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<https://www.wsj.com/articles/how-americas-88-000-missing-people-become-legally-dead-1534498200>

U.S.

How America's 88,000 Missing People Become Legally Dead

Many families don't realize they need a death certificate for a missing loved one until they face an unexpected problem

By Sara Randazzo

Aug. 17, 2018 5:30 a.m. ET

FLORENCE, Ariz.—Rosaura Alicia Yu sat in court here, wanting her husband to be alive but needing a judge to declare him legally dead.

Her husband, Dennis Yu, went missing in 2012, and since then her bus-driver salary sometimes doesn't cover the water bill, she told the court. Other days the refrigerator is empty at the home she shares with four of their six children, and they don't have air conditioning in the sweltering Arizona heat.

MISSING

FROM CASA GRANDE, ARIZONA



DENNIS KAN YU

Casa Grande PD is requesting the public's assistance to locate Dennis Kan Yu (80) last seen at 1am on 11/24/2012 at his home in Mission Valley subdivision. He is the father of 6 and the manager of Panda Express who family says has never missed a day of work until now. His family believes he did not leave on his own free will as he took nothing with him; not even his stroke medication, glasses or wallet. Yu is Asian and 5'6" with a thin build, black hair and black eyes. He was last seen wearing a white T-shirt, blue pajama pants with white dots and socks. Anyone with information regarding Yu is asked to contact Casa Grande Police Detective Schmitz at 620-421-8700.

www.facebook.com/HelpUsFindDennisYu

Screenshot from a Facebook page to find Mr. Yu.

"I'm struggling," Ms. Yu said tearfully from the witness stand at the July hearing, adding that she doesn't think her husband left his family voluntarily.

The judge agreed, declaring Mr. Yu dead as of the date of his disappearance and clearing Ms. Yu to access his life-insurance policy and sell a home they own in California. But until he is physically found alive or dead, he will remain missing in the eyes of those searching for him.

Hundreds of thousands of people are reported missing each year. Many are quickly found, but some 88,000 active cases are listed in a nonpublic national law-enforcement database of the

missing, a number that has remained stubbornly persistent for years. They range from those lost during accidents or caught up in suspicious activity to truly mysterious disappearances. The missing span race, age, socioeconomic and geographic lines.

"There's no group of people immune to it," said Todd Matthews, director of case management and communications at the National Missing and Unidentified Persons System, known as

NamUs.



'I'm struggling,' Ms. Yu said at a July court hearing, adding that she doesn't think her husband left his family and home in the Mission Valley subdivision voluntarily. PHOTO: CAITLIN O'HARA FOR THE WALL STREET JOURNAL

NamUs lists 14,671 open missing-person cases and says it has aided in the resolution of more than 2,000. Several states have passed legislation mandating law enforcement to submit missing persons into NamUs to help solve cases.

The publicly accessible, online database doesn't delete names of people who have been legally declared dead, Mr. Matthews said. Keeping them listed can help match a missing person with unidentified remains.

Many families don't realize they need a death certificate for a missing loved one until they face an unexpected problem, such as not being able to sell jointly-owned property. Without a legal death declaration, spouses also can't collect social security for minors, benefit from retirement plans or unlock other assets.

Some resist going to court out of hope the missing person will return, while others use it to help reach emotional closure.

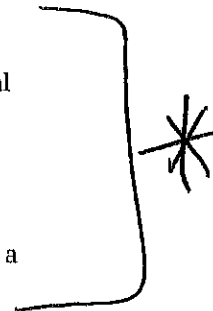
"It's bittersweet," Thomas Asimou, Ms. Yu's attorney, said to her in Spanish after the July hearing.

