

# Cremation Issue Chart

## HAWAII



ISSUE: IDENTIFICATION OF DECEASED			
Law/Regulation	Is ID Required?	Information Required for ID	Any Restrictions/Limitations
N/A			
ISSUE: ALTERNATIVE CONTAINER FOR CREMATION			
Law/Regulation	Is It Required?	Definition of Alternative Container	
N/A			
ISSUE: URN			
Law/Regulation	Any requirements for Urn/ Temporary Container	Definition of Urn/Temporary Container	
N/A			

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ISSUE: AUTHORIZING AGENT	
Law/Regulation	Legal Order of Authorizing Agent
531B-4 Right to control disposition; priority.	<p>(a) Unless a decedent has left directions in writing for the disposition of remains pursuant to section 531B-3 or 531B-5 or a person has forfeited the right of disposition pursuant to section 531B-6, the following persons, in the priority listed, have the right to control the disposition of the decedent's remains and the location, manner, and conditions of disposition of the decedent's remains:</p> <p>(1) A person designated by the decedent in a testamentary disposition or a written instrument executed in accordance with section 531B-5;</p> <p>(2) The surviving spouse, if the decedent was legally married at the time of death; the surviving partner, as defined in section 572B-1, if the decedent had legally entered into a civil union at the time of death; or the surviving reciprocal beneficiary, as defined in section 572C-3, if the decedent was in a reciprocal beneficiary relationship at the time of death;</p> <p>(3) The sole surviving child of the decedent, or if there is more than one surviving child, the majority of the surviving children. Less than the majority of the surviving children shall be vested with the rights and duties of this section if they have used reasonable efforts to notify all other surviving children and the other surviving children cannot be located or have not responded within five days of the notification of the decedent's death;</p> <p>(4) The surviving parent or parents of the decedent. Only one surviving parent shall be vested with the rights and duties of this section if that surviving parent used reasonable efforts to notify the other surviving parent and the other surviving parent cannot be located or has not responded within five days of the notification of the decedent's death;</p> <p>(5) The surviving sibling of the decedent, or if there is more than one surviving sibling, the majority of the surviving siblings. Less than the majority of the surviving siblings shall be vested with the rights and duties of this section if they have used reasonable efforts to notify all other surviving siblings and the other surviving siblings cannot be located or have not responded within five days of the notification of the decedent's death;</p> <p>(6) The surviving grandparent of the decedent, or if there is more than one surviving grandparent, the majority of the surviving grandparents. Less than the majority of the surviving grandparents shall be vested with the rights and duties of this section if they have used reasonable efforts to notify all other surviving grandparents and the other surviving grandparents cannot be located or have not responded within five days of the notification of the decedent's death;</p> <p>(7) The surviving grandchild of the decedent, or if there is more than one surviving grandchild, the majority of the surviving grandchildren. Less than the majority of the surviving grandchildren shall be vested with the rights and duties of this section if they have used reasonable efforts to notify all other surviving grandchildren and the other surviving grandchildren cannot be located or have not responded within five days of the notification of the decedent's death;</p> <p>(8) The guardian of the decedent at the time of the decedent's death, if one had been appointed;</p> <p>(9) The personal representative of the estate of the decedent;</p> <p>(10) The person in the next degree of kinship to the decedent, in descending order, subject to descent and distribution under the laws of succession of the State. If there is more than one person of the same degree of kinship to the decedent, any person of that degree may exercise the right of disposition;</p>

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ISSUE: FINAL DISPOSITION	
Law/Regulation	Any Guidelines or Requirements of Disposition of Cremated Remains Including Mailing Requirements
531B. Disposition of Remains 531B-9 Authority to direct and control disposition; recovery of reasonable expenses.	(2) The appropriate public authority fails to assume responsibility for disposition of the remains within thirty-six hours after having been given written notice of the decedent's death. Written notice may be given by hand delivery, certified mail, facsimile transmission, or electronic mail transmission. (b) Disposal of the decedent's remains pursuant to this section shall be by any means that are not prohibited by law.