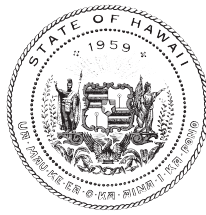


# 2009 N-11



# 2009 N-11 Forms and Instructions

STATE OF HAWAII — DEPARTMENT OF TAXATION

## Hawaii Resident Income Tax Forms and Instructions

**Caution: Part-Year Residents Must Use Form N-15**

**THIS PACKAGE CONTAINS: Form N-11** Hawaii Individual Income Tax Return - Resident; **Schedule CR** Schedule of Tax Credits; **Schedule X** Tax Credits for Hawaii Residents; **Form N-101A** Application for Automatic Extension of Time To File Hawaii Individual Income Tax Return; **Form N-200V** Individual Income Tax Payment Voucher; and **Hawaii Taxpayer Bill of Rights**

Hawaii



**CLICK. ZIP. FAST ROUND TRIP!**

### E-file Form N-11!

For more information, visit our website at [www.hawaii.gov/tax](http://www.hawaii.gov/tax)



*Simple. Safe. Secure.*

For more information, see page 28 of the Instructions.

### DUE DATE: APRIL 20, 2010

For tax information, call 808-587-4242 (or toll-free 1-800-222-3229)

Make your check payable to the "Hawaii State Tax Collector"

### MESSAGE FROM THE DIRECTOR

*OUR MISSION is to administer the tax laws of the State of Hawaii in a consistent, uniform, and fair manner.*

The employees of the Department of Taxation strive to accomplish this mission each and every day. We welcome input from the public and we are committed to continuous review and improvement of our services.

If you are filing the resident Form N-11, you may be able to e-file your return through your tax practitioner or from your own computer using commercially available software. For more information, visit our website at [www.hawaii.gov/tax](http://www.hawaii.gov/tax).

You, too, can help us be more efficient just by filing your tax returns correctly and on time with the correct amount of payment. That is harder than it sounds, of course, but simple things like checking all entries before submitting your return, and filing it on or before April 20, 2010, make a big difference. Start early; the earlier you start, the more time you'll have to obtain missing documents, and the less likely you'll be to make an error. Refunds are also processed faster if you file early instead of filing close to the due date. Keep a copy of your return, worksheets, and supporting documents; if a question should arise it will help you understand and resolve the problem with us if you have your tax return information in front of you. A copy also will help you to prepare your return next year.

Publications, forms (including forms with writable fields), and instructions are available on our website at [www.hawaii.gov/tax](http://www.hawaii.gov/tax). You can also obtain copies at any district tax office, or by calling 808-587-4242 or toll-free from the neighbor islands and continental U.S. at 1-800-222-3229.

Finally, we continue to welcome your written suggestions for improving our forms, instructions, and services. Please mail your suggestions to the Department of Taxation, P.O. Box 259, Honolulu, HI 96809-0259, or e-mail them to [Tax.Directors.Office@hawaii.gov](mailto:Tax.Directors.Office@hawaii.gov).

KURT KAWAFUCHI  
Director of Taxation

State of Hawaii  
Department of Taxation  
P.O. Box 3559  
Honolulu, Hawaii 96811-3559

PRSRT STD  
U.S. Postage  
PAID  
Honolulu, Hawaii  
Permit No. 481

# Changes for 2009

- For taxable years beginning after December 31, 2008, the income tax for the highest income bracket is increased. (Act 60, SLH 2009)
- Provides a \$1 general income tax credit for 2009. (Act 84, SLH 2009)
- Adopts the federal provision that amends the definition of a qualifying child for taxable years beginning after December 31, 2008. (Act 133, SLH 2009)
- Adopts the federal provision that extends the educator expense deduction through 2009. (Act 133, SLH 2009)
- Adopts the federal provision that extends the election to deduct state and local general sales taxes through 2009. (Act 133, SLH 2009)
- Adopts the federal provision that extends the exclusion of debt discharge income from home mortgages through 2012. (Act 133, SLH 2009)
- Adopts the federal provision that gain allocated to periods of nonqualified use will not be excluded from income for sales or exchanges of a principal residence after December 31, 2008. (Act 133, SLH 2009)
- Makes several amendments to the renewable energy technologies income tax credit including a provision that a taxpayer may elect to treat the tax credit as refundable. (Act 154, SLH 2009)
- For taxable years beginning after December 31, 2008, the deduction of wagering losses is repealed for purposes of the Hawaii state income tax. (Act 165, SLH 2009)
- Limits the amount of tax credit available for the high technology business investment tax credit and the technology infrastructure renovation tax credit for investments made and renovation costs incurred on or after May 1, 2009, and reduces the rate of the capital goods excise tax credit to 0% for property that was placed in service on or after May 1, 2009. (Act 178, SLH 2009)
- Imposes the state income tax on rollovers made by state or county employees from certain qualified annuity plans and qualified deferred compensation plans to the state employee retirement system for purposes of purchasing retirement credits. (Act 181, SLH 2009)
- For taxable years beginning after December 31, 2008, conforms to the federal phase-out provision for personal exemptions. Adjusts the income level at which the phase out begins by utilizing the federal inflation-adjusted amounts as of July 1, 2008 and by further reducing those amounts by 25%. (Act 14, SSLH 2009)
- The amount of the military reserve or Hawaii national guard duty pay exclusion is increased to \$5,609 for taxable years beginning after December 31, 2008. (Act 197, SLH 2004)

## Important Reminders for 2009

- If you are unable to file by April 20, 2010, you are granted an automatic 6-month extension of time to file Form N-11, Form N-13, and Form N-15 without filing Form N-101A (or any other form) unless an additional tax payment must be made. The extension of time to file is NOT an extension of time for payment of tax. You must file Form N-101A if you are making a payment. You may **not** use federal Form 4868 instead of Form N-101A.
- Please complete all required entries on your tax return and make sure all required forms and statements are attached. Failure to do so may result in a notice of adjustment being sent to you and you may be required to file an amended tax return to correct missing entries or provide missing forms or statements.
- The following lines **MUST** be filled in: Form N-11, line 23; Form N-13, line 13; and Form N-15, line 41. Failure to do so could cause delays in processing your return.
- Please be sure to check the appropriate filing status box.
- Please check all arithmetic on the return. A correct return will help us process your return efficiently and issue refunds quickly.
- If you are married and filing separate returns, the refund from your spouse's return cannot be applied to your liability.
- Include your spouse's social security number if you are married whether a joint or separate return is filed. If your spouse is an alien and was issued an ITIN by the IRS, enter your spouse's ITIN. If your spouse has applied for an ITIN but the IRS has not yet issued the ITIN, write "Applied For".
- Attach your employee earning statements (HW-2's or federal W-2's) to the front of your return.
- If someone prepares your tax return and charges you a fee, the preparer must sign and complete the Paid Preparer's Information box.
- Please file your return on or before April 20, 2010. Mail your return to the appropriate mailing address as stated on page 6.
- Enclose only one return per envelope.
- Please place proper postage on the envelope before mailing. If there is insufficient postage on the envelope, it will be returned to you by the U.S. Postal Service.
- Keep a copy of your return for your records.

## Items To Note

- The *Hawaii Taxpayer Bill of Rights* is reprinted inside the back cover.
- The Department of Taxation is a proud partner with the Missing Child Center - Hawaii, Department of the Attorney General (MCCH). Photographs of missing children selected by the Center may appear in this instruction booklet on pages that would otherwise be blank. You can help bring these children home by looking at the photographs and calling MCCH at 1-808-586-1449 if you recognize a child.
- Federal income tax law changes enacted during the 2009 calendar year have not been adopted for Hawaii income tax purposes at the present time. A conformity bill will be introduced to the 2010 Hawaii Legislature which may adopt certain of the provisions. You cannot claim any of the federal provisions on your Hawaii income tax return until it has been enacted by the State of Hawaii.

# STATE OF HAWAII — DEPARTMENT OF TAXATION

## RELATED FEDERAL/HAWAII TAX FORMS

Federal Form Number	Title or Description of Federal Form	Comparable Hawaii Form	Copy of Fed. Form May Be Submitted+
W-2	Wage and Tax Statement	HW-2	Yes
W-4	Employee's Withholding Allowance Certificate	HW-4	No
W-10	Dependent Care Provider's Identification and Certification	HW-16	No
1040	U.S. Individual Income Tax Return	None	No
1040 Sch A	Itemized Deductions	None	No
Sch B	Interest and Ordinary Dividends	None	No
Sch C	Profit or Loss from Business	None	Not Required
Sch C-EZ	Net Profit From Business	None	Not Required
Sch D	Capital Gains and Losses	None	No
Sch E	Supplemental Income and Loss	None	Not Required
Sch F	Profit or Loss From Farming	None	Not Required
Sch J	Income Averaging for Farmers and Fishermen	Form N-168	No
Sch R	Credit for the Elderly or the Disabled	None	No
1040A	U.S. Individual Income Tax Return (short form)	N-13	No
1040ES	Estimated Tax for Individuals	N-1	No
1040EZ	Income Tax Return for Single and Joint Filers With No Dependents	None	No
1040NR	U.S. Nonresident Alien Income Tax Return	None	No
1040-V	Payment Voucher	N-200V	No
1040X	Amended U.S. Individual Income Tax Return	None	No
1045	Application for Tentative Refund	N-109	No
1128	Application To Adopt, Change, or Retain a Tax Year	None	Yes
1310	Statement of Person Claiming Refund Due a Deceased Taxpayer	N-110	No
2106	Employee Business Expenses	None	Yes
2106-EZ	Unreimbursed Employee Business Expenses	None	Yes
2120	Multiple Support Declaration	None	Yes
2210	Underpayment of Estimated Tax by Individuals, Estates, and Trusts	N-210	No
2441	Child and Dependent Care Expenses	Sch X	No
2848	Power of Attorney and Declaration of Representative	N-848	Yes
3903	Moving Expenses	N-139	No
4562	Depreciation and Amortization	None	Yes
4684	Casualties and Thefts	None	Yes
4797	Sales of Business Property	Sch D-1	No
4835	Farm Rental Income and Expenses	None	Yes
4852	Substitute for Form W-2, Wage and Tax Statement, or Form 1099-R, Distributions From Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.	L-15	No
4868	Application for Automatic Extension of Time to File U.S. Individual Income Tax Return	N-101A	No
4952	Investment Interest Expense Deduction	N-158	No
4970	Tax on Accumulation Distribution of Trusts	N-405	No
4972	Tax on Lump-Sum Distributions	N-152	No
5213	Election to Postpone Determination as to Whether the Presumption Applies That an Activity is Engaged in for Profit	None	Yes
5329	Additional Taxes on Qualified Plans (Including IRAs) and Other Tax-Favored Accounts	None	No
5884	Work Opportunity Credit	N-884	No
6198	At-Risk Limitations	None	Yes
6252	Installment Sale Income	None	Yes
6781	Gains and Losses From Section 1256 Contracts and Straddles	None	Yes
8283	Noncash Charitable Contributions	None	Yes
8332	Release/Revocation of Release of Claim to Exemption for Child by Custodial Parent	None	Yes
8582	Passive Activity Loss Limitations	None	Yes
8586	Low-Income Housing Credit	N-586	No
8615	Tax for Certain Children Who Have Investment Income of More Than \$1,900	N-615	No
8814	Parents' Election to Report Child's Interest and Dividends	N-814	No
8824	Like-Kind Exchanges	None	Yes
8829	Expenses for Business Use of Your Home	None	Yes
8853	Archer MSAs and Long-Term Care Insurance Contracts	None	No

+If "Yes" is indicated and there is no Hawaii equivalent form, the federal form must be used.

To request tax forms by mail, you may call 808-587-4242 or toll-free 1-800-222-3229.

You may also obtain tax forms through the Department of Taxation's Internet address at [www.hawaii.gov/tax](http://www.hawaii.gov/tax).

# Form N-11 — General Instructions

## Guidelines for Filling in Scannable Forms

Form N-11 and Schedule CR are designed for electronic scanning that permits faster processing with fewer errors. In order to avoid unnecessary delays caused by manual processing, taxpayers should follow the guidelines listed below:

- Print amounts only on those lines that are applicable.
- Use only a black or dark blue ink pen. Do not use red ink, pencil, or felt tip pens.
- Because this form is read by a machine, please print your numbers inside the boxes like this:

1 2 3 4 5 6 7 8 9 0 X

- Do NOT print outside the boxes.
- Fill in ovals completely. Do not ✓ or X the ovals.
- Do NOT enter cents. For numbers that are required to be rounded to the nearest dollar, do NOT print over the zeros printed on the form that are used to designate cents.
- Do NOT use dollar signs, slashes, dashes or parenthesis in the boxes.
- Photocopying of this form could cause delays in processing your return.

## Who Must File

1. Every individual doing business in Hawaii during the taxable year must file a return, whether or not the individual derives any taxable income from that business.

“Doing business” includes all activities engaged in or caused to be engaged in with the object of gain or economic benefit, direct or indirect, except personal services performed as an employee under the direction and control of an employer.

