It seems like it’s nearly impossible to do much of anything these days without having to log in somewhere. If you need to make an appointment with the doctor, pay bills, or even order at a fast-food restaurant, you need to log in through an app or portal to get anything done. The amount of information we store digitally now is staggering, and it would have been unimaginable just a few years ago.

Chances are that when you created your estate plan, you didn’t have so much critical data stored online. Many of us have substantial assets that are inaccessible outside the digital realm. Some assets only exist in code. And that can pose problems for you and your loved ones in the future if you have not taken the right steps to ensure that digital information and assets remain accessible.

As our lives progress and change, the world around us is evolving too. The preparations you made in the past may not be adequate to keep up with the changes, so it is wise to review and update your estate plans every few years. If you don’t have plans in place to manage digital assets, then maybe 2026 should be the year that you schedule a revision of your estate plan.

# Estate Planning is Life Planning

At one time, estate planning attorneys focused mostly on death. They wrote up wills for people planning for their death, and they managed the probate process after death. But then attorneys started focusing on using tools to enhance life rather than simply to deal with death.

We still draw up wills and guide families through the Texas probate process. But we also help in many more ways through comprehensive planning to anticipate potential problems and put measures in place to address them when and if they arise.

Our plans prepare families for transitions when someone passes away because that is an inevitable part of the life cycle. But it is also important to be prepared in case an emergency leaves you alive but unable to manage your own affairs. We can use documents such as a springing power of attorney and health care directives to allow your loved ones to handle your finances and authorize medical treatment on your behalf if you are incapacitated because of a car accident or any other reason. We can also help develop plans to pay for long-term care, transition the ownership of property or business interests, or even protect the future of your pets.

Planning for the future starts with compiling information. It will be important to ensure that access to critical information can be shared later. This part of the planning process involves many steps you can take on your own. Investing time and effort in digital estate planning now can prevent future frustration and unnecessary time and money waste.

## AI Is Adding to the Digital Asset Inventory

Whether you are starting from scratch to build an estate plan or preparing to revise your existing plans and documents, you need to create a thorough inventory of your assets. This can take some time, so you may not want to try to do it all in one afternoon. You may think of items to add to the list as time goes on, and that can be a key part of the process.

The reason it can take so long to develop this inventory is that you will be listing everything you own of value. This includes not only things of monetary value but also items of personal and sentimental value. Some of these assets will be traditional physical assets, of course, such as your house, your car, and your furniture. While it is important to list all traditional assets, since this article focuses on digital estate

planning, we will primarily look at assets stored or accessed digitally.

The recent proliferation of AI has created additional assets that need to be accounted for in the plan. During the planning process, you will need to consider how you want property and information handled, and it is also helpful to include instructions on how to find and access them.

# Your Inventory of Digital Assets

When creating an inventory of your digital assets, it can be helpful to review your phone, computer folders, and other electronic devices to see what you have and how to access it. You may want to designate a family member or friend who is comfortable with tech to serve as the custodian of your digital assets if you need assistance during your lifetime and after you pass away.

Your inventory should include any of the following assets that you have:

Digitally stored personal documents, photos, and videos. This includes items stored in cloud storage online as well as material downloaded and stored on hard drives or other devices.
Cryptocurrency, including where it is stored, and multifactor authentication
Online bank accounts
Accounts with payment systems such as Venmo and Cash App
Frequent flyer miles or loyalty points with credit card companies or other businesses
Royalties from and ownership of creative content stored online, including content created by AI
Instructions for social media accounts and subscription services
Access info and ownership of smart devices, including security systems

It is a good idea to find out which accounts allow you to designate a successor or assistant and note that in your inventory. For instance, Apple allows you to nominate a Legacy Contact who will be allowed access to data in your account after your death.

# Appointing Digital Gatekeepers

In the future, someone will need to handle your digital assets when you are no longer around. You may also need assistance if physical or mental disabilities make it difficult for you to manage these assets on your own. For those reasons, your digital estate plan should include designating one or more people to serve as the stewards of your digital assets.

This could be the same person you have nominated to serve as the executor of your estate or successor trustee of your revocable living trust. However, it can be someone entirely different, as long as the person you choose is at least 18-years-old.

The process of granting authority to the person or people who will be safeguarding your digital assets will vary considerably depending on the assets you hold. For accounts and assets held by an organization, you should contact the organization directly to find out how you can designate someone as a future owner of your assets or authorize someone to access your account when you pass away. It is also wise to find out whether the company offers a way to designate or share authority with someone in case you become incapacitated.

When a company offers a process for nominating a steward for digital assets, take advantage of it and make notes for yourself. Every few years, it is a good idea to review this information and decide whether to make changes. Periodic review of your designations also allows you to adapt to any changes the company may have made to

its policies.

For assets that don’t have an official program for designating access or providing for a transition in ownership, your estate planning attorney may be able to create a document that authorizes access or provides for a transition in ownership. For instance, control over these assets could be included in a power of attorney.

It is a good idea to establish authorization for asset access and transfer, even if you think you can grant someone these abilities by providing your account information and passwords. This could prevent future problems if there is a dispute over control of digital assets or if a company involved with an asset changes its policies.

## Secure Storage of Access Information

Digital assets can be hard to find if you don’t know what you’re looking for and where to find it. Your loved ones might find jewelry you’ve forgotten about buried in a box in the attic, but digital assets often leave no visible clues. That makes it crucial to provide information about these assets and make it available to the right people.

You may choose to store recovery keys and passwords in an encrypted digital vault. Then you would provide instructions for retrieving this information to the person or people you want to have access to your accounts. You can also keep a printed or handwritten record of this information stored in a fireproof safe. It is wise to review this information once in a while to update it as your passwords change and as you add or subtract assets.

# Learn More About How The Nordhaus Firm Can Help Keep Your Estate Plan Up to Date

Your estate plan should be ready to work for you and for your family when the time comes. By putting in the work to set up plans to suit your needs and making timely reviews and updates, you can feel confident that you will be prepared for whatever the future may bring.

At The Nordhaus Firm, we understand the importance of creating plans tailored to your needs rather than trying to make your goals fit into standard plans and boilerplate documents. To learn more about the ways we can help you customize your plans and keep you prepared, just call us at 214-726-1450 or contact us online to schedule a free consultation.