

# HAWAII ADMINISTRATIVE RULES

## TITLE 7 DEPARTMENT OF DEFENSE

### SUBTITLE 2 OFFICE OF VETERANS' SERVICES

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#### CHAPTER 31 SERVICES TO VETERANS

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**Historical Note:** This chapter is based substantially upon Chapter 829 of Title 17, Hawaii Administrative Rules, entitled, "Service to Veterans." [Eff: 7/19/82; am 12/27/82; am and comp 6/20/85; FEB 09 1989]

#### **§7-31-1 Definitions.**

As used in this chapter:

"Office" means the Office of Veterans' Services as defined in HRS §363-1.

"Director" means the Director of the Office of Veterans' Services as defined in HRS §363-1.

"Dependent of a veteran" means any person who received from a veteran the principal support prior to entry or following entry of the veteran into any of the armed services or following the veteran's discharge from any of the armed services. It includes a dependent of a person currently serving in the service and a former dependent of a discharged or deceased veteran and of a person who has died in such service. It shall not include a dependent of a person discharged under other than honorable conditions.

"Services to veterans" means services focused on assisting a veteran, the veteran's dependents, or both, to obtain federal as well as state benefits by providing information about available rights and benefits,

making referrals to appropriate agencies, and providing counseling and assistance in filling out forms as provided in sections 363-1 to 363-3, HRS.

"Veteran" means any person who has served in any of the armed services of the United States, or any person who is now a citizen of the United States who has served in any of the armed services of any country which was an ally of the United States in any war or campaign in which the United States was also engaged and has been discharged from service.

[Eff: FEB 09 1989] (Auth: HRS §363-2) (Imp: HRS §363-1)

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### **§7-31-2 Eligibility requirements for service.**

(a) The following shall be eligible for veterans' services from the office:

- (1) Any veteran as defined in [section 7-31-1](#);
- (2) Any member of the military currently on active duty who re-enlists in the armed services and any officer currently on active duty shall be assisted if the service is not available to the individual as an active duty personnel; and
- (3) Any dependent as defined in [section 7-31-1](#).

(b) The veteran, dependent, or both, shall provide verification of the veteran's status through discharge documents or other documents.

(c) Services enumerated in [section 7-31-4.1](#) shall be limited to disabled veterans as defined by the United States Department of Veterans Affairs.

[Eff: FEB 09 1989] (Auth: HRS §363-2) (Imp: HRS §§363-3, 363-11)

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### **§7-31-3 Geographic areas of service. services shall be available statewide.**

[Eff: FEB 09 1989] (Auth: HRS §363) (Imp: HRS §363-3)

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### **§7-31-4 Scope of services to veterans.**

(a) Information and referral services shall include:

- (1) Assisting the individual in clarifying and identifying the request or problem for which assistance is needed through personal or telephone discussion with the individual;
- (2) Providing counseling and information regarding veterans' benefits; and

(3) Directing and referring veterans to community agencies which provide services, assistance, and benefits to veterans by law or otherwise.

(b) Aid and assistance services shall include:

(1) Assisting with preparation of forms and letters which are necessary to secure benefits and services;

(2) Preparing a statement of financial ability to sponsor immigrants. The office shall assist the veteran to prepare the affidavit of support form required by the Immigration and Naturalization Service for the admission of an alien. The affidavit of support form shall serve as evidence that should the alien be admitted, whether for permanent residency, vacation, or other reason, the alien will not become a public charge;

(3) Securing free certified copies of vital statistics for the veteran as well as a dependent of a veteran who requires the documents to support a claim for benefits. The office shall arrange with the State Department of Health and the circuit courts for copies of the document which include:

- (A) Birth certificate;
- (B) Death certificate;
- (C) Marriage certificate;
- (D) Adoption decree; or
- (E) Divorce decree;

(4) Burial in veterans' cemeteries in Hawaii, Kauai, and Maui counties. When requested by the veteran's family, the office shall assist the family to secure burial in county veterans' cemeteries, and shall assist in the coordination of funeral activities on Oahu, the family shall arrange burial with the United States Department of Veterans Affairs, the National Memorial Cemetery of the Pacific, and the mortuary; and

(5) Assisting with legal change of name for which the veteran is required to pay all costs. Assistance shall include:

- (A) Providing services necessary to coordinate and expedite the process of legal change of name; and
- (B) Processing the change after the veteran submits all necessary documents such as birth certificate of petitioner, all discharge papers, children's birth certificates, spouse's birth certificate, if the spouse also desires change of name.