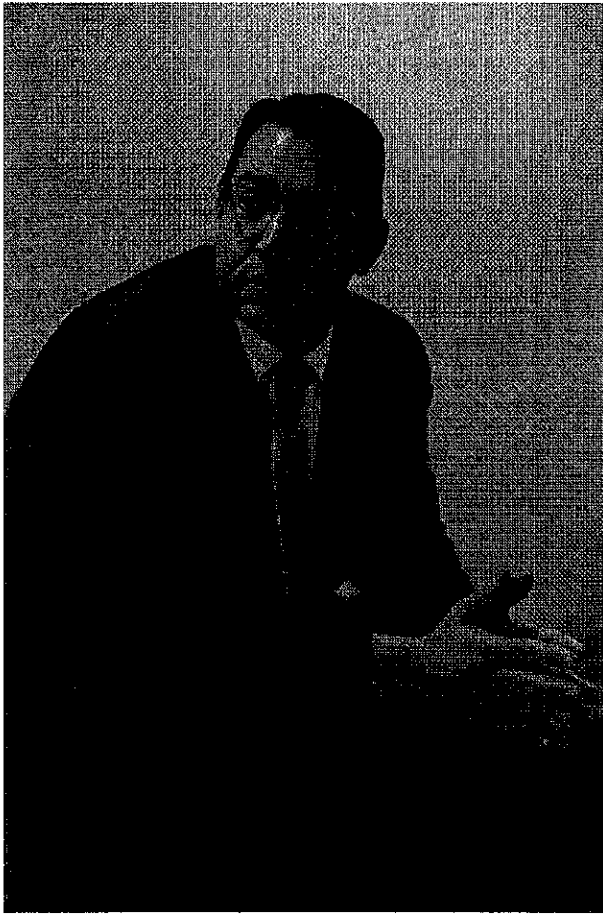
The laws vary by state, but most presume a missing person is dead after either five or seven years. Even after that waiting period, a declaration of death isn't automatic and requires presenting evidence in court. Those looking to accelerate the process have to meet a higher legal threshold.

The legal process takes on a new urgency following mass disasters. After the Sept. 11, 2001, terrorist attacks, the New York surrogate court and then- Gov. George Pataki changed the usual protocols to make it easier and faster for victims' families to obtain death certificates.

"Some people really needed to access their benefits, they couldn't wait," said Amy Beller, a trusts and estates lawyer who volunteered at a shelter after 9/11 taking legal affidavits from family members seeking death declarations. After each shift, she said, the lawyers reported to a psychologist to debrief on the stories of trauma they had just heard.

Lawyers who seek legal declarations of death in missing-person cases say the job involves playing part detective, part therapist.





'There's an emotional catharsis that comes from it,' said attorney Thomas Asimou about people seeking declarations of death for a missing loved one. PHOTO: CAITLIN O'HARA FOR THE WALL STREET JOURNAL

"It's the most emotional thing I have ever done as a lawyer," said Beth Chapman, an attorney in Juneau, Alaska who has handled two presumption-of-death trials involving people who went missing during outdoor activities. It is wrenching for families to go into court to seek a death declaration without a body, she said.

Mr. Asimou got his first experience with such cases 10 years ago when an insurance company hired him to defend against a woman trying to tap into her missing husband's \$2 million life insurance. His investigation turned up the husband alive in the Caribbean.

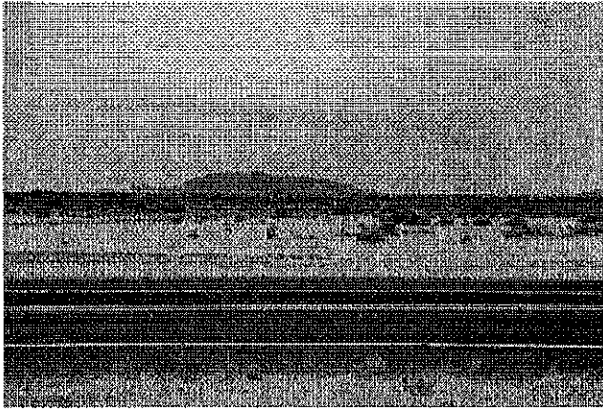
In some cases, Mr. Asimou has to effectively reopen the investigations. He and volunteers searched the Arizona desert to look for clues in the case of Sam Grider, an Army veteran and sheriff's posse member who went missing while on a backcountry drive home in 2014. The lawyer hired private investigators and scoured cellphone records. The court declared Mr. Grider dead earlier this year.

For his clients, Mr. Asimou said, "there's an emotional catharsis that comes from it."

The Yu family case started Thanksgiving weekend in 2012 when Mr. Yu and his wife had a minor argument but nothing that would prompt him to permanently walk away, Ms. Yu said in court.

The next morning, her husband—then a 59-year-old manager at a Panda Express restaurant—was gone, but his car, wallet, glasses, passport and blood thinners were at home. He never owned a cellphone, and no electronic or physical trace of him was ever found again.

Mr. Asimou worked with an FBI agent to send Mexican police to a property the Yus owned 60 miles south of the Arizona border. The police said it was abandoned.



A view of Casa Grande, Ariz. in the distance. PHOTO: CAITLIN O'HARA FOR THE WALL STREET JOURNAL

For Ms. Yu, her husband's legal death means she can collect what Mr. Asimou estimates at more than half a million dollars from his estate.

Speaking after the court

hearing, she said the money won't change everything, but it will help. "I'm empty," she said. "I lost my husband. I don't know what happened."

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