

1 **UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS**

2 **ACT**

3 2018 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: V. Lowry Snow**

6 Senate Sponsor: Lyle W. Hillyard

7

LONG TITLE

8 **General Description:**

9 This bill modifies provisions related to a fiduciary's access to digital assets.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ addresses hearing requirements related to disclosure of digital assets to a
- 13 conservator or guardian; and
- 14 ▶ makes technical changes.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **75-11-114**, as enacted by Laws of Utah 2017, Chapter 16

22

Be it enacted by the Legislature of the state of Utah:

23 Section 1. Section **75-11-114** is amended to read:

24 **75-11-114. Disclosure of digital assets to conservator or guardian of protected**
25 **person.**



28 (1) After an opportunity for a hearing under Chapter [~~5b, Uniform Adult Guardianship~~
29 ~~and Protective Proceedings Jurisdiction Act~~] 5, Protection of Persons Under Disability and
30 Their Property, the court may grant a conservator or guardian access to the digital assets of a
31 protected person.

32 (2) Unless otherwise ordered by the court or directed by the user, a custodian shall
33 disclose to a conservator or guardian the catalogue of electronic communications sent or
34 received by a protected person and any digital assets, other than the content of electronic
35 communications, in which the protected person has a right or interest if the conservator or
36 guardian gives the custodian:

- 37 (a) a written request for disclosure in physical or electronic form;
- 38 (b) a certified copy of the court order that gives the conservator or guardian authority
39 over the digital assets of the protected person; and
- 40 (c) if requested by the custodian:
 - 41 (i) a number, username, address, or other unique subscriber or account identifier
42 assigned by the custodian to identify the account of the protected person; or
 - 43 (ii) evidence linking the account to the protected person.

44 (3) A conservator or guardian with general authority to manage the assets of a
45 protected person may request a custodian of the digital assets of the protected person to
46 suspend or terminate an account of the protected person for good cause. A request made under
47 this section must be accompanied by a certified copy of the court order giving the conservator
48 or guardian authority over the protected person's property.

Legislative Review Note
Office of Legislative Research and General Counsel