[Eff: FEB 09 1989] (Auth: HRS §§363-2, 363-11) (Imp: HRS §§363-3, 363-5, 363-11)

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#### **§7-31-4.1 Special housing for disabled veterans.**

(a) The office shall assist with specially designed homes for disabled veterans under which the office shall provide a grant not to exceed \$5,000 to remodel or purchase a home for a disabled veteran in accordance with section 303-4, HRS.

(b) The office shall not expend more than the appropriated amounts per the State's fiscal year for the

provision of grants for specially designed homes for disabled veterans.

(c) The grants specified in this section shall be contingent on the availability of funds for this purpose.

(d) To qualify for this grant, all of the following requirements shall be met:

- (1) The veteran shall be approved for a federal grant under the United States Department of Veterans Affairs Specially Adapted Housing program;
- (2) The veteran shall have been a bona fide resident of the State before entering active service with the armed forces;
- (3) The veteran shall be physically residing in the state at the time the federal grant is approved as well as at the time the application for the grant and receipt of the State grant are made;
- (4) The veteran's home shall be used for the purpose of establishing permanent, and not temporary, residency in the State;
- (5) The home the veteran is remodeling or purchasing shall be in the State;
- (6) The veteran shall formally apply for the grant by completing the form designated by the office;
- (7) The office shall verify statements to establish that the veteran meets the eligibility requirements for the grant, such as verification of Hawaii residency through State income tax information which the veteran shall produce; and
- (8) The application shall be approved by the director of the office.

(e) The State grant shall be disbursed to the veteran in care of the United States Department of Veterans Affairs regional office to be placed in escrow. This disbursement shall be made only when the federal grant has been approved and the United States Department of Veterans Affairs is ready to complete the escrow agreement and authorize the construction, purchase, or remodeling of the specially designed home for the disabled veteran.

(f) The special housing grant shall be made to a veteran only once.

[Eff: FEB 09 1989] (Auth: HRS §363-2) (Imp: HRS §363-11)

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### **§7-31-5 Authorization for service.**

Services to veterans shall be authorized for individuals meeting eligibility requirements as specified in sections [7-31-2](#), [7-31-4](#), and [7-31-4.1](#).

[Eff: FEB 09 1989] (Auth: HRS §363-2) (Imp: HRS §§363-2, 363-3)

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### **§7-31-6 Termination of service.**

Services to veterans shall be terminated when one or both of the following conditions exist:

- (1) The veteran's request for information and referral services, or aid and assistance services, or both, as provided in sections [7-31-4](#) and [7-31-4.1](#) have been completed; or
- (2) The veteran no longer desires assistance and voluntarily terminates contact with the agency.

[Eff: FEB 09 1989] (Auth: HRS §363-2) (Imp: HRS §363-2)

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DEPARTMENT OF DEFENSE  
**Amendments to Chapter 7-31, Hawaii Administrative Rules**

SUMMARY

1. §§[7-31-1](#), [7-31-2](#), [7-31-4](#), and [7-31-4.1](#) are amended.

**§7-31-1 Definitions.**

As used in this chapter:

\*\*\*

"Director" means the director of the office of veterans' services as defined in section 363-1, HRS.

\*\*\*

"Office" means the office of veterans' services as defined in section 363-1, HRS.

\*\*\*

[Eff: 2/9/89; **am SEP 03 1994**] (Auth: HRS §363-2) (Imp: HRS §363-1)

**§7-31-2 Eligibility requirements for service.**

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(c) Services enumerated in section [7-31-4.1](#) shall be limited to disabled veterans as defined by the United States Department of Veterans Affairs.

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[Eff: 2/9/89; **am SEP 03 1989**] (Auth: HRS §363-2) (Imp: HRS §§363-3, 363-11)

**§7-31-4 Scope of services to veterans.**

(a) Information and referral services shall include:

- (1) Assisting the individual in clarifying and identifying the request or problem for which assistance is needed through personal or telephone discussion with the individual;
- (2) Providing counseling and information regarding veterans' benefits; and
- (3) Directing and referring veterans to community agencies which provide services, assistance, and benefits to veterans by law or otherwise.

