

What Happens to Your Digital Assets When You Die or Become Incapacitated

By: David Meeker

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Electronic communications, social media, and other digital mediums have become an increasing part of our lives. For some, even a Second Life. But what happens to these digital assets when you become incapacitated or die?

Recently, a bill was enacted into law in California to address some of these issues. The law is referred to as the Revised Uniform Fiduciary Access to Digital Assets Act. The Act allows a personal representative or trustee to access and manage digital assets and electronic communications, as specified by someone in their will, trust, power of attorney, or other planning document. Among other things, the Act also requires a custodian of the digital assets to comply with a personal representative or trustee's request for disclosure of digital assets or to terminate an account, except under certain circumstances.

With the ever-increasing number of digital assets, upon death or incapacity, family members may be locked out of accounts and unable to access important information or valuable assets. So, next time you are playing WoW, selling something from your eBay store, or checking your Instagram or YouTube page, you may want to consider whether the investment you've made in your digital assets will be protected, cared-for, and transferred if you were to become incapacitated or die.