12, 1986, D.C. Law 6-87, § 2(a), 33 DCR 278.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 21-308.

#### *Legislative History of Laws*

For legislative history of D.C. Law 6-87, see Historical and Statutory Notes following § 21-301.

#### *References in Text*

"This act", referred to at the end of the section, is the District of Columbia Uniform Transfers to Minors Act, D.C. Law 6-87 which is codified primarily as § 21-301 et seq.

#### *Uniform Law*

This section is based upon § 8 of the Uniform Transfers to Minors Act. See 8B Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.

## **§ 21-309. MANNER OF CREATING CUSTODIAL PROPERTY AND EFFECTING TRANSFER; DESIGNATION OF INITIAL CUSTODIAN; CONTROL.**

(a) Custodial property is created and a transfer is made when:

(1) An uncertificated security is either:

(A) Registered in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "as custodian for \_\_\_\_\_ [name of minor] under the District of Columbia Uniform Transfers to Minors Act"; or

(B) Delivered with the necessary documents and endorsements for transfer to an adult other than the transferor or to a trust company, as custodian, accompanied by an instrument in substantially the form described in subsection (b) of this section;

(2) A certificated security in registered form is either:

(A) Registered in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "as custodian for \_\_\_\_\_ [name of minor] under the District of Columbia Uniform Transfers to Minors Act"; or

(B) Delivered, together with any necessary endorsements, to an adult other than the transferor or to a trust company, as custodian, accompanied by an instrument in substantially the form described in subsection (b) of this section;

(3) Money is paid or delivered to a broker or financial institution for credit to an account in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "as custodian for \_\_\_\_\_ [name of minor] under the District of Columbia Uniform Transfers to Minors Act";

(4) The ownership of a life or endowment insurance policy or annuity contract is either:

(A) Registered with the issuer in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "as custodian for \_\_\_\_\_ [name of minor] under the District of Columbia Uniform Transfers to Minors Act"; or

(B) Assigned in a writing delivered to an adult other than the transferor or to a trust company whose name in the assignment is followed in substance by the words: "as custodian for \_\_\_\_\_ [name of minor] under the District of Columbia Uniform Transfers to Minors Act";

(5) An irrevocable exercise of a power of appointment or an irrevocable present right to future payment under contract is the subject of a written notification delivered to the payor, issuer, or other obligor that the right is transferred to the transferor, an adult other than the transferor, or a trust company, whose name in the notification is followed in substance by the words: "as custodian for \_\_\_\_\_ [name of minor] under the District of Columbia Uniform Transfers to Minors Act";



(6) An interest in real property is recorded in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "as custodian for \_\_\_\_\_ [name of minor] under the District of Columbia Uniform Transfers to Minors Act";

(7) A certificate of title issued by a department or agency of a state or of the United States which evidences title to tangible personal property is either:

(A) Issued in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "as custodian for \_\_\_\_\_ [name of minor] under the District of Columbia Uniform Transfers to Minors Act"; or

(B) Delivered to an adult other than the transferor or to a trust company, endorsed to that person followed in substance by the words: "as custodian for \_\_\_\_\_ [name of minor] under the District of Columbia Uniform Transfers to Minors Act"; or

(8) An interest in any property not described in paragraphs (1) through (7) of this subsection is transferred to an adult other than the transferor or to a trust company by a written instrument in substantially the form set forth in subsection (b) of this section.

(b) An instrument in the following form satisfies the requirements of paragraphs (1)(B), (2)(B), and (8) of subsection (a) of this section:

TRANSFER UNDER THE DISTRICT OF COLUMBIA  
UNIFORM TRANSFERS TO MINORS ACT

I, \_\_\_\_\_ [name of transferor or name of representative capacity if a fiduciary] hereby transfer to \_\_\_\_\_ [name of custodian], as custodian for \_\_\_\_\_ [name of minor] under the District of Columbia Uniform Transfers to Minors Act, the following: [insert a description of the custodial property sufficient to identify it].

Dated: \_\_\_\_\_ [Signature]

\_\_\_\_\_ [name of custodian] acknowledges receipt of the property described above as a custodian for the minor named above under the District of Columbia Uniform Transfers to Minors Act.