(b) Aid and assistance services shall include:

- (1) Assisting with preparation of forms and letters which are necessary to secure benefits and services;
- (2) Preparing a statement of financial ability to sponsor immigrants. The office shall assist the veteran to prepare the affidavit of support form required by the Immigration and Naturalization Service for the admission of an alien. The affidavit of support form shall serve as evidence that should the alien be admitted, whether for permanent residency, vacation, or other reason, the alien will not become a public charge;
- (3) Securing free certified copies of vital statistics for the veteran as well as a dependent of a veteran who requires the documents to support a claim for benefits. The office shall arrange with the state department of health and the circuit courts for copies of the document which include:

- (A) Birth certificate;
- (B) Death certificate;
- (C) Marriage certificate;
- (D) Adoption decree; or
- (E) Divorce decree;

(4) Burial in veterans' cemeteries in Hawaii, Kauai, and Maui counties. When requested by the veteran's family, the office shall assist the family to secure burial in county veterans' cemeteries, and shall assist in the coordination of funeral activities. On Oahu, the family shall arrange burial with the United States Department of Veterans Affairs, the National Memorial Cemetery of the Pacific, and the mortuary; and

(5) Assisting with legal change of name for which the veteran is required to pay all costs. Assistance shall include:

- (A) Providing services necessary to coordinate and expedite the process of legal change of name; and
- (B) Processing the change after the veteran submits all necessary documents such as birth certificate of petitioner, all discharge papers, children's birth certificates, spouse's birth certificate, if the spouse also desires change of name.

[ Eff: 2/9/89; am ] (Auth: HRS §§363-2, 363-11) (Imp: HRS §363-3, 363-5, 363-11)

**§7-31-4.1 Special housing for disabled veterans.**

(a) The office shall assist with specially designed homes for disabled veterans under which the office shall provide a grant not to exceed \$5,000 to remodel or purchase a home for a disabled veteran in

accordance with section 363-11, HRS.

\*\*\*

(d) To qualify for this grant, all of the following requirements shall be met:

- (1) The veteran shall be approved for a federal grant under the United States Department of Veterans Affairs' Specially Adapted Housing program;
- (2) The veteran shall have been a bona fide resident of the State before entering active service with the armed forces;
- (3) The veteran shall be physically residing in the State at the time the federal grant is approved as well as at the time the application for the grant and receipt of the State grant are made;
- (4) The veteran's home shall be used for the purpose of establishing permanent, and not temporary, residency in the State;
- (5) The home the veteran is remodeling or purchasing shall be in the State;
- (6) The veteran shall formally apply for the grant by completing the form designated by the office;
- (7) The office shall verify statements to establish that the veteran meets the eligibility requirements for the grant, such as verification of Hawaii residency through state income tax information which the veteran shall produce; and
- (8) The application shall be approved by the director of the office.

(e) The State grant shall be disbursed to the veteran in care of the United States Department of Veterans Affairs regional office to be placed in escrow. This disbursement shall be made only when the federal grant has been approved and the United States Department of Veterans Affairs is ready to complete the escrow agreement and authorize the construction, purchase, or remodeling of the specially designed home for the disabled veteran.

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[ Eff: 2/9/89; am ] ( Auth: HRS §363-2 ) ( Imp: HRS §363-11 )

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## DEPARTMENT OF DEFENSE

Amendments to chapter 7-31, Hawaii Administrative Rules, on the Summary page dated \_\_\_\_\_, were adopted on \_\_\_\_\_, following a public hearing held on May 16, 1994 after public notice was given in the Honolulu Advertiser, Star Bulletin, Hawaii Tribune Herald, West Hawaii Today, Maui News and Garden Island Weekly on April 5, 1994.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

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EDWARD V. RICHARDSON  
Adjutant General  
Department of Defense

APPROVED AS TO FORM:

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Deputy Attorney General

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JOHN WAIHEE  
Governor

Date: AUG 24 1994

AUG 24 1994  
Filed

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DEPARTMENT OF DEFENSE  
**Amendments to Chapter 7-31, Hawaii Administrative Rules**

1. Section 7-31-1, Hawaii Administrative Rules, is amended to read as follows:

**§7-31-1 Definitions.**

As used in this chapter:

"Dependent of a veteran" means any person who received from a veteran the principal support prior to entry or following entry of the veteran into any of the armed services or following the veteran's discharge from any of the armed services. It includes a dependent of a person currently serving in the service and a former dependent of a discharged or deceased veteran and of a person who has died in such service. It shall not include a dependent of a person discharged under other than honorable conditions.

"Director" means the [Director of the Office of Veterans' Services] director of the office of veterans' services as defined in section 363-1, HRS [§363-1].

"Office means the [Office of Veterans' Services] office of veterans' services as defined in section 363-1, HRS [§363-1].