For example, every person receiving rents from property owned in Hawaii is “doing business” and must file a return whether or not the person’s expenses exceed the gross rental income.

2. Every individual receiving more than the following amounts of gross income subject to taxation under Hawaii Income Tax Law, including amounts received as salaries and wages for services rendered by an employee to an employer, must file a return:

For Individuals Under Age 65	
Filing Status	Gross Income of
Married filing separately	\$3,040
Single or legally separated	\$3,040
Single, head of household	\$3,960
Qualifying widow(er) with a dependent child	\$5,040
Married couple filing jointly	\$6,080

For Individuals Age 65 or older	
Filing Status	Gross Income of
Married filing separately	\$4,080
Single or legally separated	\$4,080
Single, head of household	\$5,000
Qualifying widow(er) with a dependent child	\$6,080
Married couple filing jointly, <b>one</b> is 65 or older	\$7,120
Married couple filing jointly, <b>both</b> are 65 or older	\$8,160

These threshold amounts will be higher for persons who are blind, deaf, or totally disabled, and who have completed and filed a certification with the Department of their disability on Form N-172 before filing their income tax return.

For individuals who can be claimed as **dependents** on the tax return of another taxpayer, the threshold amount is the amount of the dependents’ standard deduction.

For **nonresident aliens**, the threshold amount is \$1,040 for individuals under 65, and \$2,080 for individuals 65 or older.

For **nonresident individuals**, the threshold amounts stated above must be multiplied by the ratio of Hawaii adjusted gross income to total adjusted gross income from all sources to determine whether the individual must file a return.

3. Individuals who took up residence in Hawaii after attaining the age of 65 years and before July 1, 1976, may elect to be taxed only on Hawaii source income. See *Election Under Act 60, SLH 1976* on page 5.

4. Children who receive unearned income during the taxable year and have not attained the age of 14 years before the end of the taxable year must file their own returns to report their income unless their parent or parents report that income.

However, the Department of Taxation will, administratively, not require the filing of a State income tax return if the child’s total earned and/or unearned income for the taxable year is \$500 or less and the application of the standard deduction amount results in no taxable income for the child. Children who must file a return may need to file Form N-615, Computation of Tax for Children Under Age 14 Who Have Investment Income of More than \$1,000. Parents may report income of their children by filing Form N-814, Parent’s Election to Report Child’s Interest and Dividends.

5. If you need to report additional tax from Form N-2, Distribution from an Individual Housing Account; Form N-103, Sale of Your Home; Form N-152, Tax on Lump-Sum Distributions; Form N-312, Recapture of Capital Goods Excise Tax Credit; Form N-318, Recapture of High Technology Business Investment

Tax Credit; Form N-338, Recapture of Tax Credit for Flood Victims; Form N-405, Tax on Accumulation Distribution of Trusts; Form N-586, Recapture of Low-Income Housing Tax Credit; or Form N-814, Parent’s Election to Report Child’s Interest and Dividends, then you must file a return regardless of income level.

## Who Should File

Even if you do not have to file, you should file to get a refund if too much income tax was withheld from your pay. Also, if you are eligible for refundable credits, you need to file a return to claim the credits.

## Residents and Nonresidents

### Resident

A resident is taxed on income from all sources.

A resident must file an Individual Income Tax Return—Resident (Form N-11 or N-13), if required to do so.

A Hawaii resident is (1) Every individual domiciled in Hawaii, and (2) Every other individual whether domiciled in Hawaii or not, who resides in Hawaii for other than a temporary or transitory purpose.

An individual domiciled outside Hawaii is presumed to be a resident if he or she spends more than 200 days in Hawaii during the taxable year. This presumption may be overcome by evidence satisfactory to the Department of Taxation that the individual maintained a permanent place of abode outside the State and was in the State for a temporary or transitory purpose. No person shall be deemed to have gained or lost a residence simply because of his or her presence or absence in compliance with military or naval orders of the United States, while engaged in aviation or navigation, or while a student at any institution of learning. See Tax Information Release No. 97-1, “*Determination of Residence Status*”.

### Nonresident

A Hawaii nonresident is an individual who is in Hawaii for a temporary or transient purpose, and whose permanent domicile is not Hawaii.

A nonresident must file an Individual Income Tax Return—Nonresident and Part-Year Resident (Form N-15), if required to do so. A nonresident will be taxed on income from Hawaii sources only.

A nonresident married to a Hawaii resident may choose to file a joint return with the resident spouse on Form N-11 or N-13; **however, the nonresident will then be taxed on all income from all sources.** For more information, see *Married Filing Joint Return* on page 7.

## Election Under Act 60, SLH 1976

Individuals who took up residence in Hawaii after attaining the age of 65 years and before July 1, 1976, may elect to be taxed only on Hawaii source income. To make the election, attach a signed statement to Form N-11 setting forth the date that the individual established residence in Hawaii and the individual's date of birth (which must be before July 1, 1911). Individuals making this election must file a return regardless of the amount of income earned, and **may not use Form N-13**.

## Part-Year Resident

A part-year resident is an individual who was a Hawaii resident for part of the year, and who was a nonresident during the other part of the year. This includes those who moved to Hawaii during the year and those who moved away from Hawaii during the year.

A part-year resident must file an Individual Income Tax Return—Nonresident and Part-Year Resident (Form N-15), if required to do so. A part-year resident will be taxed on all income from all sources during the period of residency, and on income from Hawaii sources only during the period of nonresidency.

## Domicile Defined

The term "domicile" means the place where an individual has a true, fixed, permanent home and principal establishment, and to which place the individual has, whenever absent, the intention of returning. It is the place in which an individual has voluntarily fixed the habitation of himself or herself and family, **not for a mere special or temporary purpose, but with the present intention of making a permanent home**. Three things are necessary to create a new domicile: first, abandonment of the old domicile; second, the intent to establish a new domicile; and third, actual physical presence in the new domicile. Once a domicile is established, the intent to abandon it is not itself sufficient to create a new domicile; a new domicile must be shown.

**Reminder:** If you are in Hawaii because of military orders and do not intend to make Hawaii your permanent home, you are not considered a Hawaii resident for income tax purposes, even though you have been in Hawaii for more than 200 days in 2009. File a resident return with your home state, and file a Hawaii nonresident and part-year resident return (Form N-15) to report your Hawaii income.

## Resident and Nonresident Examples

**Note:** For more information, see *Tax Information Release No. 90-3, "Income Taxation and Eligibility for Credits of an Individual Taxpayer Whose Status Changes from Resident to Nonresident or from Nonresident to Resident"*, *Tax Information Release No. 90-10, "Clarification of Taxation and the Eligibility for Personal Exemptions and Credits of Residents and Nonresidents in the Military and Spouses and Dependents of Persons in the Military"*, and *Tax Information Release No. 97-1, "Determination of Residence Status"*.

**Example 1**—A Hawaii resident who enlists in the military normally will remain a Hawaii resident regardless of the length of absence from Hawaii while stationed outside of Hawaii.

**Example 2**—A Hawaii resident working in a foreign country will remain a Hawaii resident unless permanent resident status is granted by the foreign country.

**Example 3**—Foreign students who are granted entry into the United States on "F" visas are nonresidents for Hawaii tax purposes. Researchers and faculty members who are granted entry into the United States on "H", "J", or "Q" visas, and who have been in Hawaii for more than 200 days during the taxable year may be considered Hawaii residents.

**Example 4**—Spouses of those in the military service do not become Hawaii residents if their principal reason for moving to Hawaii was the transfer of the service member spouse to Hawaii, and if it is their intention to leave Hawaii when the service member spouse either is transferred to another military station or leaves the service.

**Example 5**—A Hawaii resident who marries a nonresident will remain a Hawaii resident unless the three requirements for changing his or her domicile are also met. (Refer to "Domicile Defined" on this page.) This situation applies in reverse to a nonresident who marries a resident. A person's residence status will not change just because of marriage.

## Which Form to File

You must file resident Form N-11 or N-13, as appropriate, if you were a resident for the full year. File Form N-15 if you were a nonresident for the full year or a part-year resident.

### Generally, you MUST use Form N-11 if:

- You were a resident for the **full** year, or, if married filing jointly, **either** spouse was a resident for the full year (however, the nonresident spouse would be taxed on their worldwide income for the full year).
- But if you qualify to file Form N-13, you may file it instead of Form N-11.
- You were a resident for the full year as described above and you file your return on a fiscal year basis.

### You MUST use Form N-15 if:

- You were a nonresident for the **full** year, or, if married filing jointly, **both** spouses were nonresidents for the full year.
- You are taking up residence in Hawaii during the tax year. (Part-year resident).
- You are giving up residence in Hawaii during the tax year. (Part-year resident).

### You MAY Be Able to Use Form N-13 if:

- You were a resident for the **full** year, or, if married filing jointly, **either** spouse was a resident for the full year (however, the nonresident spouse would be taxed on their worldwide income for the full year);
- You had only wages, salaries, tips, interest, ordinary dividends, and unemployment compensation, AND

- Your taxable income (adjusted gross income less standard deduction and personal exemptions) is less than \$100,000.

Form N-13 is a simplified form. However, Form N-11 may allow you to pay less tax.

If you are eligible to file Form N-13 but you filed a federal resident return, you may want to file Form N-11 instead because it uses information you already entered on your federal return.

To see if you qualify to use Form N-13, see the instructions for Form N-13.

## When to File

**Note:** If any due date falls on a Saturday, Sunday, or legal holiday, substitute the next regular work day as the due date.

You should file as soon as you can after January 1, but not later than April 20, 2010. If you file late, you may have to pay penalties and interest if you owe taxes on your return. Please see the instructions for *Penalties and Interest* on page 31. If you cannot meet the deadline, you are automatically granted a 6-month extension without the need to file anything with the Department unless an additional tax payment must be made. As long as the following conditions are met, you are deemed to have made an application for the 6-month extension to file an income tax return on the prescribed due date:

1. On or before April 20, 2010, 100% of the properly estimated tax liability is paid;
2. The tax return is filed on or before the expiration of the 6-month extension period;
3. The tax return is accompanied by full payment of any tax not already paid; and
4. You are not bound by a court order to file a tax return on or before the prescribed due date.

If you must make an additional payment of tax on or before April 20, 2010 in order to meet the condition requiring payment of 100% of the properly estimated tax liability, you must file Form N-101A with your payment. The extension of time to file is not an extension of time for payment of tax.

Form N-101A can be filed and payment made electronically through the State's Internet portal. For more information, go to [www.ehawaii.gov/efile](http://www.ehawaii.gov/efile). Federal Form 4868, Application for Automatic Extension of Time To File U.S. Individual Income Tax Return, may **not** be used in lieu of Form N-101A.

**Note:** Returns for fiscal year taxpayers must be filed on or before the 20th day of the fourth month following the close of the fiscal year.

**Note:** Under Hawaii Income Tax Law, certain tax credits must be claimed within 12 months from the close of the tax year.

The official U.S. Post Office cancellation mark will be considered primary evidence of the date of filing of tax documents and payments. If you want to keep evidence that you mailed your return on time, ask your Post Office for a Certificate of Mailing. It is NOT necessary to get a certified or registered mail return receipt.

Hawaii has adopted the Internal Revenue Code provision to allow documents and payments delivered by a designated private delivery service to qualify for the “timely mailing treated as timely filing/paying rule.” The Department of Taxation will conform to the Internal Revenue Service listing of designated private delivery service and type of delivery services qualifying under this provision. Timely filing of mail which does not bear the U.S. Post Office cancellation mark or the date recorded or marked by the designated delivery service will be determined by reference to other competent evidence. The private delivery service can tell you how to get written proof of the mailing date.

---

## Where to File

If you are enclosing a check or money order with your tax return, mail your return with payment to:

**Hawaii Department of Taxation**  
Attn: Payment Section  
P. O. Box 1530  
Honolulu, Hawaii 96806-1530

If you are NOT enclosing a check or money order with your tax return, mail your return to:

**Hawaii Department of Taxation**  
P. O. Box 3559  
Honolulu, Hawaii 96811-3559

If two pre-addressed envelopes were received with your forms, please use the appropriate envelope as stated above.

---

## Where to Get Forms and Information

**Taxpayer Services Branch**  
Website: [www.hawaii.gov/tax](http://www.hawaii.gov/tax)  
E-mail: [Taxpayer.Services@hawaii.gov](mailto:Taxpayer.Services@hawaii.gov)  
**Telephone:**  
808-587-4242  
Toll-Free: 1-800-222-3229  
**Telephone for the hearing impaired:**  
808-587-1418  
Toll-Free: 1-800-887-8974

---

## Other Information

### Death of Taxpayer

Did the taxpayer die before filing a return for 2009? If so, the taxpayer’s spouse or personal representative may have to file a return and sign it for the person who died (decedent) if the decedent was required to file a return. A personal representative can be an executor, administrator, or anyone who is in charge of the taxpayer’s property.

If the decedent did not have to file a return but either had State income tax withheld, made estimated tax payments, or is eligible for various tax credits, a return must be filed to get a refund.

If your spouse died in 2009 and you did not remarry in 2009, or if your spouse died in 2010 before filing a return for 2009, you may still file a joint return for the 2009 tax year.