Dated: \_\_\_\_\_ [Signature of Custodian]

(c) A transferor shall place the custodian in control of the custodial property as soon as practicable.

(d) A transferor who transfers property to an individual under the age of 21 years pursuant to section 21-304 or 21-305 may expressly provide that the custodian shall deliver, convey, or pay the property to the individual on the individual's attaining the age of 21 by inclusion of the parenthetical "(21)" after the words "District of Columbia Uniform Transfers to Minors Act" or substantially similar language. In such case, the word "minor", as used in this chapter, shall mean an individual who has not attained the age of 21 years.

(Mar. 12, 1986, D.C. Law 6-87, § 2(a), 33 DCR 278; Mar. 24, 1998, D.C. Law 12-81, § 14(b), 45 DCR 745; Apr. 27, 2001, D.C. Law 13-292, § 602(a), 48 DCR 2087.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-309.

*Effect of Amendments*

D.C. Law 13-292, in subsec. (a)(8), substituted "paragraphs (1) through (7)" for "paragraphs (1) through (6)"; and added subsec. (d).

*Legislative History of Laws*

For legislative history of D.C. Law 6-87, see Historical and Statutory Notes following § 21-301.

For legislative history of D.C. Law 12-81, see Historical and Statutory Notes following § 21-302.

Law 13-292, the "Omnibus Trusts and Estates Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-298, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 5, 2000, and December 19, 2000, respectively. Signed by the Mayor on January 26, 2001, it was assigned Act No. 13-599 and transmitted to both Houses of Congress for its review. D.C. Law 13-292 became effective on April 27, 2001.

*Uniform Law*

This section is based upon § 9 of the Uniform Transfers to Minors Act. See 8B Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.

**§ 21-310. SINGLE CUSTODIANSHIP.**

A transfer shall be made only for 1 minor, and only 1 person may be the custodian. All custodial property held under this chapter by the same custodian for the benefit of the same minor constitutes a single custodianship.

(Mar. 12, 1986, D.C. Law 6-87, § 2(a), 33 DCR 278.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-310.

*Legislative History of Laws*

For legislative history of D.C. Law 6-87, see Historical and Statutory Notes following § 21-301.

*Uniform Law*

This section is based upon § 10 of the Uniform Transfers to Minors Act. See 8B Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.

## **§ 21-311. VALIDITY AND EFFECT OF TRANSFER.**

(a) The validity of a transfer made in a manner prescribed in this act is not affected by the following:

- (1) Failure of the transferor to comply with section 21-309(c) concerning possession and control;
- (2) Designation of an ineligible custodian, except designation of the transferor in the case of property, over which the transferor is ineligible to serve as custodian under section 21-309(a); or
- (3) Death or incapacity of a person nominated under section 21-303 or designated under section 21-309 as custodian or the disclaimer of the office by that person.

(b) A transfer made pursuant to section 21-309 is irrevocable, and the custodial property is indefeasibly vested in the minor, but the custodian has all the rights, the powers, the duties, and the authority provided in this chapter, and neither the minor nor the minor's legal representative has a right, power, duty, or authority with respect to the custodial property except as provided in this chapter.

(c) By making a transfer, the transferor incorporates in the disposition the provisions of this chapter and grants to the custodian, and to a third person dealing with a person designated custodian, the respective powers, rights, and immunities provided in this chapter.

(Mar. 12, 1986, D.C. Law 6-87, § 2(a), 33 DCR 278.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-311.

*Uniform Law*

This section is based upon § 11 of the Uniform Transfers to Minors Act. See 8B Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.

## **§ 21-312. CARE OF CUSTODIAL PROPERTY.**

(a) A custodian shall perform the following:

- (1) Take control of custodial property;
- (2) Register or record title to custodial property if appropriate; and
- (3) Collect, hold, manage, invest, and reinvest custodial property.

(b) In dealing with custodial property, a custodian shall observe the standard of care that would be observed by a prudent person dealing with property of another and is not limited by any other statute restricting investments by fiduciaries. If a custodian has a special skill or expertise or is named custodian on the basis of representations of special skill or expertise, the custodian shall use that skill or expertise. However, a custodian, in the custodian's discretion and without liability to the minor or the minor's estate, may retain custodial property received from a transferor.

