

DIGITAL ESTATE PLANNING INSTITUTE
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DEPI DIGITAL ESTATE CONTINUITY EXECUTIVE SUMMARY

Why Digital Estate Continuity Matters — And What DEPI Does About It

For Executives, Regulators, Institutions, and Policymakers

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The Problem Nobody Is Solving

Every person who uses the internet has a digital estate. It includes bank accounts and cryptocurrency wallets, email and social media accounts, cloud storage and photo archives, business systems and intellectual property, AI-generated cognitive assets, and the digital infrastructure of their daily economic and personal life.

When that person dies or becomes incapacitated, something predictable and preventable happens: their digital estate disappears, gets locked, drains the estate through ongoing subscriptions, or creates serious legal liability for the family members who try to help.

This is not a technology problem. It is a governance problem.

The legal frameworks governing physical estates — title registries, probate courts, fiduciary duties, testamentary instruments — were not designed for credential-gated, platform-governed, cross-border digital assets. The result is a systematic gap between what people own digitally and what their families, executors, and advisors can access, manage, or protect.

Scale of the Problem: It is estimated that tens of millions of digital accounts are abandoned or become inaccessible each year — known as Digital Orphans. They represent financial value, family memories, business operations, and intellectual property that is simply lost. Not because of legal complexity, but because no one knew the assets existed or how to access them lawfully.

Why Existing Frameworks Are Insufficient

Several important frameworks address pieces of this problem:

Framework	What It Addresses and What It Misses
RUFADAA (USA)	Establishes fiduciary access rights but does not govern asset classification, risk, AI systems, blockchain assets, or cross-border estates.
GDPR and Data Protection Law	Governs data processing and privacy but does not address inheritance, executor authority, or continuity governance.
Probate Law	Governs physical estate administration but has no mechanism for discovering, classifying, or governing credential-gated digital assets.
Platform Terms of Service	Govern account behavior but are designed for commercial purposes, not estate administration, and vary enormously across platforms.
Existing Standards (ISO 27001, NIST)	Govern security and identity but do not address inheritance, beneficiary protection, post-mortem governance, or AI continuation.

None of these frameworks — individually or collectively — provides a comprehensive governance architecture for digital estate continuity. The result is that every practitioner, every platform, every family, and every court that encounters a digital estate question is effectively improvising.

What DEPI Is — And What It Is Not

The Digital Estate Planning Institute (DEPI) has developed the Digital Estate Continuity Body of Knowledge and Standard™ to address this gap. It is important to be precise about what this Standard is and what it is not.

What DEPI Is

- A voluntary governance standard — DEPI alignment is not mandatory. It defines what good looks like and enables organizations to claim voluntary alignment through structured, auditable conformance.
- A body of knowledge — the Standard is comprehensive enough that all professional certifications, examination questions, and continuing education courses can be derived from it and traced back to it.
- A practitioner reference — it provides actionable frameworks, checklists, decision models, and sample language that estate attorneys, fiduciaries, digital custodians, and platform operators can use in practice.
- A regulatory reference architecture — it provides legislators, regulators, and policy bodies with structured doctrine, defined terminology, and governance models that inform deliberation without prescribing outcomes.
- A cross-border harmonization framework — it is designed to operate across jurisdictions without privileging any single national legal system.

What DEPI Is Not

- Not a legal instrument — it does not replace wills, trusts, court orders, or statutory authority.
- Not legal advice — it does not interpret statute or provide jurisdiction-specific guidance.
- Not a regulatory mandate — it does not create obligations beyond voluntary alignment claims.
- Not platform-specific — it is technologically neutral and vendor-neutral.
- Not a substitute for fiduciary duty — professional obligations under applicable law remain controlling.

Core Principle: This Standard clarifies the digital estate ecosystem and its interaction with governing legal systems. All technical continuity mechanisms remain subordinate to governing law.

The Core Problem: Digital Assets Are Fundamentally Different

Discoverability

Physical assets are recorded and visible. Real property has title registries. Bank accounts appear on tax returns. Vehicles have titles. Digital assets are credential-gated and non-public. If the fiduciary does not know an asset exists, it cannot be governed.

