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Policy Brief

Equipping Estate Planners to Address Digital Estates

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November 2026

This policy project was developed by an Aspen Policy Academy Fellow while participating in the 2026 Science and Technology Policy Fellowship. This policy brief provides an overview of the Fellow's proposed solution. The full project is available here. Please note that all the author's opinions published here are their own. This publication does not reflect the views of the Aspen Policy Academy or the Aspen Institute.

Executive Summary

Estate planners should incorporate digital estate planning into their routine estate planning processes by deploying a Digital Estate Planning Considerations Framework and by helping clients fill out a Digital Estate Planning Logistics Checklist and a Digital Legacy Workbook. While most adults in the United States hold online accounts, most have not made formal plans for passing on those accounts. Heirs are increasingly locked out of accounts that hold important documents, digital assets, or irreplaceable memories. Estate planners are encountering increased demand for digital estate planning, but many feel that education and training are lacking. Existing guides and resources for digital estate planning are often unsuitable or too burdensome for individuals to navigate alone. By using practical resources and pursuing training to build competency in digital estate planning, estate planners can help clients make informed plans for their digital estates alongside their physical assets.

Background

As more of everyday life moves online, the management of financial assets and sentimental records has become digitized. The digital estate is an important extension of the traditional estate, containing financial assets, sentimental memories, and key information to be passed on. Recently, there has been increased interest in planning for digital assets, with over 90% of estate practitioners foreseeing an increase in client demand in the coming years. Unfortunately, many individuals have a limited understanding of the tools that exist for passing on their digital estate.

People may turn to professionals for guidance regarding the intricacies of digital estate planning. However, even seasoned estate planning professionals may overlook planning for the digital estate. Sometimes this is simply an oversight, as digital estates are relatively new and were not previously part of estate planning training and discussion. Other times, complex legalities cause confusion and result in conflicting advice. One report found that estate practitioners are divided on whether clients should share passwords when planning for their digital estate: 39% of estate practitioners recommend sharing passwords, while 35% advise against it due to legal and practical concerns.

Existing resources, such as legislation, online resources, and technical features for digital estate planning, are often insufficient for their target users, either because users are not aware of them or because the resources do not work as intended. For example, while the Revised Uniform Fiduciary Access to Digital Assets Act gives fiduciaries legal authority to access accounts, it assumes that those accounts are known or can be directly tied to an individual's identity. This causes difficulties for digital assets such as cryptocurrencies or online accounts that are opened under pseudonyms. In such cases, the legal authority providing an executor access to an account is of little use if the account cannot be matched to the individual or the password is the only way of accessing the account or its contents. Online resources and guides often suggest technological solutions, such as using password managers, setting up legacy features, or transferring data to cloud vaults.

Unfortunately, these existing tech-based suggestions often overlook the lived realities of users. For example, older adults may be interested in digital estate planning but unaware of or uncomfortable using new technological features. Even traditional pen and paper approaches can cause too much friction, as users do not want to spend hours noting the details of hundreds of online accounts. In addition, many individuals already have documents where passwords are kept and updated, so having a separate document of passwords specific to estate planning may cause more confusion if passwords change after the document is created. Existing resources are fragmented, contradictory, and difficult to use, creating demand for professional guidance on digital estate planning. Currently, however, estate practitioners lack the resources and training to confidently address their clients' digital estate planning needs. This proposal aims to address that gap.

Recommendations

Estate planners should incorporate digital estate planning into their estate planning process by using resources that help them understand and advise clients on the evolving digital estate planning landscape. In particular, estate planners should develop estate

planning language for clients based on a Digital Estate Planning Considerations Framework, and help the client fill out a Digital Estate Planning Logistics Checklist and Digital Legacy Workbook to ensure digital accounts and assets are adequately accounted for. Using these resources, which are intended to be uniform and relevant regardless of the client's life stage and technical ability, will help estate planners more effectively support clients in planning for and managing their digital estates.

Digital Estate Planning Considerations Framework

Estate planners should develop language for estate planning documents based on a Digital Estate Planning Considerations Framework to ensure that fiduciaries and executors have the right to obtain the details of, access to, and management of the online accounts and digital assets of their client. The Considerations Framework – which covers elements such as who is in charge and what they can see and do – will enable estate planners to take into account the key aspects of digital estate planning. It will also help ensure that estate plans comply with any relevant laws, including the state's version of the Revised Uniform Fiduciary Access to Digital Assets Act, which provides access to online accounts for fiduciaries. Alarmingly, 49% of caregivers lack legal authorization to obtain account details or access to accounts such as banks or email services. This highlights the need for guidance to help clients navigate access to accounts as part of estate planning. Estate planners should consult an attorney licensed in the relevant jurisdiction to determine what legal provisions may be appropriate for each client.

Logistical: Digital Estate Planning Logistics Checklist

Estate planners should also use a Digital Estate Planning Logistics Checklist detailing the information that heirs need to access accounts and, in particular, items that may be overlooked, such as 2-factor authentication. Individuals often assume that simply providing a list of passwords and accounts is sufficient to give their heirs access to their digital estate. However, this ignores potential security measures such as 2-factor authentication, where a code is sent to a phone number or email address to verify access to the account. While many guides exist for how to prepare a digital estate, they are often unsuitable for their audiences, require tedious copying of passwords to another document, or advise the use of technology such as password managers and cloud vaults, which many individuals are hesitant to trust with passwords and other sensitive data. Therefore, a simple checklist that verifies that the client's existing credential management system gives heirs the information necessary to access a digital estate would be much more useful to clients. The checklist would also give estate planners a clear set of steps to guide their clients in setting up their digital estate.

Legacy: Digital Legacy Workbook

Finally, estate planners should use a Digital Legacy Workbook with their clients to designate their wishes. This would ensure that heirs have sufficient instruction on and understanding of the client's wishes for the handling of their digital estate. Instead of an overwhelming and exhaustive inventory and set of instructions, the Digital Legacy Workbook is based on principles that research has shown to be effective: starting small, determining overarching goals, and working with experts. The Digital Legacy Workbook would build on the Digital Estate Planning Logistics Checklist, starting with a small set of accounts and expanding that list as needed. It would help clients set default instructions for accounts informed by overarching goals, such as preserving their legacy or reducing the burden on heirs. With this workbook, estate planners and clients would have a clear road map for ensuring that the client's wishes for their digital estate are properly expressed, providing insight into the deceased's intentions for their online accounts and reducing the emotional and administrative burden on heirs.

The Digital Estate Planning Considerations Framework, Digital Estate Planning Logistics Checklist, and Digital Legacy Workbook are a starting point to provide estate planners with the tools they need to guide clients on digital estate planning.

If you'd like to learn more, see the full project, including the Digital Estate Planning Considerations Framework, the Digital Estate Planning Logistics Checklist, and the Digital Legacy Workbook, at aspenpolicyacademy.org/project/digital-estate-planning-2026.

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