

Hawaii Estate Planning Resources for 2024 Kīpuka Kuleana ‘Ohana ‘Āina Workshop

“He ali‘i ka ‘āina; he kauwā ke kanaka.”

“The land is a chief; man is its servant.”

Mary Kawena Pukui, ‘Ōlelo No‘eau.

I. Estate and Disability Planning Basics

- a. Documents: Basic estate and disability planning documents in Hawaii include but are not limited to:
 - i. Last Will and Testament, used either as a stand-alone document or alongside one or more Trusts,
 - ii. Advance Healthcare Directive (for healthcare decisions),
 - iii. Health Information Release,
 - iv. Statutory Durable Power of Attorney (for financial decisions),
 - v. Authorization for Disposition of Remains, and
 - vi. Nomination of Guardian for Minor Child(ren) (if applicable).
- b. The Estate Planning Process: <http://www.kauaiestatelaw.com/estateplanning.html>
- c. Handbooks
 - i. Deciding What to Do and Why Not Now? University of Hawaii Elder Law Program Legal Handbook for Older Persons, Families and Caregivers:
https://www.hawaii.edu/uhelp/pdf/DecidingWhatToDoAndWhyNotNow_2021_web.pdf
 - ii. Hawaiian Home Lands Lease Successorship Handbook: https://dhhl.hawaii.gov/wp-content/uploads/2022/11/Item-D-14-2022-11-21_HHC_Lease_Successorship_Workshop_AMENDED.pdf

II. Forms:

- a. Hawaii Advance Healthcare Directive: <https://www.caringinfo.org/wp-content/uploads/Hawaii.pdf>
- b. Supplemental Healthcare Instructions - Dartmouth Dementia Directive: <https://sites.dartmouth.edu/dementiadirective/download-the-directive/>
- c. Supplemental Healthcare Instructions - Five Wishes: <https://www.fivewishes.org/for-myself/>
- d. Physician Orders for Life-Sustaining Treatment: https://health.hawaii.gov/ems/files/2013/08/Hawaii_POLST_Form.pdf
- e. Written Instrument to Control Dispositions of Remains: https://www.hawaii.edu/uhelp/online-forms/form_Written-Instrument-to-Control-Disposition-of-Remains.pdf
- f. VA Advance Directive: Durable Power of Attorney for Health Care and Living Will: <https://www.va.gov/find-forms/about-form-10-0137/>

- ### III. Kumu Kahi Caregiving Services: Older persons of native Hawaiian ancestry may be able to access caregiving services provided by the *Kumu Kahi* (Elderly Services) department of *Alu Like* on Oahu and the neighbor islands. *Ke Ola Pono No Na Kupuna (Good Health and Living for the Elderly)* provides nutritional and supportive services for native Hawaiian persons 60 years and older. The Native Hawaiian Caregiver Support Program helps families caring for an older native Hawaiian person, 60

years and older with a chronic illness or disability. It also provides services to native Hawaiian grandparents or older relatives caring for children ages 18 and under who meet certain criteria. A birth certificate is required or proof of age and ethnicity. The phone number to the *Alu Like Kumu Kahi* Elderly Services central office is (808) 535-6700.

IV. Hawaii Land Conservation: Land Trusts that operate in Hawaii help landowners conserve, protect, and restore their land.

a. Two of the most popular conservation options are:

- i. Fee simple: Where a land trust owns and manages land that is donated or sold by the landowner
- ii. Conservation easement: Where landowners and A LAND TRUST enter a legal agreement to permanently limit the use of an area by restricting commercial, industrial, and residential subdivision development to protect conservation values. Landowners can either sell or donate the easement to a land trust. Landowners retain ownership of the land, can sell their land in the future, or pass it on. But the conservation restrictions remain forever.

b. Community Guide to Hawaii Land Conservation:

https://static1.squarespace.com/static/60ac5bb9eb895759b833a61d/t/631136546b3e506c2024cfb3/1662072419408/The+Community+Guide+to+Land+Conservation_newlogo.pdf