(c) A custodian may invest in or pay premiums on life insurance or endowment policies on the following:

- (1) The life of the minor only if the minor or the minor's estate is the sole beneficiary; or
- (2) The life of another person in whom the minor has an insurable interest only to the extent that the minor, the minor's estate, or the custodian in the capacity of custodian is the irrevocable beneficiary.

(d) A custodian at all times shall keep custodial property separate and distinct from all other property in a manner sufficient to identify it clearly as custodial property of the minor. Custodial property consisting of an undivided interest is properly identified if the minor's interest is held as a tenant in common and is fixed. Custodial property subject to recordation is properly identified if it is recorded, and custodial property subject to registration is properly identified if it is either registered, or held in an account designated, in the name of the custodian, followed in substance by the words: "as a custodian for \_\_\_\_\_ [name of minor] under the District of Columbia Uniform Transfers to Minors Act".

(e) A custodian shall keep records of all transactions with respect to custodial property, including information necessary for the preparation of the minor's tax returns, and shall make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor, if the minor has reached the age of 14 years.

(Mar. 12, 1986, D.C. Law 6-87, § 2(a), 33 DCR 278.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 21-312.

##### *Legislative History of Laws*

For legislative history of D.C. Law 6-87, see Historical and Statutory Notes following § 21-301.

##### *Uniform Law*

This section is based upon § 12 of the Uniform Transfers to Minors Act. See 8B Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.

### **§ 21-313. POWERS OF CUSTODIAN.**

(a) A custodian, acting in a custodial capacity, has all the rights, powers, and authority over custodial property that unmarried adult owners have over their own property, but a custodian may exercise those rights, powers, and authority in that capacity only.

(b) This section does not relieve a custodian from liability for breach of section 21-312.

(Mar. 12, 1986, D.C. Law 6-87, § 2(a), 33 DCR 278.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Uniform Law*

This section is based upon § 13 of the Uniform Transfers to Minors Act. See 8B Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.

### **§ 21-314. USE OF CUSTODIAL PROPERTY.**

(a) A custodian may deliver or pay to the minor or expend for the minor's benefit as much of the custodial property as the custodian considers advisable for the use and benefit of the minor, without court order and without regard to the following:

- (1) The duty or the ability of the custodian personally or of another person to support the minor; or
- (2) Other income or property of the minor which may be applicable or available for that purpose.

(b) On petition of an interested person or of the minor, if the minor has reached the age of 14 years, the court may order the custodian to deliver or pay to the minor or to expend for the minor's benefit as much of the custodial property as the court considers advisable for the use and the benefit of the minor.

(c) A delivery, a payment, or an expenditure under this section is in addition to, not in substitution for, and does not affect any obligation of a person to support the minor.

(Mar. 12, 1986, D.C. Law 6-87, § 2(a), 33 DCR 278.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 21-314.

##### *Legislative History of Laws*

For legislative history of D.C. Law 6-87, see Historical and Statutory Notes following § 21-301.

##### *Uniform Law*

This section is based upon § 14 of the Uniform Transfers to Minors Act. See 8B Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.

### **§ 21-315. CUSTODIAN'S EXPENSES; COMPENSATION; BOND.**

(a) A custodian is entitled to reimbursement from custodial property for reasonable expenses incurred in the performance of the custodian's duties.

(b) Except for one who is a transferor under section 21-304, a custodian has a non-cumulative election during each calendar year to charge reasonable compensation for services performed during that year.

(c) Except as provided in section 21-318(f), a custodian need not give a bond.

(Mar. 12, 1986, D.C. Law 6-87, § 2(a), 33 DCR 278.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 21-315.

##### *Legislative History of Laws*

For legislative history of D.C. Law 6-87, see Historical and Statutory Notes following § 21-301.

##### *Uniform Law*

This section is based upon § 15 of the Uniform Transfers to Minors Act. See 8B Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.

