

Working with a Professional Forensic Genealogist

When a case presents the dilemma of identifying and locating heirs, a professional forensic genealogist may be able to assist in a due diligence search. Trained in the study and structure of families and family history, a skilled genealogist knows how to locate quality evidence that can accurately connect generations and identify individuals.

What is Forensic Genealogy?

Forensic genealogy is simply the study of families for a legal reason. It uses the same types of records as traditional genealogy—probate, census, vital records, military, newspapers—and may include genetic information if necessary. Forensic genealogy is used to identify missing or unknown heirs, to identify potential guardians for a family, and in military repatriation cases. The key difference between traditional genealogy and forensic genealogy is that it moves forward in time rather than backward, with the goal of identifying living people.

Forensic Genealogist vs. Heir Searcher

The term “heir searcher” may be more familiar than “forensic genealogist.” The differences lie in three major areas: education and experience, credentialing, and whether the researcher has an interest in the outcome of the case.

A forensic genealogist should first be an experienced genealogist. Forensic genealogy is one of the most difficult areas within genealogy, and skills in finding and evaluating evidence must be strong. This genealogist should have pursued educational opportunities such as institutes, conferences, and certificate programs. Genealogists who have reached the top of the profession likely hold a credential awarded from an independent organization which reflects the opinion of their peers. Finally, the ethical standards of professional genealogy work require that the researcher has no interest in the financial outcome of the case.

An heir searcher or heir finder identifies cases that have been filed and does enough research to potentially identify heirs. The heir searcher’s model is to reunite unclaimed funds or a potential inheritance with the proper owners and to generate revenue based on contingency fees. The research performed may not meet professional genealogy standards, and heirs may needlessly give up part of their rightful inheritance if an heir searcher reaches them before the attorney does.

Professional Genealogy Standards

A forensic genealogist should work to the standards of the profession. A key concept is the Genealogical Proof Standard, which was originally borrowed from the field of law, and measures the credibility of conclusions about identities, relationships, and life events. The Genealogical Proof Standard has five components, which cover research, writing, and documentation of work.¹ This standard strives to ensure that the research is as accurate as possible, which is critical when connecting generations and

¹ Board for Certification of Genealogists, *Genealogy Standards*, 2nd edition (Nashville: Ancestry.com):2019.

when the work has legal implications. Learn more about ethics and standards for professional genealogy at the Board for Certification of Genealogists website: <https://bcgcertification.org/ethics-standards/>

A Typical Forensic Genealogy Case

Initial Meeting with the Attorney

If possible, contact the genealogist before the case is filed—this may help to ensure that an heir searcher doesn't contact the heirs first. At the initial meeting, plan to discuss the research questions that need to be answered and give background on the case. As the attorney, you should expect to provide guidance to the genealogist on legal aspects—for example, which degrees of relationship should be researched as potential heirs? What does your local court require in terms of documentation?

SOURCES FOR FORENSIC GENEALOGY

Client knowledge
Genealogy databases
Federal census
Vital records
Birth announcements
Wedding announcements
Obituaries
Social media
City directories
Court records

Decide on Deliverables

What is needed? Possible examples: reports (due diligence and kinship determination), contact information for heirs, descendency chart or trees, affidavit.

Project Estimate / Payment of Retainer

The genealogist should provide an estimate. After the payment of the retainer, work can begin.

Review of Previous Research / Background Information

Be prepared to share what you know about the client's family or property with the genealogist at the start of the project. Is there anyone who could be interviewed for more information? The genealogist will look carefully at everything you have—small bits of information can become valuable clues to build the family tree.

New Research

The genealogist will work to answer the specific research questions in the project. They should create a research log of both positive and negative searches, and for efficiency, write the report as they conduct research and do analysis. An important facet of professional genealogy is the ability to analyze and compare data—

who were the informants of certain facts? Are the documents being used formal ones (created by a government entity) or an informal family source? These facets feed into the proof statements of relationships and the degree of confidence in the relationship.



Communication

The genealogist should communicate with you and your team during the project and let you know of successes and difficulties, and if the project will require more time or hours.

Project End

The report and/or affidavit are delivered and discussed. Revisions are made if necessary. The law office contacts the heirs. If required, the genealogist could serve as an expert witness to discuss their work.

Cost and Timing

An ethical genealogist who follows the guidelines of the profession will charge by the hour and has no interest in the outcome of the case. Hourly rates vary but expect \$75 to \$150 per hour as a rough guideline. In terms of hours, a typical case is 25 to 40 hours, but can vary widely based on number of heirs, how uncommon or common the surname is, number of and location of geographic areas, and difficulty in getting access to records. If you encounter a case where you suspect there may be heirs but aren't sure, it will usually take a qualified genealogist only a few hours to do a quick assessment and advise if more work is needed.

Generally, a genealogist will request a retainer to start the project and should advise the attorney on progress, communicating reasons why a project is expected to take more time and incur a larger fee. Out of pocket fees for acquiring vital records and expenses for necessary travel will be added to the overall cost. You should be advised of these fees by the genealogist in advance. Occasionally, the genealogist will hire subcontractors in different localities to assist in record pulls or to take advantage of specific knowledge needed to advance the work.

The length of time for a project also varies based on complexity. Allow one to two months on average, with three months or longer for complicated cases.

Locating a Qualified Forensic Genealogist

There are three genealogy credentials relevant to the practice of professional forensic genealogy. All three require blind evaluation of the genealogist's work by a skilled peer group. A small percentage of genealogists overall achieve a credential, so it is a good indication that they have advanced skills. Note that all these organizations have an ethics code to which their genealogists must adhere.

The International Commission for the Accreditation of Genealogy Professionals (ICAPGenSM) awards the Accredited Genealogist® (AG) credential to individuals who demonstrated competence conducting genealogical research in specific geographic areas. See www.icapgen.org for more details and a professional directory.

The Board for Certification of Genealogists awards the Certified Genealogist® (CG) credential to individuals who have demonstrated their competence in research, analysis, kinship determination, and reporting skills. See www.bcgcertification.org for more details and a professional directory.



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The Council for the Advancement of Forensic Genealogy awards a Forensic Genealogist CredentialedSM (FSG) credential to senior members who have been evaluated on short answer, document analysis, essay, and report and affidavit writing. See www.forensicgenealogists.org for more details and a professional directory.

In addition, most professional genealogists also hold a membership in the Association of Professional Genealogists (APG). The organization requires a commitment to a code of ethics. Note that there is no qualification for membership in APG, so look for a credential or advanced training and experience in addition to APG membership. See www.apgen.org for more details and a professional directory.

Genealogy continuing education often takes place at weeklong institutes. It is a positive sign if a genealogist regularly invests in upgrading specific skills relevant to forensic work.

Consider Working with a Professional Genealogist

A well-trained, experienced genealogist has invested in the specific skill set to accurately identify family groups and connect generations. Top practitioners do an excellent job of locating and evaluating relevant evidence and building conclusions. By providing the subject expertise needed to help you and your team with probate, real estate, and mineral rights cases, your team may be able to move more quickly to a final resolution—and can be freed up to complete other necessary tasks to keep your firm running smoothly.



About the author

Laurie Hermance-Moore, MLS, Accredited Genealogist® serves law firms with forensic genealogy services and individuals with building their family history legacy. She is accredited in genealogy research for U.S. Midwest states through the International Commission for the Accreditation of Professional Genealogists (ICAPGenSM). She is based in Columbus, Ohio. Reach her at laurie@heritagebridge.com or at www.heritagebridge.com.