A return filed for a deceased taxpayer, including a joint return with a surviving spouse, must have the word “**DECEASED**” written on the top middle of the return. The words “**TAXPAYER DECEASED**” or “**SPOUSE DECEASED**” and the date of death also must be written in the space below the “THIS SPACE RESERVED” box.

Generally, the personal representative or other responsible individual must sign the return on behalf of the decedent. **If a refund is due, Form N-110, Statement of Person Claiming Refund Due a Deceased Taxpayer**, must be completed and attached to the return to ensure that the refund check will be issued in the name of the surviving spouse, personal representative, or other responsible individual instead of in the decedent’s name. A personal representative or other individual may be required to attach other documents such as the death certificate. See Form N-110 for further information.

**Exception for joint returns filed by surviving spouse.** If a *joint* return is being filed by the decedent and the decedent’s spouse, the spouse should write, “Filing as surviving spouse”, on the signature line which the decedent would have signed, and then the surviving spouse should sign his or her name on the other signature line. If a refund is being claimed on the return, Form N-110 is not required. The refund check will be issued to the surviving spouse.

### Filing a Final Return

If you are giving up your Hawaii residency at the end of the year, write the words “**FINAL RETURN**” on the top middle of the return.

### Declaration of Estimated Tax

**Basic rules.** Individuals who must pay more tax than is withheld, or who have no withholding, may have to file a declaration of estimated tax and pay that tax in a lump sum or installments. Income tax obligations might not be satisfied through withholding when an individual has income not subject to withholding, such as from self-employment, rent, gains from sales of property, interest and dividend income, unemployment compensation, or distributions from deferred compensation plans.

**Who Must File a Declaration on Form N-1.** An individual subject to Hawaii net income tax generally must file Form N-1, *Declaration of Estimated Tax for Individuals*, unless: (a) his or her estimated tax liability for the taxable year, after taking into account all taxes withheld or collected at the source, is less than \$500, or (b) the taxpayer did not have any tax liability for the preceding taxable year. See Form N-1 for details. Form N-1 can be filed and payment made electronically through the State’s Internet portal. For more information, go to [www.ehawaii.gov/efile](http://www.ehawaii.gov/efile).

**Date and Payment of Estimated Tax.** Your declaration for 2010 must be filed on or before April 20, 2010. The tax may be paid in full with the declaration, or in equal installments on or before April 20, 2010, June 20, 2010, September 20, 2010, and January 20, 2011. Each installment payment must be sub-

mitted with a payment voucher. Make checks or money orders payable to the “Hawaii State Tax Collector”.

**Penalties.** If you are required to file a declaration but you fail to do so, you may be subject to penalties. See *Penalties and Interest* on page 31.

## Multistate Tax Compact Act

Any taxpayer, other than a corporation acting as a business entity in more than one state, who is required by Hawaii Income Tax Law to file a return and whose only activities in the State consist of sales and who does not own or rent real estate or tangible personal property and whose annual gross sales in or into the State during the tax year are not in excess of \$100,000, may elect to report and pay a tax of .5 percent of such annual gross sales. Taxpayers who elect the foregoing shall file Form N-310 in lieu of Form N-11.

## Special Instructions for Nonresident Aliens

In certain situations, a taxpayer may be considered a nonresident alien for federal income tax purposes and a resident for Hawaii income tax purposes. In these situations, the special rules applicable to individuals who are considered nonresident aliens for federal income tax purposes will apply when the individual files a Hawaii resident income tax return. See Tax Information Release No. 97-1, “*Determination of Residence Status*”.

---

## Steps for Preparing Your Return

These instructions consist of 11 steps. You should complete the first 3 steps that follow BEFORE you begin to fill in your return.

Step 4, filling in the return through line 6e, begins on page 7 and ends on page 10. Step 5, filling in the rest of the return, is on page 10. The Line-By-Line Instructions for Form N-11 begin on page 10 and end on page 30.

Finally, steps 6 through 11 begin on page 30. These are the steps you should take after your Form N-11, and other schedules and forms you need, are filled in.

If you follow these steps and read the Line-By-Line Instructions, we feel you can fill in your return quickly and accurately. If you have any questions, call our Taxpayer Services staff.

---

## Step 1

### Get all of your income records together.

These include any Forms HW-2 and federal Forms W-2 or 1099 that you received. If you don’t receive a Form HW-2 or federal Form W-2 by January 31, or if the one you get isn’t correct, please contact your employer as soon as possible. Only your employer can give you a Form HW-2 or federal Form W-2, or correct it. If you cannot get a Form HW-2 or federal

Form W-2 by February 15, please contact our Taxpayer Services staff.

If you have someone prepare your return for you, make sure that person has all your income and expense records so he or she can fill in your return correctly. Remember, even if someone else prepares your return incorrectly, YOU are still responsible.

## Step 2

### If you plan to claim tax credits or itemize deductions, get the information and expense records you need.

These instructions tell you what credits and deductions you can claim. Some of the records you may need are:

- Medical and dental payment records.
- Real estate and income tax receipts.
- Interest payment records for a home mortgage.
- Receipts for charitable contributions.

## Step 3

### Get any forms, schedules, or information you need.

All forms and instructions you need may be picked up at any district tax office. You may also request that the forms and publications be mailed to you. Please allow approximately 10 days for the mailing of the tax forms. Tax forms are also available on the Internet. See page 6 for the phone number to request the forms you need and for the Department's website address.

## Step 4

### Fill in your tax year, name, address, filing status, and exemptions.

**Note:** If you are filing your return on a fiscal year basis, you **must** fill in the dates that your fiscal year begins and ends.

**Note:** Fill in the appropriate oval above the name and address area of the tax return if you are filing a tax return for the first time or if your address or name has changed.

**Note:** Enter your social security number and name at the top of Form N-11, pages 2, 3, and 4. If you are married and filing a joint return, also enter your spouse's social security number and name at the top of Form N-11, pages 2, 3, and 4.

If you requested a forms booklet, take the mailing label from the booklet we sent to you and make sure the information is correct. If any information is incorrect, do not use the mailing label. Instead, print the entries in this section.

After you have completed and checked all entries, attach your label (if the information is correct) to the return over the mailing address area where indicated. Use of the label

helps us identify your account, saves processing time, and speeds refunds.

Do not attach your label to the envelope. It may get separated from your return.

If you did not receive a label, print the entries in this section.

#### Do not use the IRS mailing label.

**Note:** Your social security number is no longer printed on the mailing label. You must write your social security number in the space provided on your tax return.

**Note:** You must write the first four letters of your last name in the boxes provided. If you are married, you must also write the first four letters of your spouse's last name in the boxes provided whether joint or separate returns are filed.

#### Name

You must use your legal name. Nicknames are not permitted. If you have changed your name because of marriage, divorce, etc., make sure you immediately notify the Social Security Administration so that the name on your tax return is the same as the name on the social security records. If these names do not match, your refund may be delayed.

If you file joint returns, write the names in the same order every year. There is a separate line for the spouse's name.

Write any descriptions (e.g. Jr., III, etc.) after your last name.

#### Address

Write your current mailing address in the space provided. If you receive your mail "in care of" someone else (i.e., your mail is sent to an address belonging to someone other than yourself), fill in that person's name in the space provided.

If your address is outside the United States or its possessions or territories, enter the city in the space provided for "City, town or post office", and enter the postal code in the space provided for "Postal/ZIP code." Enter the province and/or state, and the name of the country in the space provided. **Do not** abbreviate the country name.

**Important:** If your address should change after you file your return, you must notify the Department **in writing** of your new address. Please include your social security number and your signature. Any refund checks due to you will **not** be forwarded to your new address by the U.S. Postal Service.

#### Social Security Number

Write your social security number in the space provided. If you are married, you must also write your spouse's social security number in the space provided whether joint or separate returns are filed. Your social security numbers must be written in the same order as your names are written on your return.

If you are an alien and was issued an individual taxpayer identification number (ITIN) by the IRS, enter your ITIN. If you have applied for an ITIN but the IRS has not yet issued the

ITIN, write "ITIN Applied For" in the space below the "THIS SPACE RESERVED" box.

## Filing Status

Fill in oval 1, 2, 3, 4, or 5 as appropriate. Fill in only one oval.

**Note:** More than one filing status may apply to you. Choose the one that will give you the lowest tax. Your Hawaii filing status may or may not be the same as your federal filing status.

#### Single

Select oval 1, Single, if on December 31, 2009, you were unmarried, divorced, or separated from your spouse under a separate maintenance decree. State law governs whether you are married, divorced, or legally separated.

If you are married on December 31, 2009, consider yourself married for the whole year.

If your spouse died during 2009, consider yourself married to that spouse for the whole year, unless you remarried before the end of 2009.

If you are unmarried and provide a home for certain other persons, you may be able to file as Head of Household. See *Head of Household* on page 8.

If you were married in 2009, had a child living with you, and lived apart from your spouse during the last 6 months of 2009, you may be able to file as Head of Household. See *Married Persons Who Live Apart* on page 8.

#### Married Filing Joint Return

In most cases, married couples will pay less tax if they file a joint return. You must report all income, exemptions, deductions, and credits for you and your spouse. Both of you must sign the return, even if only one of you had income.

You and your spouse can file a joint return even if you did not live together for the whole year. Both of you are responsible for any tax due on a joint return, so if one of you doesn't pay, the other may have to.

**Note:** If you and your spouse file a joint return for the year and later decide to file separately, both you and your spouse **MUST** file amended returns on or before the due date of the original return (April 20). **You may not change your filing status from married filing jointly to married filing separately after that date.**

If your spouse died in 2009 or in 2010 before filing a return for 2009, see *Death of Taxpayer* on page 6.

**Tax Savings.** If you decide not to file a joint return and plan to file a separate return, see if you can lower your tax by meeting the tests described on page 8 under *Married Persons Who Live Apart*. If you can, you should fill in oval 4 for Head of Household.

**Special Rule for Nonresidents of Hawaii Who File a Joint Return With a Hawaii Resident.** If at the end of the taxable year you were a nonresident of Hawaii (but you were a U.S. resident) who is married to a resident of Hawaii, you may choose to file a joint return with

the resident spouse. By filing a joint return, however, you and your spouse agree to be taxed on your combined worldwide income.

**Special Rule for Nonresident and Dual-Status Aliens.** Generally, you cannot file a joint return if either spouse was a nonresident alien at any time during the tax year. However, nonresident aliens married to U.S. citizens or residents can elect to be taxed as a U.S. resident on their federal income tax return and file joint returns. If you and your spouse have made that election on your federal return, you also may choose to file a joint Hawaii return. By filing a joint return, you and your spouse agree to be taxed on your combined worldwide income.

**Special Rule When One Spouse Is a Nonresident or Part-Year Resident.** If one spouse is a resident and the couple files a joint return, both spouses are taxed on worldwide income. If at least one spouse is a part-year resident and the couple files a joint return, the couple is taxed on worldwide income for the period in which either spouse was a resident.

**Note:** For purposes of filing a joint return, common law marriages are not recognized under Hawaii law unless they began in a state which permits common law marriages.

## Married Filing Separate Returns

You may file separate returns whether both you and your spouse had income, only one of you had income, or neither of you had income.

If you choose to file separate returns, both you and your spouse must figure your tax the same way. This means that if one of you itemizes your deductions, the other must also itemize their deductions. You each report only your own income, exemptions, deductions, and credits, and you are responsible only for the tax due on your own return.

If you file a separate return, write your spouse's full name in the space after oval 3 and your spouse's social security number in the space provided for that number. Also write the first four letters of your spouse's last name in the boxes provided.

If your spouse does not file a Hawaii tax return, you may be able to claim the exemptions for your spouse. See the instructions for lines 6a and 6b.

**Special Rule for Nonresident and Dual-Status Aliens.** Married nonresident aliens must file separate returns. However, nonresident aliens who are married to U.S. citizens or residents and who elect to be taxed as a U.S. resident may file joint returns. However, see *Married Persons Who Live Apart* on this page.

## Head of Household

This filing status is for unmarried individuals who provide a home for certain other persons. (Some married persons who live apart are considered unmarried. See *Married Persons Who Live Apart* on this page.) You can fill in oval 4 only if you were unmarried or legally separated (according to State law) under a decree of divorce or separate maintenance at the end of 2009 and either 1 or 2 below applies.

1. You paid over half the cost of keeping up a home that was the main home for all of 2009 of your parent whom you can claim as a dependent, except under a multiple support agreement (see page 10). Your parent did not have to live with you.
2. You paid over half the cost of keeping up a home in which you lived and in which one of the following also lived for more than half of the year (if half or less, see *Exception to Time Lived With You* below).
  - a. Any person whom you can claim as a dependent. But do not include:
    - i. Your qualifying child (as defined in Step 1 on page 9) whom you claim as your dependent based on the rules for *Children of Divorced or Separated Parents* on page 9,
    - ii. Any person who is your dependent only because he or she lived with you for all of 2009, or
    - iii. Any person you claimed as a dependent under a multiple support agreement. See page 10.
  - b. Your unmarried qualifying child who is not your dependent.
  - c. Your married qualifying child who is not your dependent only because you can be claimed as a dependent on someone else's 2009 return.
  - d. Your child who is neither your dependent nor your qualifying child because of the rules for *Children of Divorced or Separated Parents* on page 9.