"Services to veterans" means services focused on assisting a veteran, the veteran's dependents, or both, to obtain federal as well as state benefits by providing information about available rights and benefits, making referrals to appropriate agencies, and providing counseling and assistance in filling out forms as provided in sections 363-1 to 363-3, HRS.

"Veteran" means any person who has served in any of the armed services of the United States, or any person who is now a citizen of the United States who has served in any of the armed services of any country which was an ally of the United States in any war or campaign in which the United States was



also engaged and has been discharged from service."

[Eff: 2/9/89; am SEP 03 1994] (Auth: HRS §363-2) (Imp: HRS §363-1)

2. Section 7-31-2, Hawaii Administrative Rules, is amended by amending subsection (c) to read as follows:

"(c) Services enumerated in section 7-31-4.1 shall be limited to disabled veterans as defined by the [Federal Veterans Administration.] United States Department of Veterans Affairs."

[Eff: 2/9/89; am SEP 03 1994] (Auth: HRS §363-2) (Imp: HRS §§363-3, 363-11)

3. Section 7-31-4, Hawaii Administrative Rules, is amended to read as follows:

**"§7-31-4 Scope of services to veterans.**

(a) Information and referral services shall include:

- (1) Assisting the individual in clarifying and identifying the request or problem for which assistance is needed through personal or telephone discussion with the individual;
- (2) [providing] Providing counseling and information regarding veterans' benefits; and
- (3) Directing and referring veterans to community agencies which provide services, assistance, and benefits to veterans by law or otherwise.

(b) Aid and assistance services shall include:

- (1) Assisting with preparation of forms and letters which are necessary to secure benefits and services;
- (2) Preparing a statement of financial ability to sponsor immigrants. The office shall assist the veteran to prepare the affidavit of support form required by the Immigration and Naturalization Service for the admission of an alien. The affidavit of support form shall serve as evidence that should the alien be admitted, whether for permanent residency, vacation, or other reason, the alien will not become a public charge;
- (3) Securing free certified copies of vital statistics for the veteran as well as a dependent of a veteran who requires the documents to support a claim for benefits. The office shall arrange with the [State Department of Health] state department of health and the circuit courts for copies of the document which include:
  - (A) Birth certificate;
  - (B) Death certificate;
  - (C) Marriage certificate;
  - (D) Adoption decree; or
  - (E) Divorce decree;

(4) Burial in veterans' cemeteries in Hawaii, Kauai, and Maui counties. When requested by the veteran's family, the office shall assist the family to secure burial in county veterans' cemeteries,

and shall assist in the coordination of funeral activities. On Oahu, the family shall arrange burial with the [Federal Veterans Administration,] United States Department of Veterans Affairs, the National Memorial Cemetery of the Pacific, and the mortuary; and

(5) Assisting with legal change of name for which the veteran is required to pay all costs.

Assistance shall include:

(A) Providing services necessary to coordinate and expedite the process of legal change of name; and

(B) Processing the change after the veteran submits all necessary documents such as birth certificate of petitioner, all discharge papers, children's birth certificates, spouse's birth certificate, if the spouse also desires change of name."

[Eff 2/9/89; am SEP 03 1994] (Auth: HRS §§363-2, 363-11) (Imp: HRS §§363-3, 363-5, 363-11)

4. Section 7-31-4.1, Hawaii Administrative Rules, is amended by amending subsection (a) to read as follows:

"(a) The office shall assist with specially designed homes for disabled veterans under which the office shall provide a grant not to exceed \$5,000 to remodel or purchase a home for a disabled veteran in accordance with section [303-4,] 363-11, HRS."

[Eff 2/9/89; am] (Auth: HRS §363-2) (Imp: HRS §363-11)

5. Section 7-31-4.1, Hawaii Administrative Rules, is amended by amending subsections (d) and (e) to read as follows:

"(d) To qualify for this grant, all of the following requirements shall be met:

(1) The veteran shall be approved for a federal grant under the [Federal Veterans' Administration's] United States Department of Veterans Affairs' Specially Adapted Housing program;

(2) The veteran shall have been a bona fide resident of the State before entering active service with the armed forces;

(3) The veteran shall be physically residing in the State at the time the federal grant is approved as well as at the time the application for the grant and receipt of the State grant are made;

(4) The veteran's home shall be used for the purpose of establishing permanent, and not temporary, residency in the State;

(5) The home the veteran is remodeling or purchasing shall be in the State;

(6) The veteran shall formally apply for the grant by completing the form designated by the office;

(7) The office shall verify statements to establish that the veteran meets the eligibility requirements for the grant, such as verification of Hawaii residency through [State] state income tax information which the veteran shall produce; and

(8) The application shall be approved by the director of the office.