### **§ 21-316. EXEMPTION OF THIRD PERSON FROM LIABILITY.**

A third person, in good faith and without a court order may act on the instructions of or otherwise deal with any person purporting to make a transfer or purporting to act in the capacity of a custodian and, in the absence of knowledge of the third person, shall not be responsible for determining the following:

- (1) The validity of the purported custodian's designation;
- (2) The propriety of, or the authority under this chapter for, any act of the purported custodian;
- (3) The validity or propriety under this chapter of any instrument or instructions executed or given either by the person purporting to make a transfer or by the purported custodian; or
- (4) The propriety of the application of any property of the minor delivered to the purported custodian.

(Mar. 12, 1986, D.C. Law 6-87, § 2(a), 33 DCR 278; Mar. 24, 1998, D.C. Law 12-81, § 14(c), 45 DCR 745.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 21-316.

##### *Legislative History of Laws*

For legislative history of D.C. Law 6-87, see Historical and Statutory Notes following § 21-301.

For legislative history of D.C. Law 12-81, see Historical and Statutory Notes following § 21-302.

##### *Uniform Law*

This section is based upon § 16 of the Uniform Transfers to Minors Act. See 8B Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.

### **§ 21-317. LIABILITY TO THIRD PERSONS.**

(a) A claim may be asserted against the custodial property by proceeding against the custodian in the custodial capacity, whether or not the custodian or the minor is personally liable, if a claim is based on the following:

- (1) A contract entered into by a custodian acting in a custodial capacity;
- (2) An obligation arising from the ownership or control of custodial property; or
- (3) A tort committed during the custodianship.

(b) A custodian is not personally liable in the following circumstances:

(1) On a contract properly entered into in the custodial capacity unless the custodian fails to reveal that capacity and to identify the custodianship in the contract; or

(2) For an obligation arising from control of custodial property or for a tort committed during the custodianship unless the custodian is personally at fault.

(c) A minor is not personally liable for an obligation arising from ownership of custodial property or for a tort committed during the custodianship unless the minor is personally at fault.

(Mar. 12, 1986, D.C. Law 6-87, § 2(a), 33 DCR 278; Mar. 24, 1998, D.C. Law 12-81, § 14(d), 45 DCR 745.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 21-317.

##### *Legislative History of Laws*

For legislative history of D.C. Law 6-87, see Historical and Statutory Notes following § 21-301.

For legislative history of D.C. Law 12-81, see Historical and Statutory Notes following § 21-302.

##### *Uniform Law*

This section is based upon § 17 of the Uniform Transfers to Minors Act. See 8B Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.

### **§ 21-318. RENUNCIATION, RESIGNATION, DEATH, OR REMOVAL OF CUSTODIAN; DESIGNATION OF SUCCESSOR CUSTODIAN.**

(a) A person nominated under section 21-303 or designated under section 21-309 as custodian may decline to serve by delivering a valid disclaimer to the person who made the nomination or to the transferor or the transferor's legal representative. If the event giving rise to a transfer has not occurred and no substitute custodian able, willing, and eligible to serve was nominated under section 21-303, then the person who made the nomination may nominate a substitute custodian under section 21-303. Otherwise, the transferor or the transferor's legal representative shall designate a substitute custodian at the time of the transfer, in either case from among the persons eligible to serve as custodian for that kind of property under section 21-309(a). The custodian so designated has the rights of the successor custodian.

(b) A custodian at any time may designate a trust company or an adult other than a transferor under section 21-304 as successor custodian by executing and dating an instrument of designation before a subscribing witness other than the successor. If the instrument of designation does not contain or is not accompanied by the resignation of the custodian, then the designation of the successor shall not take effect until the custodian resigns, dies, becomes incapacitated, or is removed.

(c) A custodian may resign at any time by delivering written notice to the minor if the minor has reached the age of 14 years and to the successor custodian and by delivering the custodial property to the successor custodian.

(d) If a custodian is ineligible, dies or becomes incapacitated without having effectively designated a successor and the minor has reached the age of 14 years, the minor may designate as successor custodian, in the manner prescribed in subsection (b) of this section, an adult member of the minor's family, a conservator of the minor, or a trust company. If the minor has not reached the age of 14 years or fails to act within 60 days after the ineligibility, death, or incapacity of the custodian, then the conservator of the minor becomes successor custodian. If the minor has no conservator or the conservator declines to act, the transferor, the legal representative of the transferor or of the custodian, an adult member of the minor's family, or any other interested person may petition the court to designate a successor custodian.