If the child is not your dependent, enter the child's name on line 4.

**Dependent.** To find out if someone is your dependent, see the instructions for line 6c that begin on page 9.

**Exception to time lived with you.** Temporary absences for special circumstances, such as for school, vacation, medical care, military service, and detention in a juvenile facility, count as time lived in the home. If the person for whom you kept up a home was born or died in 2009, you can still file as head of household as long as the home was that person's main home for the part of the year he or she was alive. Also see *Kidnapped Child* on page 10, if applicable.

**Keeping up a home.** To find out what is included in the cost of keeping up a home, see federal Publication 501.

**Note:** If you received payments under the *Aid to Families with Dependent Children (AFDC) program and used them to pay part of the cost of keeping up this home, you may not count these amounts as furnished by you.*

**Special Rule for Nonresident and Dual-Status Aliens.**—If you were a nonresident or dual-status alien during the tax year, you cannot file as Head of Household.

**Married persons who live apart.** Even if you were not divorced or legally separated at the end of 2009, you are considered unmarried if all of the following apply.

- You lived apart from your spouse for the last 6 months of 2009. Temporary absences for special circumstances, such as for business, medical care, school, or military service, count as time lived in the home.

- You file a separate return from your spouse.
- You paid over half the cost of keeping up your home for 2009.
- Your home was the main home of your child, stepchild, or foster child for more than half of 2009 (if half or less, see *Exception to Time Lived With You* on page 10).
- You claim this child as your dependent or the child's other parent claims him or her under the rules for *Children of Divorced or Separated Parents* on page 9.

**Adopted child.** An adopted child is always treated as your own child. An adopted child includes a child lawfully placed with you for legal adoption.

**Foster child.** A foster child is any child placed with you by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

**Special Rule for Nonresident and Dual-Status Aliens.**—If you were a nonresident or dual-status alien during the tax year, the special rules for *Married Persons Who Live Apart* will not apply to you unless you meet all of the tests previously stated, and you are a resident of Canada or Mexico. If you are considered unmarried under these rules, you may file as a single individual rather than married filing separately. You cannot file as Head of Household.

## Qualifying Widow(er) With Dependent Child

You can fill in oval 5 and use joint return tax rates for 2009 if all of the following apply.

- Your spouse died in 2007 or 2008 and you did not remarry in 2009.
- You have a child or stepchild whom you claim as a dependent. This does not include a foster child.
- This child lived in your home for all of 2009. If the child did not live with you for the required time, see *Exception to Time Lived With You* below.
- You paid over half the cost of keeping up your home.
- You could have filed a joint return with your spouse the year he or she died, even if you did not actually do so.

If your spouse died in 2009, you cannot file as qualifying widow(er) with dependent child. Instead, see the instructions for *Married Filing a Joint Return* on page 7.

**Adopted child.** An adopted child is always treated as your own child. An adopted child includes a child lawfully placed with you for legal adoption.

**Dependent.** To find out if someone is your dependent, see the instructions for line 6c that begin on page 9.

**Exception to time lived with you.** Temporary absences for special circumstances, such as for school, vacation, medical care, military service, and detention in a juvenile facility, count as time lived in the home. A child is considered to have lived with you for all of 2009 if the child was born or died in 2009 and your



home was the child's home for the entire time he or she was alive. Also see *Kidnapped Child* on page 10, if applicable.

**Keeping up a home.** To find out what is included in the cost of keeping up a home, see federal Publication 501.

**Note:** See *Death of Taxpayer* on page 6 for more information.

**Special Rule for Nonresident and Dual-Status Aliens.**—The special rules for Qualifying Widow(er) With Dependent Child will not apply unless the surviving spouse meets all of the tests previously stated, and was a resident alien or U.S. citizen the year their spouse died. The residency status refers to the surviving spouse's actual status, and not the election that some nonresident aliens make to be taxed as U.S. residents.

## Exemptions

### Lines 6a and 6b

#### Regular

You can take one exemption for yourself unless you can be claimed as a dependent on another person's tax return. Take two exemptions if you are married and filing a joint return.

If you are married filing separately, you can take your spouse's exemption only if your spouse is not filing a return, had no income, and was not the dependent of someone else. If your spouse meets these qualifications, fill in the oval under line 6b.

If at the end of the taxable year, you were divorced or legally separated, you cannot take an exemption for your former spouse. If you were separated by a divorce that is not final (interlocutory decree), you may take an exemption for your spouse if you file a joint return.

If your spouse died during the taxable year and you did not remarry before the end of the taxable year, fill in the ovals for the exemptions you could have taken for your spouse on the date of death.

#### Age 65 or Over

You can take the extra exemption for age 65 or over only for yourself and your spouse. You cannot take them for your dependents.

Age is determined as of December 31. However, if your 65th birthday was on January 1, 2010, you can take the extra exemption for age in 2009.

If you are married filing separately, you may NOT claim the extra exemption for age 65 or over for your spouse.

### Lines 6c and 6d

#### Children and Other Dependents

Enter the number of your dependent children in the box for line 6c. Enter the number of other dependents in the box for line 6d.

Follow the steps below to find out if a person qualifies as your dependent.

### Step 1 Do You Have a Qualifying Child?

**A qualifying child is a child who is your:**

- Son, daughter, stepchild, foster child, brother, sister, stepbrother, stepsister, or a descendant of any of them (for example, your grandchild, niece, or nephew), and
  - Was younger than you, and under age 19 at the end of 2009, or under age 24 at the end of 2009 and a student, or any age and permanently and totally disabled, and
  - Who did not provide over half of his or her own support for 2009, and
  - Who lived with you for more than half of 2009. If the child did not live with you for the required time, see *Exception to Time Lived With You* on page 10, and
  - Who has not filed a joint return, unless the return was filed only as a claim for refund.
1. Do you have a child who meets the conditions to be your qualifying child?

**Yes.** Go to Step 2.

**No.** Go to Step 3.

### Step 2 Is Your Qualifying Child Your Dependent?

1. Was the child a U.S. citizen, U.S. national, or a resident of the United States, Canada, or Mexico? If the child was adopted, see *Exception to Citizen Test* on page 10.
2. Was the child married?
3. Could you, or your spouse if filing jointly, be claimed as a dependent on someone else's 2009 tax return?

**Yes.** You cannot claim any dependents.

**No.** You can claim this child as a dependent.

### Step 3 Is Your Qualifying Relative Your Dependent?

**A qualifying relative is a person who is your:**

- Son, daughter, stepchild, foster child, or a descendant of any of them (for example, your grandchild), or
- Brother, sister, or a son or daughter of either of them (for example, your niece or nephew), or
- Father, mother, or an ancestor or sibling of either of them (for example, your grandmother, grandfather, aunt, or uncle), or
- Stepbrother, stepsister, stepfather, stepmother, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law, or
- Any other person (other than your spouse) who lived with you all year as a member of your household if your relationship does not violate local law. If the person did not live with you for the required time, see *Ex-*

*ception to Time Lived With You* on page 10, and

- Who was not a qualifying child of any person for 2009, and
- Who had gross income of less than \$3,650 in 2009. If the person was permanently and totally disabled, see *Exception to Gross Income Test* on page 10, and
- For whom you provided over half of his or her support in 2009. But see the exceptions for *Children of Divorced or Separated Parents* below, and *Multiple Support Agreements* and *Kidnapped Child* on page 10.

1. Does any person meet the conditions to be your qualifying relative?

**Yes.** Go to Question 2.

**No.** Stop. Go to Form N-11, line 7.

2. Was your qualifying relative a U.S. citizen, U.S. national, or a resident of the United States, Canada, or Mexico? If your qualifying relative was adopted, see *Exception to the Citizen Test* on page 10.

**Yes.** Go to Question 3.

**No.** Stop. Go to Form N-11, line 7.

3. Was your qualifying relative married?

**Yes.** See *Married Person* on page 10.

**No.** Go to Question 4.

4. Could you, or your spouse if filing jointly, be claimed as a dependent on someone else's 2009 tax return?

**Yes.** Stop. You cannot claim any dependents.

**No.** You can claim this person as a dependent.

#### Definitions and Special Rules.

**Adopted child.** An adopted child is always treated as your own child. An adopted child includes a child lawfully placed with you for legal adoption.

**Children of divorced or separated parents.** A child will be treated as being the qualifying child or qualifying relative of his or her non-custodial parent (the parent who had custody of the child for the lesser part of 2009 or did not have custody at all ) if all of the following apply.

1. The parents are divorced, legally separated, separated under a written separation agreement, or lived apart at all times during the last 6 months of 2009.
2. The child received over half of his or her support for 2009 from the parents (without regard to the rules on *Multiple Support Agreements* on page 10).
3. The child is in custody of one or both of the parents for more than half of 2009.
4. Either of the following applies.
  - a. The custodial parent signs federal Form 8332 or a substantially similar statement that he or she will not claim the child as a dependent for 2009. The noncustodial parent must attach federal Form 8332 or a similar statement to his or her tax return to claim the child as a dependent.
  - b. A decree of divorce or separate maintenance or written separation agreement between the parents that applies to 2009 provides that the noncustodial parent can claim the child as a dependent. If your de-

cree or agreement went into effect before 1985, the noncustodial parent must provide at least \$600 for support of the child during 2009.

If the rules above apply and this child would otherwise be the qualifying child of more than one person:

- Only the noncustodial parent can claim the child for purposes of the dependency exemption.
- Only one person can file as head of household. No other person can file as head of household unless he or she has a different qualifying child. If you and any other person claim the child as a qualifying child, the rules shown under *Qualifying Child of More Than One Person* on this page will apply.

See federal Publication 501 for more details.

**Exception to citizen test.** If you are a U.S. citizen or U.S. national and your adopted child lived with you all year as a member of your household, that child meets the citizen test.

**Exception to gross income test.** If your relative (including a person who lived with you all year as a member of your household) is permanently and totally disabled (defined on this page), certain income for services performed at a sheltered workshop may be excluded for this test. For details, see federal Publication 501.

**Exception to time lived with you.** A person is considered to have lived with you for all of 2009 if the person was born or died in 2009 and your home was this person's home for the entire time he or she was alive. Temporary absences for special circumstances, such as for school, vacation, medical care, military service, or detention in a juvenile facility, count as time lived with you. Also see *Children of Divorced or Separated Parents* on page 9, or *Kidnapped Child* on this page.

**Foster child.** A foster child is any child placed with you by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

**Kidnapped child.** If your child is presumed by law enforcement authorities to have been kidnapped by someone who is not a family member, you may be able to take the child into account in determining your eligibility for head of household or qualifying widow(er) filing status, and the deduction for dependents. See federal Publication 501.

**Married person.** If the person is married, you cannot claim that person as your dependent if he or she files a joint return. But this rule does not apply if the return is filed only as a claim for refund and no tax liability would exist for either spouse if they had filed separate returns. If the person meets this exception, go to Step 2, Question 3, on page 9 (for a qualifying child) or Step 3, Question 4, on page 9 (for a qualifying relative). If the person does not meet this exception, stop. Go to Form N-11, line 7.

**Multiple support agreements.** If no one person contributed over half of the support Page 10

of your relative (including a person who lived with you all year as a member of your household) but you and another person(s) provided more than half of your relative's support, special rules may apply that would treat you as having provided over half of the support. For details, see federal Publication 501.

**Permanently and totally disabled.** A person who, at any time in 2009, cannot engage in any substantial gainful activity because of a physical or mental condition and a doctor has determined that this condition (a) has lasted or can be expected to last continuously for at least a year, or (b) can be expected to lead to death.

**Qualifying child of more than one person.** If the child is the qualifying child of more than one person, only one person can claim the child as a qualifying child for (1) the dependency exemption, and (2) head of household filing status, unless the rules for *Children of Divorced or Separated Parents* on page 9 apply.

No other person can take any of the two tax benefits listed above unless he or she has a different qualifying child. If you and any other person claim the child as a qualifying child, the following rules will apply.

- If only one of the persons is the child's parent, the child will be treated as the qualifying child of the parent.
- If two of the persons are the child's parents, the child will be treated as the qualifying child of the parent with whom the child lived for the longer period of time in 2009. If the child lived with each parent for the same amount of time, the child will be treated as the qualifying child of the parent who had the higher adjusted gross income (AGI) for 2009.
- If none of the persons is the child's parent, the child will be treated as the qualifying child of the person who had the highest AGI for 2009.
- If the parents of a child can claim the child as a qualifying child but no parent so claims the child, no one else can claim the child as a qualifying child unless that person's AGI is higher than the highest AGI of any parent of the child.

**Example.** Your daughter meets the conditions to be a qualifying child for both you and your mother. If you and your mother both claim tax benefits based on the child, the rules above apply. Under these rules, you are entitled to treat your daughter as a qualifying child for any of the two tax benefits listed above for which you otherwise qualify. Your mother would not be entitled to take any of the two tax benefits listed above unless she has a different qualifying child.