This is not a minor inconvenience. It is a structural failure point. Discovery is not preliminary to digital estate governance — it is governance.

Control Is Not Ownership

In the physical world, title creates ownership, which creates authority. In the digital world, credentials create access, which does not equal ownership, and ownership does not automatically create authority to transfer, commercialize, or act on behalf of an estate.

World	The Authority Chain
Physical World	Title → Ownership → Authority. Control derives from documented legal title.
Digital World	Credentials → Access → ≠ Authority. Possession of credentials provides access. Access does not equal ownership. Ownership does not equal authority.

A beneficiary who accesses a deceased family member's bank account using shared credentials may have committed unauthorized access regardless of intent. Good intentions do not create legal authority. This is the foundational insight that every digital estate practitioner must understand.

Platform Governance Overrides Estate Instruments

Under RUFADAA — the primary US statute governing fiduciary access to digital assets — platform-provided online tools (Google's Inactive Account Manager, Apple's Digital Legacy Contact, Facebook's Legacy Contact) take priority over wills and trusts. A Will that says "all digital communications to my spouse" is overridden by a Facebook Legacy Contact designation naming the daughter.

Most estate plans do not address this. Most practitioners do not know to ask about it. The result is a systematic misalignment between estate intent and platform governance that creates disputes, losses, and liability.

Not All Digital Assets Carry the Same Risk

The DEPI Standard introduces a beneficiary-centric risk classification model — L1/L2/L3 — that governs how access and disposition decisions are made:

Risk Tier	Examples and Exposure Level
L1 — Administrative	Streaming accounts, WiFi routers, food delivery apps. Minimal legal exposure.
L2 — Contractual / Operational	Cloud storage, small business tools, insurance portals. Moderate contractual and operational risk.

Risk Tier	Examples and Exposure Level
L3 — Identity and Financial Control	Email (controls password resets for everything), banking, government portals. High legal exposure and liability potential.

Without this framework, executors and beneficiaries treat all digital assets the same — a systematic governance failure that creates unnecessary liability.

The DEPI Architecture

The Standard is organized into twelve Parts covering the complete governance lifecycle:

Foundational Doctrine (Parts I–II)

The discipline definition, governing principles, legal hierarchy, RUFADAA framework, access risk model, and ten Knowledge Domains covering identity continuity, asset taxonomy, lifecycle governance, cryptographic governance, risk and security, platform architecture, regulatory alignment, dispute resolution, ethics, and professional standards.

Operational Frameworks (Part III)

Seven canonical process frameworks: the Digital Estate Continuity Lifecycle (DECL), Role-Based Continuity Operating Model (RBCOM), Authority and Evidence Protocol (AEP), Risk-Tiered Disposition Framework (RTDF), Platform Engagement and Refusal Playbook (PERP), Post-Mortem Communications and Representation Process (PMCRP), and Cross-Border Execution Framework (CBEF). Plus seven detailed workflow specifications covering every continuity scenario from emergency access through post-mortem administration.

Technical and Regulatory Governance (Parts VI–IX)

Dedicated frameworks for blockchain and smart contract inheritance, risk management and security controls, platform accreditation requirements, and comprehensive regulatory alignment covering the United States, European Union, Asia-Pacific, and Latin America.

Ethics and Future-State (Parts X–XI)

A consolidated ethical governance framework covering AI continuation, post-mortem privacy, identity dignity, and beneficiary protection — followed by forward-looking guidance on neuro-digital identity, spatial-life archives, AI memory clouds, and post-biological governance.

Reference Tools (Part XII)

Seventeen appendices including a complete glossary, asset taxonomy, DEP schema, APMC templates, smart contract templates, advisory clause library, accreditation checklists, risk assessment templates, and certification competency maps.

Why This Matters for Regulators and Policymakers

Digital estate continuity sits at the intersection of five rapidly evolving regulatory domains: estate and succession law, data protection, artificial intelligence governance, blockchain and digital asset regulation, and consumer protection. No existing regulatory framework addresses this intersection coherently.

