

Benefits to Civil Union Spouses and Spousal Liabilities & Responsibilities

Most Significant Benefits to Civil Union Spouses		HRS Citations	Digest Ref. #
1.	Hold property as community property with spouse and inherit the property when the spouse dies.	510-2	159
2.	Take four weeks of unpaid family leave from work each year to care for spouse or family member who is ill.	398-3	145
3.	File a joint state income tax return with spouse to receive a lower tax rate.	235-93	88
4.	Receive a funeral/burial allowance and death benefits from an employer if spouse is killed on the job.	386-41-43; 88-339	60; 64; 65
5.	Receive a government spouse's remaining unpaid wages, vacation pay, and sick leave when he or she dies.	388-4	42
6.	May receive spouse's available pension and retirement benefits.	88-1; 88-4; 88-5; 88-163; 88-189; 88-283	49; 50; 53; 55; 56
7.	Adopt spouse's child and adopt a child jointly with a spouse.	578-1	112
8.	Receive notice of spouse's death from the coroner.	841-15	104
9.	Inherit a share of spouse's estate if there is no will.	560:2-201 - 214	163; 166
10.	Receive protection from the Family Court to dissolve civil union and obtain orders to protect self, children, and assets.	580-1; 580-9 -13; 580-47; 580-72	206
11.	Refuse to testify against spouse charged with a crime, and in any civil or criminal case refuse to disclose confidential spousal communications.	626:1-505	264
12.	Benefit from a housing allowance that spouse receives when serving in the Hawaii National Guard.		
13.	May receive a long-term care benefits plan through a government employee spouse, if available.	87A-18	43
14.	Receive medical insurance through a government employee spouse's health benefits plan.	87A-21; 87A-23; 87A-31; 87A-33.5	44
15.	Receive a monetary allowance from deceased spouse's estate for living expenses while the estate is in probate.	560:2 - 404	171
16.	Hold real property with a spouse as a tenancy by the entirety.	509-2	none
Moderately Significant Benefits to Civil Union Spouses		HRS Citations	Digest Ref. #
1.	Be protected from a property lien on a home residence when the state tries to recover public assistance monies paid to spouse.	346-29.5	109
2.	The government cannot attempt to get reimbursement from a deceased spouse's estate for medical assistance payments to spouse.	346-37	110
3.	Give permission for a stepchild's school enrollment and participation in curricular and extra-curricular school activities.	302A-481; 302A-482	93
4.	Receive veteran's preference for civil service employment when a military spouse dies or is disabled.	76-103	39
5.	Visit spouse or related family member who is in jail or prison.	353-28.5	121
6.	Use a leave sharing program to care for spouse or family member who is ill.	78-26	38
7.	Receive compensation when an employee spouse is injured or killed while doing disaster relief work for the state.	127-7; 128-9(7); 128-17	74; 76
8.	Obtain copies of health records or authorize release of records of a deceased spouse.	622-57	105
9.	Authorize spouse's autopsy if claiming the body.	453-15	106
10.	Receive a homestead allowance of \$15,000 and up to \$10,000 for household furniture, furnishing, and personal effects if a deceased spouse has no will.	560:2-402	169