If you will be claiming the child as a qualifying child, go to Step 2 on page 9. Otherwise, stop; you cannot claim any benefits based on this child.

**Student.** A child who during any part of 5 calendar months of 2009 was enrolled as a full-time student at a school, or took a full-time, on-farm training course given by a school or a state, county, or local government

agency. A school includes a technical, trade, or mechanical school. It does not include an on-the-job training course, correspondence school, or Internet school.

**Birth or Death of Dependent.** You can take an exemption for a dependent who was born or who died during the taxable year if he or she met the tests for a dependent while alive. This means that a baby who lived only a few minutes can be claimed as a dependent.

## Line 6e

Add the numbers you entered in the boxes 6a, 6b, 6c and 6d. Enter the total in the box on line 6e.

## Step 5

### Fill in your return.

Line-By-Line instructions for filling in Form N-11 begin on this page and end on page 30. Please read and follow the instructions carefully.

## Rounding Off to Whole Dollars

The Department of Taxation is requiring individual taxpayers to round off cents to the nearest whole dollar for all dollar entries on the tax return and schedules. To do so, drop amounts under 50 cents and increase amounts from 50 to 99 cents to the next dollar. For example: \$1.39 becomes \$1 and \$2.69 becomes \$3. If you have to add two or more amounts to figure the amount to enter on a line, schedule, or worksheet, you may choose to use one of two methods. Once a method of rounding is established, you must use the same method throughout the return. The first method is to include the cents when adding and round off only the total. The other method is to round off each entry. For example: You received two W-2 forms, one showing Hawaii withholding of \$50.55 and one showing Hawaii withholding of \$185.73. For rounding method 1, show your total Hawaii withholding as \$236, (\$50.55 + \$185.73 = \$236.28 rounded to \$236). For rounding method 2, show your total Hawaii withholding as \$237, (\$50.55 rounded to \$51.00 + \$185.73 rounded to \$186.00 = \$51 + \$186 = \$237).

---

## Line-By-Line Instructions - Form N-11

---

### Special Note to Part-Year Residents

Form N-11 is to be filed by full-year residents only. If you were a Hawaii resident for only part of 2009, you must file Form N-15 instead.

**Caution:** *The dates to be entered at the top of Form N-11 are not for part-year residents to enter the period of their Hawaii residency.*

### Income

An individual who was a Hawaii resident for the entire year is subject to income tax on his

or her entire income, computed without regard to source in the State.

## Line 7

### Federal Adjusted Gross Income (Federal AGI)

Report the federal AGI from the appropriate line of federal Form 1040, Form 1040A, or Form 1040EZ. If you are not required to file a federal income tax return, use federal Form 1040 as a worksheet to determine the amount to report as your federal AGI.

If you are filing a joint return for federal income tax purposes and a married filing separate return for state income tax purposes, the amount to report as your federal AGI must be calculated as if you are filing a federal married filing separate return.

If the federal AGI is a negative number, shade the minus (-) in the box to the left of the amount boxes.

## Hawaii Additions to Federal AGI

### Line 8

#### Difference Between State and Federal Wages

If the amount in Form W-2, Box 16 (State wages) is larger than Form W-2, Box 1 (Federal wages), subtract the federal wages from the state wages and enter the difference here. If you receive more than one Form W-2, add the differences from all of the forms. For example, federal employees getting Cost of Living Allowance (COLA) or Living Quarter Allowance (LQA) may see a difference that must be reported here. If you received COLA or LQA and do not see a difference between state and federal wages, enter the amount of COLA or LQA reported on your Form W-2. State or County employees who are in the contributory or hybrid plan of the Employees Retirement System also will see a difference that must be reported here.

### Line 9

#### Interest on Out-of-State Bonds, Including Municipal Bonds

If you received interest from bonds issued by another State, or a county, city, or political subdivision of another State (including interest distributions from a mutual fund investing in these bonds), enter the interest on line 9. Do not include interest from bonds issued by the Governments of Puerto Rico, U.S. Virgin Islands, Guam, and American Samoa, or any of their political subdivisions. Also, do not include distributions of short-term or long-term gains because these amounts are included in federal AGI.

### Line 10

#### Other Hawaii Additions to Federal AGI

This line is used to report other items that are taxed by Hawaii but are not taxed by the federal government, such as:

- Differences in the taxable portion of the Hawaii tax refund.
- Distributions and deemed distributions from Individual Housing Accounts.
- Peace Corps compensation.
- Differences in depreciation and gain.
- Compensation from temporary employment outside the United States.
- Differences in the deduction for student loan interest.
- Differences in the taxable portion of employer-provided adoption benefits.
- Qualified higher education expenses.
- Distributions from certain foreign corporations.
- Other adjustments.

These items are explained in more detail as follows.

#### Taxable Refund of State Income Taxes

The taxable portion of your Hawaii tax refund may be different from the amount claimed on your federal return. Use the *State Tax Refund Worksheet* on page 36 to figure the taxable portion of your refund and to determine if an adjustment needs to be made here.

**Note:** *None of your refund is taxable if, in the year you paid the tax, you either (a) did not itemize deductions, or (b) elected to deduct state and local general sales taxes instead of state and local income taxes.*

If you received a refund or credit in 2009 for state income taxes you paid before 2009, you may have to report it as income on your Hawaii income tax return. You should receive federal Form 1099-G, or a similar statement, showing the amount of the refund.

Any part of a refund of state or local income taxes paid before 2009 that you were entitled to receive in 2009 but chose to apply to your 2009 estimated state income tax is considered to have been received in 2009.

If you received a refund of 2008 taxes and you itemized deductions in 2008, figure the taxable portion of your refund using the *State Tax Refund Worksheet* on page 36. When completing the *State Tax Refund Worksheet* on page 36, enter an amount on line 2f only if the carryover of the residential construction and remodeling tax credit was claimed for construction or renovation costs for a residential unit that does not constitute business property.

**Note:** *If you received income tax refunds from other states, include these amounts on line 1 of the State Tax Refund Worksheet on page 36.*

If your refund included taxes from any previous year in which you itemized deductions, a similar calculation must be done for each previous year.

If part of your refund was interest, you should include that part in your federal Form 1040, 1040A, or 1040EZ as taxable interest income.

If your 2008 Hawaii AGI was over \$100,000 (\$50,000 for married taxpayers filing separately), you may be able to report a smaller amount of your tax refund as income because your itemized deductions were reduced in 2008. To compute the proper amount, see federal Publication 525, "Taxable and Nontaxable Income", under *Itemized deductions limited*. In the computation, however, the Hawaii standard deduction amounts must be used, the amount of the refund due to the Hawaii credits listed in the *State Tax Refund Worksheet* is subtracted, and the base amount for the limitation of itemized deductions remains at \$100,000 (\$50,000 for married taxpayers filing separately). If you use this calculation, enter the result on line 8 of the *State Tax Refund Worksheet* on page 36.

If your 2008 state and local income tax refund is more than your 2008 state and local income tax deduction minus the amount you could have deducted as your 2008 state and local general sales taxes, see federal Publication 525, "Taxable and Nontaxable Income", under *Recoveries*.

#### Individual Housing Accounts

If you purchased a principal residence with an Individual Housing Account (IHA), or you are notified by an IHA trustee that you have received a taxable distribution, report the taxable amount on line a of the *Hawaii Additions Worksheet* on page 36.

- If you purchased residential property before January 1, 1990, with a distribution from an IHA, you must include in gross income in the year the property is sold, conveyed, or transferred an amount equal to the amount of the distribution, unless an election was made to include one-tenth of the distribution in gross income each year for ten years. In addition, a penalty is added to your gross income. Attach Form N-103, Sale of Your Home, to figure the additional gross income.
- If you purchased residential property after December 31, 1989, you must include in gross income one-tenth of the distribution each year for ten years. If you sell the property purchased with an IHA distribution before the end of the ten-year period, the remaining amount of the distribution not previously reported must be included in gross income in the year of sale. In addition, a penalty is added to your tax liability. Attach Form N-103, Sale of Your Home, to figure the additional tax liability.
- If you purchased residential property after December 31, 1996, with a distribution from an IHA established prior to January 1, 1990, and you have made the election to do so, you must include in gross income in the year the property is sold, conveyed, or transferred an amount equal to the amount of the distribution. In addition, a penalty is added to your gross income. Attach Form

N-103, Sale of Your Home, to figure the additional gross income.

- If you use an IHA distribution for any purpose **other than** to purchase a first principal residence in Hawaii, or if you borrow against the IHA for such a purpose, the distribution (or the loan amount) is taxable, and a 10% penalty tax is imposed. The additional tax is the same amount shown in Box 4 of Form N-2, Distribution from an Individual Housing Account, and must be included on line 26.
- If you establish an IHA and later marry a person owning residential property, the IHA will terminate and distribute all of the assets to you. In this case, you must include the total distribution in your gross income. No penalty tax is imposed, but the 10% is still withheld. Be sure to claim the withheld amount on line 30.
- If an individual establishes an IHA and then dies or becomes totally disabled, special rules apply. For more information, see sections 18-235-5.5(r) and (s), Hawaii Administrative Rules.

### Peace Corps Compensation

If you received compensation for working with the Peace Corps, include the amount of that compensation on line c of the *Hawaii Additions Worksheet* on page 36.

### Depreciation and Gain Adjustments

**Note:** *Hawaii did not adopt the federal provisions for bonus depreciation, increased IRC section 179 deduction (Hawaii limit is \$25,000), and inclusion of off-the-shelf computer software as property qualifying for the IRC section 179 deduction. If the bonus depreciation, increased IRC section 179 deduction, or IRC section 179 deduction for off-the-shelf computer software is claimed for federal tax purposes, you must: (a) complete a federal Form 4562 for Hawaii tax purposes, (b) attach the completed federal Form 4562 to the Hawaii tax return, (c) make the necessary adjustments to the Hawaii tax return for the depreciation difference between federal and Hawaii on line d of the Hawaii Additions Worksheet on page 36, and (d) attach to the Hawaii tax return any worksheet showing the computation of the adjustments. You must also keep records of the differences in the asset's depreciable basis for federal and Hawaii tax purposes.*

If you claimed the capital goods excise tax credit, hotel construction and remodeling tax credit, technology infrastructure renovation tax credit, or drought mitigating water storage facility income tax credit, and did not include the amount of the credit as income in the year in which it is properly recognized under your method of accounting, then your adjusted basis in the assets was decreased by the amount of the credit claimed.

- If you are claiming a **depreciation deduction** for any such asset, multiply the depreciation percentage for this taxable year by the amount of the applicable income tax credit. Add the results for all of your assets for which the applicable income tax credit

was claimed, and enter this amount on line d of the *Hawaii Additions Worksheet* on page 36.

- If you **sold or otherwise disposed of** any such asset, your gain or loss will be different from that reported on your federal return. The difference will be the amount of the applicable income tax credit that has not already been recovered through depreciation deductions. Enter this amount on line e of the *Hawaii Additions Worksheet* on page 36. In addition, you may need to file Form N-312, Recapture of Capital Goods Excise Tax Credit; see Form N-312 for more information.

### Temporary Employment Outside the U.S.

If, while you were a Hawaii resident, you worked outside the United States and you filed federal Form 2555 or 2555-EZ to exclude some of your earned income, you need to add back the amounts here because Hawaii does not have this exclusion. On line f of the *Hawaii Additions Worksheet* on page 36, enter:

- The amount on Form 2555-EZ, line 18; or
- The **sum of** Form 2555, line 43, and Form 2555, line 48.

### Student Loan Interest Deduction

The student loan interest deduction may be different from the amount claimed on your federal return since your Hawaii modified adjusted gross income must be used in the computation instead of your federal modified adjusted gross income, and Hawaii's modified adjusted gross income ranges for phasing out the deduction will not be adjusted for inflation. Use the *Student Loan Interest Deduction Worksheet* on page 38 to determine if an adjustment needs to be made here.

### Employer-Provided Adoption Benefits

The taxable portion of your employer-provided adoption benefits may be different from the amount claimed on your federal return since your Hawaii modified adjusted gross income must be used in the computation instead of your federal modified adjusted gross income, and Hawaii's exclusion amount and modified adjusted gross income limit will not be adjusted for inflation. Use the *Adoption Benefits Worksheet* on page 38 to determine if an adjustment needs to be made here.

### Qualified Higher Education Expenses

Hawaii has not adopted the federal provision relating to the deduction for qualified higher education expenses. If you deducted qualified higher education expenses on your federal return, include the amount you deducted on line i of the *Hawaii Additions Worksheet* on page 36.

### Owners of Certain Foreign Corporations

Certain foreign corporations are classified as Controlled Foreign Corporations (CFCs), Passive Foreign Investment Companies (PFICs), or Foreign Personal Holding Com-

panies (FPHCs). Federal law requires that shareholders of these foreign companies recognize certain income earned by these companies before the companies distribute dividends. Hawaii has no comparable provisions. If you own one or more of these corporations, you had to file federal Form 5471, or you sold stock in any of these kinds of companies, you may need to make an adjustment here.