The Legislative Gap

RUFADAA, enacted in most US states, was a significant step forward. But it was drafted before the widespread adoption of cryptocurrency, AI identity systems, NFTs, and platform-governed economic rights. It addresses access but not classification, risk, governance architecture, or the full spectrum of digital asset types that now constitute material estate value.

In the European Union, the AI Act, GDPR, and eIDAS 2.0 address adjacent questions but do not provide an inheritance governance framework. Post-mortem data rights remain fragmented across member states.

No jurisdiction has yet enacted comprehensive digital estate continuity legislation. The result is a patchwork of partial frameworks applied inconsistently by courts, platforms, and practitioners.

What DEPI Provides to Legislative Bodies

- A defined taxonomy of digital assets that can be referenced or incorporated in statute.
- A risk classification model (L1/L2/L3) that provides legislative drafters with a structured framework for graduated governance requirements.
- A governance hierarchy that explicitly positions technical systems as subordinate to legal authority.
- A cross-border framework that informs multi-jurisdictional legislative cooperation.
- A practitioner standard that enables professional education and examination without requiring legislation.
- A reference architecture for platform accreditation that regulators can use as a basis for voluntary or mandatory compliance frameworks.

DEPI does not seek to replace legislative authority. It seeks to inform it — providing the structured doctrine, defined terminology, and governance architecture that allows legislators to deliberate on digital estate questions with clarity and confidence.

The Immediate Stakes

For Families

Without structured digital estate governance, families lose financial assets to platform lockouts, pay ongoing subscription fees from estates that no one manages, lose irreplaceable emotional and memory assets, face legal liability from well-intentioned access attempts, and have no way to address AI systems that continue operating in the name of the deceased.

For Practitioners

Estate attorneys who do not address digital assets face advisory scope gaps, client expectation failures, and potential malpractice exposure. Digital literacy is increasingly inseparable from fiduciary competence.

For Platforms

Platforms that do not govern digital estate continuity face regulatory risk, reputational exposure, and the challenge of serving as quasi-judicial actors in disputes they are not equipped to resolve. A structured accreditation framework gives platforms a clear path to defensible governance.

For the Financial System

The volume of digital financial assets — cryptocurrency, digital securities, tokenized instruments, platform-governed economic rights — that becomes permanently inaccessible upon death represents a growing systemic issue. Structured governance reduces orphaned asset accumulation and supports orderly estate administration.

What DEPI Is Building

Initiative	Description
The Standard (v1.3)	The foundational document. 87 pages, 12 Parts, 17 Appendices. The basis for all certifications, courses, and accreditation criteria.
Professional Certifications	CDEP, DAC, and DCP certification tracks covering legal/fiduciary, platform/engineering, risk/governance, AI/ethics, and blockchain/cryptographic specializations.
Continuing Legal Education	CLE-accredited courses for estate attorneys, fiduciaries, and trustees covering RUFADAA, access risk, blockchain governance, AI continuation, and cross-border administration.
Platform Accreditation	A three-tier accreditation framework for digital continuity platforms, custodians, and AI systems.
Regulatory Engagement	Structured submission to the Uniform Law Commission, state bar legislative committees, EU regulatory working groups, and relevant international standards bodies.
Research and Policy	White papers, position statements, and regulatory gap analyses informing legislative deliberation on digital estate continuity.

Call to Action

For Regulators and Policymakers

We invite legislators, regulatory staff, and policy advisors to engage with the DEPI Standard as a reference architecture for digital estate deliberation. The Standard is available for download at depi.org and is open for public comment.

For Institutions and Platforms

We invite financial institutions, digital custodians, estate planning firms, and technology platforms to explore voluntary DEPI alignment as a framework for defensible digital estate governance.

For Professionals

We invite estate attorneys, fiduciaries, financial advisors, and digital practitioners to engage with DEPI's certification and continuing education programs as they develop.

For Standards Bodies and Academic Institutions

We invite collaboration, peer review, and partnership in building the evidence base, refining the doctrine, and establishing the international harmonization frameworks that digital estate governance requires.

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This Executive Summary is a companion to the DEPI Digital Estate Continuity Body of Knowledge and Standard™ v1.3. It does not replace the normative Standard. For accreditation, certification, and full governance reference, consult the Full Standard at depi.org.