(e) A custodian who declines to serve under subsection (a) of this section or resigns under subsection (c) of this section, or the legal representative of a deceased or incapacitated custodian, as soon as practicable, shall put the custodial property and records in the possession and control of the successor custodian. The successor custodian by action may enforce the obligation to deliver custodial property and records and becomes responsible for each item as received.

(f) The transferor, the legal representative of a transferor, an adult member of the minor's family, a guardian of the person of the minor, the conservator of the property of the minor, or the minor, if the minor has reached the age of 14 years, may petition the court to remove the custodian for cause and to designate a successor custodian other than the transferor under section 21-304 or to require the custodian to give appropriate bond.

(Mar. 12, 1986, D.C. Law 6-87, § 2(a), 33 DCR 278; Mar. 24, 1998, D.C. Law 12-81, § 14(e), 45 DCR 745.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 21-318.

*Legislative History of Laws*

For legislative history of D.C. Law 6-87, see Historical and Statutory Notes following § 21-301.

For legislative history of D.C. Law 12-81, see Historical and Statutory Notes following § 21-302.

*Uniform Law*

This section is based upon § 18 of the Uniform Transfers to Minors Act. See 8B Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.

## **§ 21-319. ACCOUNTING BY AND DETERMINATION OF LIABILITY OF CUSTODIAN.**

(a) A minor who has reached the age of 14 years, the minor's guardian of the person or legal representative, an adult member of the minor's family, a transferor, or a transferor's legal representative may petition the court for the following:

- (1) For an accounting by the custodian or the custodian's legal representative; or
- (2) For a determination of responsibility, as between the custodial property and the custodian personally, for claims against the custodial property unless the responsibility has been adjudicated in an action under section 21-317 to which the minor or the minor's legal representative was a party.

(b) A successor custodian may petition the court for an accounting by the predecessor custodian.

(c) The court, in a proceeding under this act or in any other proceeding, may require or permit the custodian or the custodian's legal representative to give an accounting.

(d) If a custodian is removed under section 21-318(f), the court shall require an accounting and order delivery of the custodial property and records to the successor custodian and the execution of the instruments required for transfer of the custodial property.

(Mar. 12, 1986, D.C. Law 6-87, § 2(a), 33 DCR 278; Mar. 24, 1998, D.C. Law 12-81, § 14(f), 45 DCR 745.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-319.

*Legislative History of Laws*

For legislative history of D.C. Law 6-87, see Historical and Statutory Notes following § 21-301.

For legislative history of D.C. Law 12-81, see Historical and Statutory Notes following § 21-302.

*References in Text*

"This act," referred to in subsection (c), is the District of Columbia Uniform Transfers to Minors Act, D.C. Law 6-87 which is codified primarily as § 21-301 et seq.

*Uniform Law*

This section is based upon § 9 of the Uniform Transfers to Minors Act. See 8B Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.

## **§ 21-320. TERMINATION OF CUSTODIANSHIP.**

The custodian shall transfer in an appropriate manner the custodial property to the minor or to the minor's estate upon the earlier of:

- (1) The minor reaches 18 years of age, or if the transfer was made as provided in section 21-309(d), the minor reaches 21 years of age, with respect to custodial property transferred under section 21-304 or 21-305;
- (2) The minor reaches 18 years of age with respect to custodial property transferred under section 21-306 or 21-307; or
- (3) The minor's death.

(Mar. 12, 1986, D.C. Law 6-87, § 2(a), 33 DCR 278; Feb. 5, 1994, D.C. Law 10-68, § 22, 40 DCR 6311; Apr. 9, 1997, D.C. Law 11-255, § 20(a), 44 DCR 1271; Mar. 24, 1998, D.C. Law 12-81, § 14(g), 45 DCR 745; Apr. 27, 2001, D.C. Law 13-292, § 602(b), 48 DCR 2087.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-320.

*Effect of Amendments*

D.C. Law 13-292, in par. (1), inserted ", or if the transfer was made as provided in section 21-309(d), the minor reaches 21 years of age," following "18 years of age".

