

Forensic Genealogy News

Council for the Advancement of Forensic Genealogy

January 2012

Volume 2, Issue 1

Welcome Mentor Program Enrollees

Council for the Advancement of Forensic Genealogy recognizes that forensic genealogy is an emerging field. It has caught the interest of both experienced professional genealogists and those considering the field as a profession. *However, Forensic Genealogy is an advanced specialty requiring appropriate education, experience, and skills.* It is not an entry-level gateway into professional genealogy.

CAFG offers a special Mentor Program as part of its education component. The Mentor Program is for experienced professional genealogists with introductory experience in forensic work and a commitment to building forensic genealogy as a field of concentration. This program will allow rising professionals to evaluate their suitability, their goals, and their "fit" within the specialty of forensic genealogy, while receiving support from experienced mentors and access to CAFG communication and education tools. As enrollees progress, the opportunity exists to develop work experience through guided assignments from members.

Melanie Holtz, CGSM

I am a past board member of APG and current Vice President and Director of Programs for the North Carolina Chapter of APG. I compiled the "Chapter Spotlight" and "Member News" for the *APGQ* for several years as well as serving on the Publications Review Committee. Currently, I serve on the Professional Development Committee where we are working hard to provide new educational and mentorship opportunities for APG members.

I received my Certification in 2010 from the Board for Certification of Genealogists, am a graduate of ProGen 1, and past coordinator for ProGen 7. From 2005 to present I have also managed a project to abstract the civil record indexes for the towns of Polizzi Generosa and Isnello, Italy.

Michael Hait, CG

My first interest in genealogy came when I was just about eight or nine years old, when my grandmother showed me a family tree that her sister, a Mormon convert, had completed. I still have notes from my great-grandmother from this time. I started researching at the National Archives every Saturday when I was twenty years old, and have been researching steadily since that time. In 2005 I started researching for clients part-time. I have been a full-time genealogist—researching, writing, and lecturing professionally—since August 2010.

I have attended the Institute of Genealogical and Historical Research at Samford University twice, completing the Elizabeth Shown Mills "Advanced Methodology" course in 2011, with a gold star. This year I will be teaching three sessions in J. Mark Lowe's Southern Research course and one session in Frazine Taylor's African American research course. I will also be attending my first national conference with the NGS conference in Cincinnati, Ohio, where I will present two lectures.

Certified Genealogist (CG) is a service mark (sm) of the Board for Certification of Genealogists®, conferred to associates who consistently meet ethical and competency standards in accord with peer-reviewed evaluations every five years; the board name is registered in the US Patent & Trademark Office.

My research specialties include African American genealogy, especially the periods of slavery through Reconstruction, Maryland genealogy, and the U. S. Civil War. I am currently the Vice-President of the National Capital Area Chapter of APG, and was recently elected to the Board of Directors for 2012-2013. I received my Certified Genealogist credential in July 2011. In December 2011 I began researching forensic cases for an Army contractor. I look forward to learning a lot from the more experienced members of this group.

feature article

Does someone doing genealogical research on an intestate estate need to be credentialed as a professional genealogist?

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Discussion and Authority:

Genealogical research is harder than it looks. The *Ancestry.com* commercials with their “shaking leaf” (“You don’t have to know what you’re looking for”) and the popular television program *Who Do You Think You Are?* that details several generations of ancestors in one hour do not tell the whole story. There is no such thing as a perfectly accurate record.¹ A credentialed genealogist or one who can show evidence of education and training is necessary to find all the heirs in an intestate probate case.

In the Court of Common Pleas of Pennsylvania, Philadelphia County, *Estate of Earl Wallace, Deceased*, the importance of having a credentialed genealogist can be seen. Earl Wallace died intestate in 1985 leaving no wife or children, and the Administrator appointed by the state hired a genealogist, Herbert Davis, who concluded (without any documentation or family trees, as required by Orphans Court 13.3) that he was unable to locate any heirs. Several years later, the carefully documented research of a credentialed genealogical researcher proved that Earl Wallace was survived by two paternal first cousins.

In the *Estate of Frances E. Pacosz, Deceased*, the efforts of an attorney in tracing the Polish cousins of the deceased were turned down by the court, which declared that “no distribution to the claimants can be made at this time.” The attorney in that case spent about \$300 and 100 hours, but did not hire a professional genealogist with research experience in Poland. The court said, “In order for the Court to determine status on this level (aunts, uncles and cousins), a common ancestor *must* be identified. Until such identification is made, no family tree can be traced, and no judicial determination of pedigree can be made.”

