



Bergen County Surrogate's Court
Two Bergen County Plaza, Fifth Floor - Suite 5000
Hackensack, NJ 07601 ~ (201) 336-6700
Monday through Friday, 8:30am to 4:30pm

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DIGITAL ASSETS

When you consider managing your digital assets, it is important to remember that the digital world may be an abstract world, but it is not so different from our own when it comes to probate. The “asset-like” online accounts, such as photo sharing sites, online books and music, cloud storage systems and email archives though intangible are, potentially, just as valuable and significant as the antiques or bank accounts we worry over. “Some digital libraries such as Flickr, Instagram and cloud storage services like Dropbox contain files created by the user over which the user retains ownership.” In addition, there are online role-playing games that allow players to buy and sell items within the game, often for actual cash, accumulating extremely valuable inventories.

Further, now that we are using electronic devices to manage our bills and our financial affairs, it is vital that we share our passwords or the location of our access codes with at least one person. The Surrogate’s Court has had clients who have come into our office and whose loved ones did all of their banking online through their phones. If a decedent’s financial information is solely accessible via a locked phone and NO ONE else knows the password, it is possible that NO ONE will be able to access that person’s accounts and information. Phone manufacturers have refused to unlock their products under legislative and judicial pressure in the past.

So, how to manage these digital assets?

First, you need to communicate with someone you trust. Sitting down with an attorney and drawing up a plan to protect your money and property is so important, especially if you have children.

Second, you must remember that there are no “cookie-cutter” answers to estate planning. What may be right for you may not be right for your sibling, coworker or neighbor. It is important to sit down with a live professional who is going to give you feedback. And, when

you do sit down with that live professional, bring a list of all your digital assets with you to ensure that you know how to manage them as well.