(e) The State grant shall be disbursed to the veteran in care of the [Federal Veterans' Administration]

United States Department of Veterans Affairs regional office to be placed in escrow. This disbursement shall be made only when the federal grant has been approved and the [Federal Veterans' Administration] United States Department of Veterans Affairs is ready to complete the escrow agreement and authorize the construction, purchase, or remodeling of the specially designed home for the disabled veteran."

[Eff: 2/9/89; am ] Auth: HRS §363-2) (Imp: HRS §363-11)

6. These amendments to chapter 7-31, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

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I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1. Hawaii Revised Statutes, which were adopted on \_\_\_\_\_, and filed with the Office of the Lieutenant Governor.

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Adjutant General

APPROVED AS TO FORM:

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Deputy Attorney General

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DEPARTMENT OF DEFENSE  
**Amendments to Chapter 7-31, Hawaii Administrative Rules**

**SUMMARY**

1. §7-31-1 is amended.
2. A new §7-31-4.2 is added.

**§7-31-1 Definitions.**

As used in this chapter:

\*\*\*

"VBGP" means the veterans burial grant program.

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"World War II (WWII) Filipino veteran" means any Filipino veteran, who is now a citizen of the United States, who served honorably in an active duty status in any of the armed services of the United States between September 1, 1939 and December 31, 1946.

[Eff: 2/9/89; am 9/3/94; am APR 17 1995] (Auth: HRS §363-2) (Imp: HRS §363-1)

**§7-31-4.2 World War II (WWII) Filipino veterans burial grant program (VBGP).**

(a) The office shall assist with the VBGP for the burial of WWII Filipino veterans, under which the office shall provide a grant, not to exceed \$2000, to reimburse funeral and burial expenses or the cost of transporting the remains to the Philippines.

(b) The office shall not expend more than the appropriated amount for the State's fiscal year for the provision of the VBGP grant for the funerals and burials or transportation of remains of WWII Filipino veterans.

(c) Eligibility for the VBGP shall be limited to a World War II Filipino veteran who died on or after July 1, 1994, and who was, at the time of death, a:

- (1) United States citizen;
- (2) Resident of the State of Hawaii; and

(d) Application for the World War II Filipino veterans burial grant program:

- (1) Application for a burial grant may be made by the WWII Filipino veteran's survivor or interested party by completing the form designated by the office.
- (2) The application shall be processed and eligibility determined within seven working days after the application is received by the office.
- (3) The office shall verify statements to establish that the deceased meets the eligibility requirements for the grant; and
- (4) The application shall be approved by the director.

(e) Choice of Services: The deceased WWII Filipino veteran's survivor or interested party shall make arrangements for the funeral and burial services through any licensed provider of mortuary and crematory services of their choice; or make arrangements for the transportation of a deceased WWII Filipino veteran's remains to the Philippines in lieu of reimbursement for funeral and burial services in the State.

(f) Disbursement of World War II Filipino veterans burial grant program funds:

- (1) The office shall reimburse the deceased Filipino veteran's survivor or interested party by applying VBGP funds, not to exceed \$2000, to the actual cost of the funeral and burial or transportation of a deceased WWII Filipino veteran.

(2) No payments shall be made by the office without an itemized paid invoice showing the specific services rendered by the licensed provider.

[Eff 2/9/89; **am 9/3/94**; am APR 17 1995] (Auth: HRS §363-2) (Imp: HRS §363-1)

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## DEPARTMENT OF DEFENSE

Amendments to Chapter 7-31, Hawaii Administrative Rules, on the Summary Page dated \_\_\_\_\_ were adopted on \_\_\_\_\_, following public hearings held on March 13, 1995, March 14, 1995, March 16, 1995 and March 17, 1995, after public notice was given in the Honolulu Advertiser, Star Bulletin, Hawaii Tribune Herald, West Hawaii Today, Maui News and Garden Island Weekly on February 3, 1995, February 6, 1995 and February 8, 1995.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

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EDWARD V. RICHARDSON  
Adjutant General  
Department of Defense

APPROVED AS TO FORM:

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Deputy Attorney General

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Benjamin J. Cayetano  
Governor

Date:

APR 5 1995  
Filed

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