### Other Adjustments

**Note:** *At the present time, Hawaii has not adopted the federal provision which provides that for any tax year beginning in 2009, each recipient of unemployment compensation can exclude from gross income up to \$2,400 of the amount he or she received during the year.*

Other adjustments to federal AGI include the following:

- Hawaii has not adopted the federal provisions relating to:
  - the deduction for capital costs incurred in complying with environmental protection agency sulfur regulations,
  - the election for qualifying film and television productions to deduct certain production expenditures in the year the expenditure is incurred,
  - the deduction for U.S. production activities, and
  - the exclusion from income of benefits under a dependent care assistance program that increases the amount of income that is treated as having been earned by a spouse who is either a full-time student or not able to care for himself or herself.
- The special federal election for capital assets acquired in tax years beginning before January 1, 2001 (election under section 311 of the Taxpayer Relief Act of 1997) is not available for Hawaii income tax purposes.
- Taxpayers who took up residence in Hawaii after attaining the age of 65 years and before July 1, 1976, and who elect to be taxed only on Hawaii source income, may have to make an adjustment here since only Hawaii source income and adjustments are included in the Hawaii adjusted gross income.

There may be other adjustments to federal AGI that are not discussed in these instructions. Such adjustments arise, for example, if a taxpayer makes an election for federal tax purposes (such as an IRC section 179 election) but does not make the same election for Hawaii tax purposes. If you believe that an additional adjustment is needed to arrive at Hawaii adjusted gross income, enter the amount of the adjustment on line j of the *Hawaii Additions Worksheet* on page 36, write "X" on the dotted line next to line 10, and attach an explanation to Form N-11 that includes the amount of the adjustment and how you calculated it.

## Line 11

### Total Hawaii Additions to Federal AGI

Add the amounts on lines 8, 9, and 10. Enter the result on this line.

## Line 12

Add lines 7 and 11. Enter the result on this line.

If line 12 is a negative number, shade the minus (-) in the box to the left of the amount boxes.

## Hawaii Subtractions from Federal AGI

## Line 13

### Pensions

**Note:** *Effective July 1, 2009, Act 181, Session Laws of Hawaii 2009, imposes the state income tax on rollovers made by state or county employees from certain qualified annuity plans and qualified deferred compensation plans to the state employee retirement system for purposes of purchasing retirement credits.*

Hawaii does not tax qualifying distributions from an employer-funded pension plan. If you received qualifying distributions from an employer-funded profit sharing, defined contribution, or defined benefit plan, or from a government retirement system (e.g., federal civil service, military pension, state or county retirement system), enter the qualifying amount here.

### Nontaxable Distributions

The following lines describe what qualifying distributions are. These qualifying distributions were included in your federal AGI and will be excluded on this line. For a distribution to qualify, it must be paid by a pension plan by reason of retirement, disability, or death. The pension plan does not have to be a "qualified plan" as defined in section 401 of the Internal Revenue Code.

### Employer-Funded Pension Plans

The following three types of distributions are not taxed by Hawaii and should be included on line 13:

(1) Pension or annuity distributions from a public (i.e., government) retirement system (e.g., federal civil service annuity, military pension, state or county retirement system).

(2) Distributions from a private employer pension plan received upon retirement (including early retirement and disability retirement) if the employee did not contribute to the pension plan.

(3) Distributions from a pension plan at age 70-1/2 that are made to comply with the federal mandatory payout rule do qualify as a retirement payment whether or not the employee is still working full time.

Distributions from a private employer pension plan received upon retirement are partially taxed by Hawaii if the employee contributed to the pension plan.

### Rollover IRAs

A rollover IRA is treated as a continuation of the original plan that provided the money that is rolled over. If distributions from the origi-

nal plan would be characterized as a qualified distribution, distributions out of the rollover IRA need not be reported as well.

**Example** - In 1997, an individual received a lump sum distribution from an employer-funded profit-sharing plan upon retirement. The individual did not contribute to the profit-sharing plan. The entire lump sum distribution was rolled over to an IRA. In 2009, the individual rolled over \$50,000 from the IRA to a Roth IRA. The entire amount rolled over to the Roth IRA represents the lump sum distribution received by the individual upon retirement and earnings thereon. Since the lump sum distribution that the individual received upon retirement qualifies as a pension, the amount rolled over from the regular IRA to the Roth IRA also qualifies as a pension. Therefore, the amount rolled over to the Roth IRA is exempt from Hawaii's income tax.

### Taxable Pensions and Annuities

#### Early Distributions

Early distributions from a pension plan that are subject to the 10% federal penalty tax do not qualify and are taxable.

#### Deferred Compensation Plans

Distributions from a deferred compensation plan may be partly or fully taxable. A deferred compensation plan includes any plan in which the employee has a choice of whether to contribute money into the plan or take that amount in cash or property. Examples include 401(k) plans, salary reduction Simplified Employee Pension (SARSEP) plans, the Federal Thrift Savings Plan, and section 457 plans like the State of Hawaii Deferred Compensation Plan.

#### Annuity Plans

Retirement vehicles that you fund yourself, such as annuity plans and Individual Retirement Accounts (IRAs) that are not funded through a Simplified Employee Pension (SEP) plan, are considered to be your own investments. Distributions from these plans may be fully or partly taxable, depending on whether your IRAs include deductible or nondeductible contributions. See federal Publication 590 and federal Form 8606, for more details.

#### Rollover IRAs

A rollover IRA is treated as a continuation of the original plan that provided the money that is rolled over. If distributions from the original plan would be characterized as taxable, distributions out of the rollover IRA would be taxable as well.

**Example** - In 1997, an individual received a lump sum distribution from an employer-funded profit-sharing plan upon separation from service before retirement. The individual did not contribute to the profit-sharing plan. The entire lump sum distribution was rolled over to an IRA. In 2009, the individual rolled over \$50,000 from the IRA to a Roth IRA. The entire amount rolled over to the Roth IRA represents the lump sum distribution received by the individual upon separation from service and earnings thereon. Since the lump sum

distribution that the individual received upon separation from service does not qualify as a pension (the distribution is not paid upon retirement, disability, or death), the amount rolled over from the regular IRA to the Roth IRA also does not qualify as a pension. Therefore, the amount rolled over to the Roth IRA is taxable for Hawaii's income tax.

#### Hybrid Plans

If you received a distribution from a plan that is partly pension and partly deferred compensation, such as a 401(k) plan with a profit sharing component or an employer matching program, a SEP plan with employer contributions as well as a salary reduction option, or a similar hybrid plan, attach Schedule J to figure the taxable amount.

#### Lump-Sum Distributions

If you received a lump-sum distribution from a pension plan and you are electing to use the special ten-year averaging method, attach Schedule J and Form N-152, Tax on Lump Sum Distributions, to figure the taxable amount.

**Note:** *If your lump-sum distribution included capital gain amounts, you may be able to reduce your tax by including the capital gain amounts on Form N-152 and electing the capital gains treatment. See Form N-152 Instructions for more information.*

To compute the taxable portion of your annuity or pension, use Schedule J.

**Caution:** *Certain transactions, such as loans against your interest in a qualified plan, may be treated as taxable distributions.*

For more information on the taxation of pensions, see sections 18-235-7-01 to 18-235-7-03, Hawaii Administrative Rules, Tax Information Release No. 90-4, "Taxability of Benefit Payments from Pension Plan to Participants who Attain Age 70-1/2 as Required by the Internal Revenue Code Section 401(a)(9)(C)", and Tax Information Release No. 96-5, "Taxation of Pensions Under the Hawaii Net Income Tax Law: Deferred Compensation Arrangements; Rollover IRAs; Sub-Accounts of Pension Plans; Social Security and Railroad Retirement Act Benefits; Limitation on Deductions for Contributions to a Nonqualified Plan".

## Line 14

### Social Security Benefits

Hawaii does not tax Social Security or first tier Railroad Retirement Act benefits. Enter the amount from Form 1040, line 20b, or Form 1040A, line 14b.

## Line 15

### Military Reserve or Hawaii National Guard Duty Pay Exclusion

Hawaii does not tax the first \$5,609 received by each member of the reserve components of the army, navy, air force, marine corps, coast guard of the United States of America, and the

Hawaii national guard, as compensation for performance of duty as such. If you qualify, enter the **smaller of**:

- \$5,609, or
- Your pay, as shown on Box 16 of the Form W-2 sent to you by your reserve component.

If you are married filing a joint return, and you and your spouse qualify, add the exclusions for both of you and enter the total on line 15.

## Line 16

### Payments to an Individual Housing Account

You may be able to deduct from your gross income up to \$5,000 paid in cash during the taxable year into a trust account which is established for saving for a down payment on your first principal residence. A deduction not to exceed \$10,000 shall be allowed for a married couple filing a joint return. No deduction shall be allowed on any amounts distributed less than 365 days from the date on which a contribution is made to the account. Any deduction claimed for a previous taxable year for amounts distributed less than 365 days from the date on which a contribution was made shall be disallowed and the amount deducted shall be included in the previous taxable year's gross income and the tax reassessed. The account is to encourage first-time home buyers to save money for a down payment on a home.

The "first principal residence" means a residential property purchased with the payment or distribution from the individual housing account which shall be owned and occupied as the only home by an individual who did not have any previous interest in, individually, or if the individual is married, whose spouse did not own any interest in a residential property inside or outside of Hawaii within the last 5 years prior to opening the IHA.

The amounts paid in cash allowable as a deduction for all taxable years are limited to \$25,000, in the aggregate, excluding interest earned or accrued. This limitation also applies to married individuals having separate accounts; the sum of such separate accounts and the deduction shall not exceed \$25,000 in the aggregate, excluding interest income earned or accrued.

For more information, see section 18-235-5.5, Hawaii Administrative Rules.

## Line 17

### Exceptional Trees Deduction

You may deduct up to \$3,000 per exceptional tree for qualified expenditures you made during the taxable year to maintain the tree on your private property. The tree must be designated as an exceptional tree by the local county arborist advisory committee under chapter 58, HRS. Qualified expenditures are those expenses you incurred to maintain the exceptional tree (excluding interest) that are

deemed "reasonably necessary" by a certified arborist. No deduction is allowed in more than one taxable year out of every three consecutive taxable years. The deduction is allowed for amounts paid in taxable years beginning after December 31, 2003.

An affidavit signed by a certified arborist stating that the amount of expenditures are deemed reasonably necessary must be attached to your tax return. The affidavit also must include the following information: (1) type of tree, (2) location of tree, and (3) description and amount of expenditures made in 2009 to maintain the tree. The affidavit must be notarized.

## Line 18

### Other Hawaii Subtractions From Federal AGI

This line is used to report other items that are taxed by the federal government but are not taxed by Hawaii, such as:

- Interest on federal obligations, including U.S. Savings Bonds.
- Differences in the taxable portion of the Hawaii tax refund.
- Interest earned on an Individual Housing Account.
- Compensation earned by patients with Hansen's disease.
- Expenses not allowed on your federal return because they were connected with federal credits.
- Unearned income of children that you included in your federal return, if the children are filing Hawaii returns.
- Benefits from or premiums paid to legal services plans.
- Differences in the deduction for student loan interest.
- Differences in the taxable portion of employer-provided adoption benefits.
- Certain income from a qualified high technology business.
- Contributions to and interest earned by an individual development account.
- Section 235-7(a)(13), HRS, capital gain.
- Undistributed income earned by certain foreign corporations.
- Other adjustments.

These items are explained in more detail below.

### Interest on Federal Obligations, Including U.S. Savings Bonds

If you reported for federal purposes any interest received on federal obligations, including Treasury bills and notes and U.S. Savings Bonds, enter the amount of that interest on line a of the *Hawaii Subtractions Worksheet* on page 36.

For more information about what kinds of obligations should be reported here, see Tax Information Release No. 84-1, "Taxability of Interest on U.S. Obligations".

**If you filed federal Form 8815:** If you redeemed U.S. Savings Bonds to pay for higher

education tuition and fees and excluded some or all of the interest for federal purposes, subtract the amount from Form 8815, Line 14, before entering it on line a. That amount was already excluded on your federal return.

### Taxable Refund of State Income Taxes

See the instructions for line 10, *Taxable Refund of State Income Taxes*, on page 11. In some cases, the worksheet may call for an adjustment to be made here.

### Interest on an Individual Housing Account

If you have an Individual Housing Account, enter the interest earned by the account, as it appears on federal Form 1099-INT, on line c of the *Hawaii Subtractions Worksheet* on page 36.

### Patients With Hansen's Disease

Hawaii does not tax compensation by Hawaii or the U.S. to a patient affected with Hansen's disease (also known as leprosy). Enter the amount of the qualifying compensation on line d of the *Hawaii Subtractions Worksheet* on page 36.

### Expenses Disallowed Because They Were Connected with Federal Credits

If you are a business taxpayer; you claimed the federal Indian employment credit, the work opportunity credit, or the credit for qualified clinical testing expenses; and some of your business expenses were disallowed because you took the credits (section 280C, Internal Revenue Code), enter the amount of the disallowed expenses on line e of the *Hawaii Subtractions Worksheet* on page 36. Hawaii does not have those credits, and does allow the expense deductions.