In the *Matter of the Judicial Settlement of the Accounts of Acea M. Mosey, as Administrator of the Estate of Richard L. Kuberka, Deceased*, no professional genealogist was hired to research other heirs to the estate, and the Court refused to grant the estate to the nine heirs from the maternal side. “The corroborating documentary evidence to close the classes of paternal aunts, uncles and cousins is inadequate and does *not* sustain their burden....”

In his article for the NY State Bar Association Journal, “*Kinship Proceedings*”, David N. Adler states, “It may be advisable to retain a credentialed genealogist to assist counsel in the search. A genealogist is acutely aware of the necessary steps in establishing heirship, may have more ready access to sources of information that are difficult to reach, and can ordinarily complete a search within a set time frame.”

¹ Dr. Thomas W. Jones, CG, CGL, FASG, Institute of Genealogy and Historical Research, Samford University, June 2011.

The National Business Institute in their *Oddities and Challenges in Probate Law* notes in their section on determining rightful heirs and beneficiaries: “Gather as much information as possible from the family. Often someone in the family has taken on the task of generating a family tree, but if not, consider employing a genealogist. Whatever efforts are made, and those not made, should be carefully documented for the sake of later scrutiny.”

The BCG Genealogical Standards Manual has a list of standards that all professionals should aspire to. Among these standards are several for the compilation of research reports: “Reports are useful. Utility extends to reporting both positive and negative findings, transmitting information, and addressing the specifications of their intended recipients.”²

In the case of *O & Y Old Bridge Dev. v. Continental Searchers, Inc.* (found on Google Scholar), 120 N.J. 454 (1990), the court states, “We find no social value or contribution in the ‘activities’ of heir hunters or title raiders who ‘seek only to further their own interests rather than the interests already on hand.’”

And in his *Wall Street Journal* article, “Finders Keepers: Services Locate Heirs – For a Price”, John D. MacKinnon highlights the growing proliferation of property locating services in Florida, who locate abandoned or dormant property and turn it over to the rightful heirs for a finder’s fee.

In the Orphan’s Court of Pennsylvania, Philadelphia County, *McIlwain’s Estate*, (27 Pa D. & C. 619, 1936) one J. L. Gwartz collected fifty percent of the value of an estate in return for finding it for the lawful heirs.

Conclusion: The best person to do research for an intestate is a professional genealogist, who is certified by the Board for Certification of Genealogists, accredited by the International Commission for the Accreditation of Professional Genealogists, or who can show extensive training, education and experience in the field of genealogy. This researcher should be hired at an hourly fee; so called “heir finders” who do research in return for a percentage of the estate should be avoided. The best researcher is a qualified, experienced genealogist, who is a disinterested party and is paid for their time and expenses only.

Bibliography of Resources:

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West’s Washington Digest 2d v.17 on Evidence, key 285-287, As to Pedigree, Birth and Relationship

Mark Reutlinger, Washington Law of Wills and Intestate Succession. Washington State Bar Association, Seattle, WA, 2006. Page 9 has a representation diagram of descendants of grandparents

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Board for Certification of Genealogists: *The BCG Genealogical Standards Manual*. Washington DC, 2000.

Corpus Juris Secundum, V.26B, Descent & Distribution. West Group, St. Paul, MN, 2001. Section 82: Determination of Heirship or Rights to Distribution, p.396-397.

8 U.S.C.A. §1356 Genealogy Fee: 1.) There is hereby established the Genealogy Fee for providing genealogy research and information services. This fee shall be deposited as offsetting collections into the Examinations Fee Account. Fees for such research and information services may be set at a level that will ensure the recovery of the full costs of providing all such services. 2.) The Attorney General will prepare and submit annually to Congress statements of the financial condition of the Genealogy Fee. 3.) Any officer or employee of the Immigration and Naturalization Service shall collect fees prescribed under regulation before disseminating any requested genealogical information.

² Board for Certification of Genealogists: *BCG Genealogical Standards Manual* (14). Washington, DC, 2000.

John D. McKinnon: "Finders Keepers: Services Locate Heirs – For a Price". Wall Street Journal, 2 Jun 1999, F1.

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Court of Common Pleas of Pennsylvania, Philadelphia County, Orphans' Court Division. In re Atkinson's Estate, 20 Pa. D. & C.3d 700, 1981 WL 659 (1981)

68 Am. Jur. Proof of Facts 3d 93 (published 2002) – cited in Westlaw Determination of Heirship: Expert testimony of professional genealogist.