*Legislative History of Laws*

For legislative history of D.C. Law 6-87, see Historical and Statutory Notes following § 21-301.

For legislative history of D.C. Law 10-68, see Historical and Statutory Notes following § 21-307.

For legislative history of D.C. Law 11-255, see Historical and Statutory Notes following § 16-324.

For legislative history of D.C. Law 12-81, see Historical and Statutory Notes following § 21-302.

For Law 13-292, see notes following § 21-309.

*Uniform Law*

This section is based upon § 20 of the Uniform Transfers to Minors Act. See 8B Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.

## **§ 21-321. APPLICABILITY.**

The District of Columbia Uniform Transfers to Minors Act applies to a transfer within the scope of section 21-302 made after the act's effective date if the following occurs:

- (1) The transfer purports to have been made under District of Columbia Uniform Gifts to Minors Act; or
- (2) The instruments by which the transfer purports to have been made uses in substance the designation "as custodian under the Uniform Gifts to Minors Act" or "custodian under the Uniform Transfers to Minors Act" of any other state, and the application of the District of Columbia Uniform Transfers to Minors Act is necessary to validate the transfer.

(Mar. 12, 1986, D.C. Law 6-87, § 2(a), 33 DCR 278; Mar. 24, 1998, D.C. Law 12-81, § 14(h), 45 DCR 745.)

*HISTORICAL AND STATUTORY NOTES*

*References in Text*

"The act's effective date," referred to in the introductory language of subsection (a) of this section, is the effective date of D.C. Law 6-87, March 12, 1986.

*Uniform Law*

This section is based upon § 21 of the Uniform Transfers to Minors Act. See 8B Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.

## **§ 21-322. EFFECT OF EXISTING CUSTODIANSHIPS.**

(a) Any transfer of custodial property as now defined in this act made before the effective date of the District of Columbia Uniform Transfers to Minors Act is validated notwithstanding that there was no specific authority in the District of Columbia Uniform Gifts to Minors Act for the coverage of custodial property of that kind or for a transfer from that source at the time the transfer was made.

(b) This chapter applies to all transfers made before the effective date of the District of Columbia Uniform Transfers to Minors Act in a manner and form prescribed in the District of Columbia Uniform Gifts to Minors Act, except insofar as the application impairs constitutionally vested rights or extends the duration of custodianships existing on the effective date of the District of Columbia Uniform Transfers to Minors Act.

(c) Sections 21-301 and 21-320 with respect to the age of a minor for whom custodial property is held under this act do not apply to custodial property held in a custodianship that terminated because of the minor's attainment of the age of 18 after the effective date of the District of Columbia Age of Majority Act (July 22, 1976) and before the effective date of the District of Columbia Uniform Transfers to Minors Act.

(Mar. 12, 1986, D.C. Law 6-87, § 2(a), 33 DCR 278.)

## **§ 21-323. UNIFORMITY OF APPLICATION AND CONSTRUCTION.**

This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

(Mar. 12, 1986, D.C. Law 6-87, § 2(a), 33 DCR 278.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-323.

*Legislative History of Laws*

For legislative history of D.C. Law 6-87, see Historical and Statutory Notes following § 21-301.

*Uniform Law*

This section is based upon § 23 of the Uniform Transfers to Minors Act. See 8B Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.

**§ 21-324. EFFECT OF REPEAL OF UNIFORM GIFTS TO MINORS ACT.**

To the extent that this chapter by virtue of section 21-322(b) does not apply to transfers made in a manner prescribed in the District of Columbia Uniform Gifts to Minors Act or to the powers, duties, and its immunities conferred by transfers in that manner upon custodians and persons dealing with custodians, the repeal of the District of Columbia Uniform Gifts to Minors Act does not affect those transfers or those powers, duties and immunities.

(Mar. 12, 1986, D.C. Law 6-87, § 2(a), 33 DCR 278.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 21-324.

*Legislative History of Laws*

For legislative history of D.C. Law 6-87, see Historical and Statutory Notes following § 21-301.

*Uniform Law*

This section is based upon § 27 of the Uniform Transfers to Minors Act. See 8B Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.