### Children Having Unearned Income

If you filed federal Form 8814, Parent's Election to Report Child's Interest and Dividends, and you are **not** filing Form N-814 because your child will file a Hawaii tax return, enter the total amount from line 6 of federal Form(s) 8814 on line f of the *Hawaii Subtractions Worksheet* on page 36. Attach a copy of Form(s) 8814.

### Legal Services Plans

If you received benefits from a qualified group legal services plan or if your employer contributed to a group legal services plan, and you reported these benefits or contributions as taxable income on your federal return, check with your plan to see that it qualifies under Hawaii standards. If it does, Hawaii will not tax these amounts. Enter the amount of federally taxable benefits or contributions on line g of the *Hawaii Subtractions Worksheet* on page 36.

### Student Loan Interest Deduction

The student loan interest deduction may be different from the amount claimed on your federal return since your Hawaii modified adjusted gross income must be used in the

computation instead of your federal modified adjusted gross income, and Hawaii's modified adjusted gross income ranges for phasing out the deduction will not be adjusted for inflation. Use the *Student Loan Interest Deduction Worksheet* on page 38 to determine if an adjustment needs to be made here.

### Employer-Provided Adoption Benefits

The taxable portion of your employer-provided adoption benefits may be different from the amount claimed on your federal return since your Hawaii modified adjusted gross income must be used in the computation instead of your federal modified adjusted gross income, and Hawaii's exclusion amount and modified adjusted gross income limit will not be adjusted for inflation. Use the *Adoption Benefits Worksheet* on page 38 to determine if an adjustment needs to be made here.

### Certain Income from a Qualified High Technology Business

- **Royalties and other income derived from patents, copyrights, and trade secrets.** Amounts received by an individual or a qualified high technology business as royalties and other income derived from patents, copyrights, and trade secrets (1) owned by the individual or qualified high technology business, and (2) developed and arising out of a qualified high technology business are excluded from gross income, adjusted gross income, and taxable income. If you reported these amounts for federal purposes, include that amount on line j of the *Hawaii Subtractions Worksheet* on page 36.
- **Stock options income from qualified high technology business.** All income earned and proceeds derived from stock options or stock, including stock issued through the exercise of stock options or warrants, from a qualified high technology business or from a holding company of a qualified high technology business by an employee, officer, or director of the qualified high technology business, or investor who qualifies for the high technology business investment tax credit is excluded from income taxes. If you reported these amounts for federal purposes, include that amount on line j of the *Hawaii Subtractions Worksheet* on page 36.

### Individual Development Accounts

If you have an individual development account, enter the amount of contributions you made to the account, and the amount of interest earned by the account (as it appears on federal Form 1099-INT) on line k of the *Hawaii Subtractions Worksheet* on page 36.

### Section 235-7(a)(13), HRS, Capital Gain

For taxable years beginning after December 31, 2007, and ending prior to January 1, 2013, all of the gain realized by a fee simple owner from the sale of a leased fee interest in units within a condominium project, cooperative project, or planned unit development, to the

association of apartment owners or the residential cooperative corporation of the leasehold units is exempt from Hawaii income taxes. If you reported these amounts for federal purposes, include that amount on line l of the *Hawaii Subtractions Worksheet* on page 36.

For purposes of this exemption, "fee simple owner" means the person who owns the fee simple title to the land which is leased, including a life tenant with a remainder over, vested or contingent, and a holder of a defeasible estate, and the holder's heirs, successors, legal representatives, and assigns. A fee simple owner includes legal and equitable owners. "Leased fee interest" means all of the interests of the fee owner, lessor, and all legal and equitable owners of the land which is leased, other than the lessee's interest as defined by chapter 516, HRS. "Legal and equitable owners" means the fee simple owner and all persons having legal or equitable interests in the fee or in the lessor's leasehold estate, including mortgagees, developers, lienors, and sublessors, and their respective heirs, successors, legal representatives, and assigns. "Condominium project" means a real estate condominium project; a plan or project whereby a condominium of two or more units located within the condominium property regime have been sold or leased or are offered or proposed to be offered for sale or lease. "Cooperative project" means a real estate cooperative housing corporation project; a plan or project whereby two or more apartments located in a building owned by a cooperative housing corporation have been leased or are offered or proposed to be offered to be leased.

### Owners of Certain Foreign Corporations

If you own an interest in a CFC, PFIC, or FPHC, you had to file federal Form 5471, or you sold stock in any of these kinds of companies, see page 12 for further information. You may need to make an adjustment here.

### Other Adjustments

Other adjustments to federal AGI include the following:

- Scholarship grants received by a student under the Nursing Scholars Program is not subject to Hawaii income tax.
- The amount of payment stipend waived by Department of Education coaches and dispensed to the school for the benefit of the coach's team is not subject to Hawaii income tax.
- The special federal election for capital assets acquired in tax years beginning before January 1, 2001 (election under section 311 of the Taxpayer Relief Act of 1997) is not available for Hawaii income tax purposes.
- The capital loss carryover for qualified high technology businesses is 15 years.
- Taxpayers who took up residence in Hawaii after attaining the age of 65 years and before July 1, 1976, and who elect to be taxed only on Hawaii source income, may have to make an adjustment here since only Hawaii source income and adjust-

ments are included in the Hawaii adjusted gross income.

There may be other adjustments to federal AGI that are not discussed in these instructions. Such adjustments arise, for example, if a taxpayer makes an election for Hawaii tax purposes (such as an IRC section 179 election) but does not make the same election for federal tax purposes. If you believe you are entitled to an additional subtraction to arrive at Hawaii adjusted gross income, enter the amount of the adjustment on line m of the *Hawaii Subtractions Worksheet* on page 36, write "X" on the dotted line next to line 18, and attach an explanation to Form N-11 that includes the amount of the adjustment and how you calculated it.

## Line 19

### Total Hawaii Subtractions from Federal AGI

Add the amounts on lines 13 through 18. Enter the result on this line.

## Line 20

### Hawaii Adjusted Gross Income

Subtract line 19 from line 12. Enter the result on this line. If line 19 is larger than line 12, you may have a net operating loss.

If the Hawaii AGI is a negative number, shade the minus (-) in the box to the left of the amount boxes.

**Note:** At the present time, Hawaii has not adopted the federal net operating loss carryback provision of the American Recovery and Reinvestment Act of 2009.

**Note:** If you carry back the loss and are due a refund from the carryback, you may use Form N-109, *Application for Tentative Refund from Carryback of Net Operating Loss*, to get a quick refund. But if you elect to carry the loss forward instead, you must attach a statement to this effect on a timely filed return (including extensions). If you make such an election, it cannot be changed later.

## Deductions and Taxable Income Computation

**Note:** If you can be claimed as a dependent on another person's return, fill in the oval above line 21. Complete the "Standard Deduction for Dependents" worksheet on page 21 and enter the appropriate amount on line 22 if you do not itemize your deductions.

## Lines 21a to 21f

### Itemized Deductions

Taxpayers who itemize their deductions may deduct certain kinds of expenses from their adjusted gross income.

Taxpayers who do not itemize their deductions may reduce their adjusted gross income by the amount of the standard deduction ap-

appropriate to their filing status. The amount of the standard deduction is determined on line 22.

You will fall into one of the following three classes:

- You **MUST** itemize deductions,
- You choose to itemize, or
- You do not itemize.

The three classes are described as follows:

### You MUST Itemize Deductions

You must itemize deductions if:

- You are married, filing a separate return, and your spouse itemizes.
- You are making a return under IRC section 443(a)(1) for a period of less than 12 months because of a change in your annual accounting period.

### You Choose to Itemize

You may choose to itemize your deductions if you are:

- Married and filing a joint return, or a qualifying widow(er) with dependent child, and your itemized deductions are more than \$4,000.
- Married and filing a separate return, or Single, and your itemized deductions are more than \$2,000.
- Head of Household, and your itemized deductions are more than \$2,920.
- A dependent of another taxpayer and your itemized deductions are more than the greater of (1) \$500 or (2) your earned income up to the amount of the standard deduction for your filing status.

### You Do Not Itemize

If your itemized deductions are less than the amount shown above for your filing status (or you choose not to itemize), go to line 22 and enter your standard deduction amount there (unless you **MUST** itemize as described earlier).

If you itemize, you can deduct part of your medical and dental expenses, and amounts you paid for certain taxes, interest, contributions, casualty and theft losses, and other miscellaneous expenses. These deductions are explained on the pages that follow.

If you do itemize, complete *Worksheets A-1 through A-6* and enter the amounts on Form N-11, lines 21a to 21f.

## Line 21a

### Medical and Dental Expenses

Before you can figure your total deduction for medical and dental expenses, you must first figure your adjusted gross income.

If you itemized deductions on your 2009 federal return, enter the number from line 1 of federal Form 1040, Schedule A on *Worksheet A-1*, line 1.

If you did **not** itemize on your 2009 federal return, consult the instructions below to see which medical and dental expenses you may deduct.

Only that part of your medical and dental expenses that is more than 7.5% of your Hawaii adjusted gross income is deductible. To figure this amount, use *Worksheet A-1*.

On *Worksheet A-1*, line 1, include medical and dental bills you paid for:

- Yourself;
- Your spouse;
- All dependents you list on your return;
- Your child whom you do not claim as a dependent because of the rules explained on page 9 for *Children of Divorced or Separated Parents*; and
- Any person that you could have listed as a dependent on your return if that person had not received \$3,650 or more of gross income or had not filed a joint return.

**Example**—You provided more than half of your mother's support but cannot list her as a dependent because she received \$3,650 of wages during 2009. If part of your support was the payment of her medical bills, you can include that part in your medical expenses.

You should include all amounts you paid during 2009, but do not include amounts repaid to you, or paid to anyone else, by hospital, health or accident insurance, or by your employer, or paid through a medical savings account or health savings account.

### Examples of Medical and Dental Payments You CAN Deduct

To the extent you were not reimbursed, you can deduct what you paid for:

- Qualified long-term care services.
- Premiums for qualified long-term care contracts, subject to dollar limitations based on a person's age. See the federal instructions to Form 1040 for the dollar limits.
- Hospital, medical, dental, and extra Medicare (Medicare B) insurance.
- Prescription drugs and insulin.
- Medical doctors, dentists, eye doctors, gynecologists, chiropractors, osteopaths, podiatrists, psychiatrists, psychologists, physical therapists, acupuncturists, and psychoanalysts (medical care only).
- Medical examinations, X-ray and laboratory services, insulin treatment, and whirlpool baths the doctor ordered.
- Nursing help. If you pay someone to do both nursing and housework, you can deduct only the cost of nursing help.
- Hospital care (including meals and lodging), clinic costs, lab fees.
- Medical treatment at a center for drug or alcohol addiction.
- Medical aids such as hearing aids (and batteries), false teeth, eyeglasses, contact lenses, braces, orthopedic shoes, crutches, wheelchairs, guide dogs and the cost of maintaining the dogs.
- Ambulance service and other travel costs to get medical care. If you used your own car, you can claim what you spent for gas

and oil to go to and from the place you received medical care; or you can claim 24 cents a mile. Add parking and tolls to the amount you claim under either method.

- Cosmetic surgery or procedure that is necessary to correct a deformity arising from, or directly related to:
  - a congenital abnormality;
  - a personal injury resulting from an accident or trauma; or
  - a disfiguring disease.

### Examples of Medical and Dental Payments You CANNOT Deduct

You cannot deduct the following:

- The basic cost of Medicare insurance (Medicare A).

**Note:** If you are 65 or over and are not entitled to social security benefits, you may deduct premiums you voluntarily paid for Medicare A coverage.
- Life insurance or income protection policies.
- The 1.45% hospital insurance benefits tax withheld from your pay as part of the social security tax or paid as part of the self-employment tax.
- Nursing care for a healthy baby. (You may qualify for the child care credit; see Schedule X, Part III.)
- Illegal operations or drugs.
- Nonprescription medicines or drugs.
- Travel your doctor told you to take for rest or change.
- Funeral, burial, or cremation costs.
- Amounts paid for cosmetic surgery which is directed at improving the appearance and does not meaningfully promote the proper function of the body or prevent or treat illness or disease.

**Note:** If expenses for cosmetic surgery are **NOT** deductible as medical expenses, then amounts paid for insurance coverage for such expenses are **NOT** deductible. Furthermore, if an employer health plan reimburses you for such expenses, the reimbursement must be included in your gross income.

## Line 21b

### Taxes

**Note:** Act 133, Session Laws of Hawaii 2009, adopts the federal provision that extends the election to deduct state and local general sales taxes through 2009.

**Note:** At the present time, Hawaii has not adopted the federal provision which provides a deduction for state or local sales and excise taxes imposed on the purchase of a qualified motor vehicle after February 16, 2009, and before 2010, if the election to deduct state and local general sales taxes is not made.

Certain taxes you paid during the year can be deducted.



If you itemized deductions on your 2009 federal return, you may enter the same amount from Form 1040, Schedule A, line 9 on line 21b.

