

# The When, How, and Why of Hiring a Genealogist to Trace Lost or Missing Heirs

by Liesa Healy-Miller

So, your boss informs you that one of his older clients has died. He pulls out a faded, yellowed will, pounded out decades ago on what was then a top-of-the-line Smith Corona manual typewriter — you remember, the one that emitted a nice, cheerful “ding” when you pulled back the carriage?

“Find these beneficiaries,” he says, and briskly steps away to deal with other business. And, “by the way,” he says, “most of these people have probably been dead for years...”



Several years ago, this request may have presented a quandary. Where to begin? Your quest to find local beneficiaries (or their descendants), would have involved visiting various repositories — The Massachusetts Registry of Vital Records, The Boston Public Library (for obituaries), and The National Archives at Waltham (U.S. census schedules, naturalization papers).

Today, finding unknown and/or missing heirs, still involves plenty of footwork — though not nearly as much as before. In the past several years, the number of records online has skyrocketed. For example, the website *FamilySearch.org* offers free access to more than 3.5 billion records. In the last decade, that figure has more than tripled, and new records from around the world are being added daily.

Besides *FamilySearch*, a number of subscription-based websites offer millions more records. Given this in-



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credible amount of online material, it seems that paralegals can find beneficiaries without ever leaving their desks! Today, the next-of-kin can be found and contacted with a few clicks. Who needs to hire a genealogist?

The answer is: you do!

It may be mighty tempting to don your genealogist's hat and try your hand at research. You'll save money for your firm, you think, making yourself look good in the process. However, research gone wrong can end up costing your firm *more* money — a lot more.

If you fail to find all of the beneficiaries of a will, your work could be challenged, and the case could end up in court. If that happens, are you prepared to testify about your evidence? Have you provided enough documentation to confirm a person's identity — especially if that person has a common name?

Also, have you compiled an organized, fully sourced document following current best practices in genealogy? Can you say that you consider yourself

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**Genealogist continued**

to be an expert witness, based on years of genealogical research experience?

As a paralegal, you likely have too many other things on your plate trying to learn a new trade on the go. That’s why it’s important to hire a professional genealogist from the outset — specifically, a forensic genealogist.

A forensic genealogist specializes in research that has legal implications, such as, finding lost or missing heirs, tracing property owners in quiet title actions, or proving citizenship for a client.

Like a traditional genealogist, a forensic genealogist is expected to know how to locate and analyze records to prove family relationships, or to verify the identity of an individual. In addition, though, she is expected to understand the basics of the legal system, and how it applies to her research.

For instance, a good forensic specialist will know a given state’s rules of evidence and its probate code. She will understand the importance of performing thorough, accurate research to locate all beneficiaries of an estate. That could include adoptees, children born out-of-wedlock, or that estranged uncle living in Belize who has no phone!

Seldom does the trail of evidence follow a straight line. When an attorney

calls in a forensic genealogist, it’s because most or all of the parties involved in the case have died, disappeared, changed names, moved away, or otherwise fallen off the face of the earth.

So, what happens when the paper trail runs cold? This is where the forensic genealogist steps in and gets creative. She asks herself: has anyone spoken to his former neighbors about his whereabouts? Are there relatives in another country? Did the person in question have any unusual hobbies or skills?

If necessary, she will knock on doors, search overgrown cemeteries for clues on headstones, or seek out people or records in unlikely places. Ever thought to look for that elusive individual in a prison, institution, or homeless shelter? A forensic genealogist has found her man — or woman — in the most unlikely places.

So, you’ve decided to leave your waders at home, and let someone else pick through the brambles of that swampy old cemetery. What should you ask when hiring a forensic genealogist? Here’s a quick-and-dirty guide for busy paralegals:

**Where can I find a forensic genealogist?**

The Council for the Advancement of Forensic Genealogy (CAFG) is a

professional business league specifically for forensic genealogists. Their website offers a member listing from around the country: [www.forensicgenealogists.com](http://www.forensicgenealogists.com).

**What is a certified genealogist?**

There are two credentialing bodies in the field of genealogy: The Board for Certification of Genealogists® (BCG), and The International Commission for the Accreditation of Professional Genealogists, or ICAPGen.

Each body adheres to its own set of ethical and professional standards, which a genealogist must meet in order to attain BCG Certification (CG) or ICAPGen accreditation (AG). A list of certified genealogists can be found at [www.bcgcertification.org](http://www.bcgcertification.org), and [www.icapgen.org](http://www.icapgen.org).

**Are forensic genealogists also certified?**

Some are, and some are not. Most working professionals do aspire to attain certification eventually. The application process is rather lengthy and complex; it takes special effort to work on one’s portfolio while juggling multiple clients in order to pay the bills.

When hiring, look for forensic genealogists who “keep it fresh” by attending relevant educational seminars, such as The CAFG Forensic Genealogy *continued next page*

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**Genealogist continued**

Institute, that offers training specifically focusing on this specialty.

**Should a forensic genealogist be certified in order to qualify as an expert witness?**

Not necessarily. Certainly, a judge may ask about a specialist’s qualifications. These can range from certification to continuing education and years of experience. Of course, a professional who has already testified in court would be preferable over one who has not.

**Is it typical for a forensic genealogist to ask me to sign a contract?**

Yes. Most genealogists will present you with a contract at the beginning of a project. It may stipulate that she is paid a retainer in exchange for a minimal amount of hours. This allows her to at least begin basic research, and hopefully get an idea of how many more hours will be needed to advance the case.

Keep in mind though, that coming up with a budget can be very difficult. It’s impossible for a researcher to know how long it may take to find an especially hard to find person!

Also, a forensic genealogist will typically insist that before moving forward, they must first verify any research that your office may have already done. This is not an effort to “run up the bill”; if her work is challenged in court, she must be able to testify that she has vetted the research each and every step of the way.

Finally, don’t try to find that crack researcher in a last-minute panic! You’re not likely to make the right choice when possible beneficiaries are yowling that they weren’t notified, and are threatening to take your firm to court. Start doing your homework now, so that you have a couple of names ready to go in your virtual Rolodex if you need them.

Remember, there’s an estranged uncle in Belize, and you need to get in

touch with him somehow. And if he learns that you didn’t name him as a beneficiary, you’d better believe he’d find a way to get in touch with you — even if he doesn’t own a phone. **MPA**

*Liesa Healy-Miller is the owner of Unsolved Histories, a forensic genealogy firm in greater Boston. A former reporter, she uses investigative journalism skills in her genealogy research. She has conducted research in New England; New York City; Washington, D.C.; and Ireland. She has been interviewed about her genealogy work in United Press International, The Cape Cod Times, and The Metrowest Daily News. She is a sustaining member of MPA, and a member of The Council for the Advancement of Forensic Genealogy. She is also a graduate of The CAFG Forensic Genealogy Institute. And yes, she has crawled through cemeteries looking for clues on headstones. You can reach Liesa through her website at [www.un-hist.com](http://www.un-hist.com).*

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