[*Claudia Breland is enrolled in the CAFG Mentor Program.*]

feature article

Not Quite Ready for the CAFG Mentoring Program? Gaining Experience with Forensic Genealogy Techniques.

© 2012 **Catherine Desmarais, CG**

Are you an experienced professional genealogist who has participated in multiple educational opportunities, but lack the introductory forensic experience to apply to the CAFG mentor program? Remember, the introductory experience that CAFG requires does not have to be paid work. There are several ways you can explore the type of work that forensic genealogists do and discover whether this specialty is a good fit for you.

Descendant research

Forensic genealogists do a wide variety of work, but a common thread that runs through many projects is descendant research. This is an important skill to hone. Do you know all of your third cousins? If not, pick a sibling of one of your great-grandparents that you don't know much about. Using census records, obituaries, death certificates and public records, trace all of his/her descendants to the present day. Most importantly, treat this as you would a client project. Write a report as you go, and log your hours. The payoff at the end of this project may be finding that these unknown cousins have photographs or bible records that you never knew existed!

It's always more challenging to work with unfamiliar families in unfamiliar locations, and that is typical with forensic research. You can broaden your experience with descendant research by volunteering for Unclaimed Persons or by taking on an orphaned heirloom rescue.

Unclaimed Persons

Volunteering for Unclaimed Persons is a win-win proposition. You will be helping a worthy organization bring closure to families while gaining experience with forensic research. According to their website (www.unclaimedpersons.org), "Unclaimed Persons is a group of volunteer genealogical researchers who donate their time and skills to assist medical examiners, coroners and investigators to locate the next of kin of deceased individuals whose relatives have proven difficult to identify and trace." Visit the Unclaimed Person's site to learn about volunteering. You'll be working with a team of other researchers and will gain experience with a wide variety of online sources.

Orphaned heirlooms

Want to try a cold case alone? Head over to your local antique store and look through their vintage photograph bin. Choose one that has a full name on the back and bring it home. You're not adopting it – just providing temporary foster care. If you need some practice dating photographs, start your research there. There are several good books and lots of information online. Open up your research report template and start documenting your research with census records for the area in which the photographer practiced. (It's sometimes helpful to locate the photographer in the census or city directories to narrow down the time frame that he was in business in an area.) Once you've located the subject of your photo, trace him or her forward until you find at least one living descendant. Mail off your orphan to its new home. Include your report. One caution – try to find a

descendant in an area far from the antique store. You don't want to return the photo to the same person who may have abandoned it!

Ready for more challenge?

You've now gained some experience completing some straightforward descendant research. Let's try something a little more challenging now. A law firm often hires a forensic genealogist because their paralegals were not successful finding any descendants of an individual. Similarly, military next-of-kin research often involves researching individuals who never had children. To practice this go to the 1900 or 1910 census *for a state and county unfamiliar to you* and locate a middle-aged couple with a notation of "0 children, 0 living." They are the subjects of your new research project. Document their vital events and look for corroborating evidence that they were childless. Trace backward to identify their parents and siblings and trace all of the siblings' lines forward to living individuals. This will most likely require obtaining copies of obituaries, probate records, or other documents that are not available online. Write your report including a family tree chart for your imaginary law firm.

After you've completed a few projects such as the above, you'll have a good idea whether you enjoy this type of genealogical research. You'll also have built up the hours you need to apply to the CAFG mentoring program. We look forward to having you on board!

[Catherine Desmarais, CG is the CAFG Mentor Program Representative to the Board.]

noteworthy

The Council for the Advancement of Forensic Genealogy (CAFG) announces five partial scholarships to its mentor program. With a surge in new work for credentialed genealogists on military repatriation cases, CAFG has had several inquiries from researchers new to forensic work. CAFG, in partnership with Forensic Genealogy Services LLC, will offer up to five scholarships for one-half the annual mentor program fee to credentialed genealogists who have been hired to work on military cases. If other application requirements are met, the minimum number of forensic cases may be waived to facilitate credentialed genealogists venturing into forensics through the military cases. For more information, visit <http://www.forensicgenealogists.com/Mentor-Program.html>

Scholarships are available on a first come, first serve basis or until 21 January 2012 (the application deadline).

Mentor program enrollee **Tina Sansone** was awarded the Birdie Monk Holsclaw Scholarship for IGHR 2012. Tina will take the African American course. One session of the African American Course will be taught by new Mentor Program enrollee Michael Hait, CG.