Benefits to Civil Union Spouses and Spousal Liabilities & Responsibilities

11.	Demand that a deceased spouse's will be promptly filed in court.	560:2-516; 560:1-201	172
12.	Receive recognition for civil union in Hawaii courts if it was legally entered in a foreign country or another state.	572-3	197
13.	Receive recognition for a Hawaii civil union in states that legally recognize same-sex unions.		
14.	Receive optional auto insurance coverage on spouse's auto policy.	431-10C-302	153
Least Significant Benefits to Civil Union Spouses		HRS Citations	Digest Ref. #
1.	Go with a witness spouse who is placed in a witness protection program.	28-101	8
2.	Donate to a candidate spouse's election campaign within the family's aggregate limit of \$50,000.	11-204; 11-204.5	1
3.	Receive notice and a hearing if a deceased spouse's remains are to be disinterred from a state-owned cemetery.	110-3	67
4.	Legally hunt under a hunting license purchased by spouse.	183-D-22	81
5.	Work at a child care facility without having to get a criminal background check if the children being cared for are the worker's stepchildren.	346-152	94
6.	Obtain free copies of divorce or adoption decrees from a state court, and free certified copies of vital statistics records from the Department of Health when needed for a service-connected claim involving a military/veteran spouse.	606-5; 338-14	265; 266
7.	Request the Bureau of Conveyances to record spouse's military discharge certificate.	502-101	267
8.	Receive a spouse's Hawaiian Homelands tract of land by conveyance if otherwise qualified.	Sec. 209 HHC Act	273
9.	Receive these rights if spouse is murdered: (1) speak at the killer's sentencing hearing, (2) receive restitution, (3) speak at the killer's parole board hearing, and (4) receive notice when the killer has been released on parole.	706-604; 706-646; 706-669; 706-670; 706-670.5; 706-673	125; 128; 129; 130; 131; 132
10.	Have the value of spouse's labor taken into consideration when the Board of Agriculture determines the minimum milk prices to be paid to a milk producer.	157-32	78
11.	Qualify for a low-income loan to lease or purchase state lands for a personal residence.	207-1 - 207-6	289
12.	Be relieved of certain requirements when trying to lease state-owned agricultural and non-agricultural park lands if one's spouse dies.	166-6; 166E-8	21; 23
13.	A government employee's designation for named beneficiaries automatically becomes null and void upon marriage or divorce.	88-93	54
14.	Be transported in an employee spouse's government vehicle in an emergency.	105-1; 105-2	69
15.	As an adoptive parent, obtain medical information collected by the Department of Health concerning the child's biological parents.	578-14.5	117
16.	Supervise an underage driver with a learner's permit if a licensed driver and the child's parent.	286-102.6: 286-110	91; 92
17.	Qualify as a caregiver for a minor if related by marriage.	577-28	101
18.	If a minor or incapacitated adult has a simplified custodial trust and there is no conservator, may step in as a family member by civil union under certain circumstances to make or receive transfers to the trust, and may ask a court to name a custodian, remove a custodian for cause, and petition for an accounting of the trust assets.	553A-7; 553A-18, 19; 553A-1; 554B-5; 554B-5; 554B-13; 554B-15	250; 251; 252; 153; 254
19.	Serve as the designated agent to make mental health and medical decisions for spouse.	327G-3; 327G-14	97
20.	File spouse's death certificate.	338-9	107
21.	Inherit a land patent issued to spouse by the Board of Commissioners.	172-11	177
22.	Receive certain exemptions for a condominium development project when selling all of the residential units to spouse or family members.	514B-99.5; 514A-108	160

Benefits to Civil Union Spouses and Spousal Liabilities & Responsibilities

23.	Can have a valid life insurance policy for both spouses' benefit that is not delivered in Hawaii.	431:10D-201	147
24.	Receive a burial allowance when a police officer, fire fighter, or bandsman spouse dies.	88-163	56
Spousal Liabilities and Responsibilities		HRS Citations	Digest Ref. #
1.	Must maintain, provide for, and support one another during the civil union relationship.	572-24	202
2.	Share joint liability for all debts for necessities with one's spouse.	572-24	202
3.	Bring and defend lawsuits involving the couple's child.	577-3	85
4.	Liable as a parent for various acts committed by one's child and any damages that occur as a result.	46-1.5; 577-3.5; 706-606.2; 143-1; 577-3; 132D-13; 137-2	10; 82; 83; 84; 85; 86; 87
5.	Supply spouse or ex-spouse's full name, the time and place of the civil union ceremony, and the name of the person who performed the civil union ceremony when applying to the Land Court.	501-23; 501-105; 501-196	18; 158
6.	Only one spouse in a couple may purchase a public land lot that is sold for residential purposes.	171-48	24
7.	Cannot serve as a precinct official for elections when spouse is running for public office.	§11-72	6
8.	May receive loans issued by the state to repair a residence or business damaged by a state declared disaster, but only after providing a plan for taking care of the family's needs.	209-29	290
9.	Cannot buy or lease public land for a farm if spouse owns or has previously owned such land.	171-68	28
10.	May not be able to lease public lands for agriculture if spouse owns agricultural lands.	§166E-8	22
11.	Receive the same amount of money for relocation for a family as an individual receives if displaced by a federally funded highway program.	264-35	80
12.	Receive the same amount of money for a family for relocation expenses as an individual receives if displaced by an airport land acquisition program.	261-31, 32, 33	79
13.	May be ineligible to purchase a residential lot through a DLNR program if spouse owns property or has applied to purchase property in certain areas.	171-65	27
14.	May limit the number of people that can reside in an adult family boarding and care home, hospice home, or family care home depending on one's status as a spouse or family member.	46-15.3; 46-15.35; 46-15.35; 501-231; 502-111	14; 15; 17
15.	May experience limitations in eligibility for housing and loans administered by the Hawaii Housing and Development Corporation depending upon whether or not there is a spouse and dependents, and the spouse's income.	201H-48	275
16.	Government employees and legislators must include the financial interests of spouses when filing their financial disclosure forms.	84-3; 84-11; 84-17	41
17.	Cannot serve as a witness for spouse's advanced mental health directive.	327G-3; 327G-14	97