**Exception:** You should complete *Worksheet A-2* on page 36 if:

- You are a federal employee receiving a Cost Of Living Allowance (COLA). Not all of your Hawaii income taxes are deductible for federal purposes. (See IRS Revenue Ruling 74-140, 1974-1 C.B. 50, for more information.) Enter on line 5 of *Worksheet A-2* on page 36 the entire amount of state and local income taxes you paid in 2009, even if you reported a different amount on line 5 of federal Form 1040, Schedule A.
- You claimed a deduction for new motor vehicle taxes on line 7 of federal Schedule A. You cannot claim this deduction for Hawaii income tax purposes since Hawaii has not adopted this federal provision at the present time.

If you did not itemize deductions on your 2009 federal return, complete *Worksheet A-2*.

## Taxes You CAN Deduct

### State and Local Income Taxes

Include on this line:

- State and local income taxes withheld from your salary (as shown on your Form W-2) and withheld from your unemployment compensation (as shown on your Form 1099-G), estimated tax payments made in 2009, and payments made in 2009 for a prior year;
- Any part of a prior year refund of state or local income taxes that you chose to have credited to your 2009 estimated state or local income taxes; and
- The NET amount of taxes withheld from the sale of Hawaii real property interests.

**Do not** reduce your deduction by any tax refund or credit for prior year state and local income taxes you received in 2009. See instead the instructions for line 10.

For more information about the treatment of taxes withheld from the sale of real property interests, see Tax Information Release No. 2002-2, "Withholding of State Income Taxes on the Disposition of Hawaii Real Property".

### State and Local General Sales Taxes

**Note:** For purposes of the deduction for state and local general sales taxes, Hawaii's general excise tax will qualify as a "sales tax."

If you elect to deduct state and local general sales taxes, check box b on line 5 of *Worksheet A-2*. To figure your deduction, you can use either your actual expenses or the optional sales tax tables.

**Actual Expenses.** Generally, you can deduct the actual state and local general sales taxes (including compensating use taxes) you paid in 2009 if the tax rate was the same as the general sales tax rate. However, sales taxes on food, clothing, medical supplies, and motor vehicles are deductible as a general sales tax even if the tax rate was less than the general sales tax rate. Sales taxes on motor vehicles

are also deductible as a general sales tax if the tax rate was more than the general sales tax rate, but the tax is deductible only up to the amount of tax that would have been imposed at the general sales tax rate. Motor vehicles include cars, motorcycles, motor homes, recreational vehicles, sport utility vehicles, trucks, vans, and off-road vehicles. Also include any state and local general sales taxes paid for a leased motor vehicle.

Do not include sales taxes paid on items used in your trade or business.

**Note:** You must keep your actual receipts showing general sales taxes paid to use this method.

**Refund of general sales taxes.** If you received a refund of state or local general sales taxes in 2009 for amounts paid in 2009, reduce your 2009 state and local general sales taxes by this amount. If you received a refund of state or local general sales taxes in 2009 for prior year purchases, do not reduce your 2009 state and local general sales taxes by this amount. But if you deducted your state and local general sales taxes in the earlier year and the deduction reduced your tax, you may have to include the refund in income on line 10 (if not already included on line 7). See Recoveries in federal Publication 525 for details.

**Optional Sales Tax Tables.** Instead of using your actual expenses, you can use the tables in the instructions for federal Form 1040 to figure your state and local general sales tax deduction. You may also be able to add the state and local general sales taxes paid on certain specified items.

To figure your state and local general sales tax deduction using the tables, see the instructions for federal Form 1040.

### Real Estate Taxes

Include taxes that you paid on property you own that was not used for business.

If your mortgage payments include your real estate taxes, deduct only the amount equal to the real estate taxes actually paid by the mortgage company to the taxing authority.

### Personal Property Taxes

Include personal property tax you paid, but only if it is based on value alone and it is charged on a yearly basis.

**Note:** Hawaii does not have a personal property tax. However, you may include personal property taxes you paid to other states.

### Other Taxes

If you had any deductible tax not listed on *Worksheet A-2*, lines 5, 6, or 7 (such as foreign income taxes), write the amount on *Worksheet A-2*, line 8.

## Taxes You CANNOT Deduct

- Federal income tax.
- Social security tax (FICA).
- Medicare tax.
- Railroad retirement tax (RTTA).
- Federal excise tax on personal property, transportation, telephone, and gasoline.

- Customs duties.
- Federal estate and gift taxes.
- Certain state and local taxes, including:
  - a. Tax on gasoline.
  - b. Hawaii motor vehicle registration fees, including car inspection fees.
  - c. Tax on liquor, beer, wine, cigarettes, and tobacco.
  - d. Assessments for sidewalks or other improvements to your property.
  - e. Taxes paid for your business or profession. (These business taxes are deducted elsewhere.)
  - f. Tax you paid for someone else.
  - g. License fees. (Marriage, driver's, dog, hunting, auto, etc.)
  - h. Inheritance tax.

## Line 21c

### Interest You Paid

If you itemized deductions on your 2009 federal return, you may write the amount from line 15 of your 2009 federal Schedule A on line 21c. You need not complete *Worksheet A-3* on page 36.

**Exception:**

- If you had to file a 2009 federal Form 4952, you must refigure your investment interest deduction for state tax purposes on Hawaii Form N-158. Enter the amount from Form N-158 on line 14 of *Worksheet A-3*. Enter the amounts from lines 10, 11, 12, and 13 of federal Form 1040, Schedule A, on the corresponding lines of *Worksheet A-3*. Attach Form N-158 to your return.
- If you filed a 2009 federal Form 8396, and you reduced your deduction for home mortgage interest on federal Form 1040, Schedule A, by the amount on line 3 of federal Form 8396, you must refigure your home mortgage interest for state tax purposes. Include the amount from line 3 of federal Form 8396 on line 10 of *Worksheet A-3*. Enter the amounts from lines 11, 12, 13, and 14 of federal Form 1040, Schedule A, on the corresponding lines of *Worksheet A-3*.

If you did not itemize deductions on your 2009 federal return, complete *Worksheet A-3*.

You should show on *Worksheet A-3* interest on non-business items only. Business-related interest is deducted elsewhere.

Except for certain mortgage interest, the amount of your personal interest expense (such as credit card interest) is not allowed as an itemized deduction on *Worksheet A-3*.

### Home Mortgage Interest

In most cases, you will be able to deduct all of your home mortgage interest. The following rules apply to any loans secured by your main home, including first and second mortgages, home equity loans and refinanced mortgages. Whether your home mortgage interest is deductible depends on the date you took out the mortgage, the amount of the mortgage and your use of its proceeds.

If ALL of your mortgages fit into one or more of categories **a**, **b**, and **c** below, you can deduct all of the interest on those mortgages and report it on *Worksheet A-3*, line 10 or 11, whichever applies. If one or more of your mortgages **does not** fit into any of the categories below, get federal Publication 936, *Limits on Home Mortgage Interest Deduction*, to figure the amount of interest you can deduct.

**a. Mortgages you took out on your main home ON or BEFORE October 13, 1987.** These mortgages also include line-of-credit mortgages you had on October 13, 1987, and mortgages you had on October 13, 1987, that you refinanced after that date. But see *Special Rules* if you refinanced or borrowed additional amounts on a line-of-credit mortgage after October 13, 1987.

**b. Mortgages you took out on your main home AFTER October 13, 1987, to buy, build, or improve your home,** but only if these mortgages plus any mortgages in **a.** above totaled \$1 million or less throughout 2009. The limit is \$500,000 or less if married filing separately.

**c. Mortgages you took out AFTER October 13, 1987, on your main home, OTHER THAN to buy, build, or improve your home,** but only if these mortgages totaled \$100,000 or less throughout 2009. The limit is \$50,000 or less if married filing separately.

An example of a mortgage used for purposes other than to buy, build, or improve your home is a home equity loan you used to pay off credit card bills, to buy a car, or to pay tuition costs.

## Special Rules

**Refinanced Mortgages.** If you had a mortgage on your home on October 13, 1987, and refinanced it after that date for no more than the balance of the existing mortgage, all of the new mortgage is treated as a mortgage described in **a** above. But, if you refinanced it for more than the balance of the existing mortgage, only the part of the new mortgage equal to the amount you owed on the mortgage at the time you refinanced is treated as a mortgage described in **a**. The part of the new mortgage that is more than the balance of the existing mortgage is a mortgage described in **b** or **c** (or **b** and **c** if a mixed-use mortgage—see below).

**Line-of-Credit Mortgages.** If you had a line-of-credit mortgage on your home on October 13, 1987, and you borrowed additional amounts on this line of credit after that date, the additional amounts borrowed are treated as a mortgage taken out after October 13, 1987, and are subject to the rules under **b** or **c** (or **b** and **c** if a mixed-use mortgage—see below).

**Mixed-Use Mortgages.** If you took out a new mortgage after October 13, 1987 (including refinancing for more than what you owe or borrowing additional amounts on a line-of-credit mortgage you had on October 13, 1987) for purposes described in both **b** and **c** above, you have a mixed-use mortgage. The mortgage proceeds used to buy, build, or improve

the home fit into category **b** and the rest of the proceeds fit into category **c**.

**Example:** You took out a mortgage on your home for \$200,000 in 1980. You file as single for 2009. In March 2009, when the home had a fair market value of \$400,000 and you owed \$195,000 on the mortgage, you took out a home equity loan for \$120,000. In 2009, you used \$90,000 of the home equity loan proceeds for home improvements, and \$30,000 for other purposes. You can deduct all of the interest on both mortgages. The first mortgage qualifies because it was taken out on or before October 13, 1987. The home equity loan qualifies under the dollar limits in **b** and **c**. The part of the mortgage subject to the dollar limit in **b** (\$90,000) plus the first mortgage of \$195,000 totaled less than \$1 million. The part of the mortgage subject to the dollar limit in **c** (\$30,000) was less than \$100,000.

**Note:** *Additional limits apply if the total amount of all mortgages exceeds the fair market value of the home. See federal Publication 936.*

**What is a Home.** A home may be a house, condominium, cooperative, mobile home, boat, or similar property. It must provide basic living accommodations including sleeping space, a toilet, and cooking facilities.

**More Than One Home.** If you had a main home and a second home, the dollar limits explained in **b** and **c** above apply to the total mortgages on both homes.

## Qualified Mortgage Insurance Premiums

Premiums that you pay or accrue for “qualified mortgage insurance” during 2009 in connection with home acquisition debt on your qualified home are deductible as home mortgage interest. The amount you can deduct is reduced by 10% (.10) for every \$1,000 or fraction thereof (\$500 or fraction thereof if your filing status is married filing separately) by which your adjusted gross income exceeds \$100,000 (\$50,000 if your filing status is married filing separately).

For the definitions of home acquisition debt and qualified home, see federal Publication 936, *Home Mortgage Interest Deduction*.

**Qualified mortgage insurance.** Qualified mortgage insurance is mortgage insurance provided by the Veterans Administration, the Federal Housing Administration, or the Rural Housing Administration, and private mortgage insurance (as defined in section 2 of the Homeowners Protection Act of 1998 as in effect on December 20, 2006).

**Special rules for prepaid mortgage insurance.** If you paid premiums for qualified mortgage insurance that are properly allocable to periods after the close of the taxable year, such premiums are treated as paid in the period to which they are allocated. No deduction is allowed for the unamortized balance if the mortgage is satisfied before its term (except in the case of qualified mortgage insurance provided by the Department of Veterans Affairs or Rural Housing Administration).

Mortgage insurance premiums you paid or accrued on any mortgage insurance contract issued before January 1, 2007, are not deductible as home mortgage interest.

**Example:** For the 2009 tax year, H and W, married taxpayers, pay \$2,000 for qualified mortgage insurance. For that tax year, H and W file a joint return that shows adjusted gross income (AGI) of \$106,419. As a result, H and W’s deduction for qualified mortgage insurance must be reduced by 70% of the otherwise deductible amount – 10% for each of the six full \$1,000 amounts by which their AGI exceeds \$100,000, and an additional 10% for the additional fraction of \$1,000 (\$419) by which their AGI exceeds \$100,000. H and W’s deduction for qualified mortgage interest is therefore \$600 (\$2,000 – (70% x \$2,000) = \$2,000 - \$1,400 = \$600).

You may use the *Qualified Mortgage Insurance Premiums Deduction Worksheet* in the instructions to federal Form 1040 to compute the amount of the deduction. In the computation, however, the Hawaii adjusted gross income amount must be used.

## Investment Interest

Investment interest is interest paid on money you borrowed that is allocable to property held for investment. It does not include any interest allocable to a passive activity.

**Note:** *Expenses and interest for royalties and other income derived from any patents, copyrights, and trade secrets by an individual or a qualified high technology business are deductible.*

Complete and attach Form N-158, *Investment Interest Expense Deduction*, to figure your deduction.

**Exception.** You do not have to file Form N-158 if ALL of the following apply:

- Your only investment income was from interest or dividends,
- You have no other deductible expenses connected with the production of the interest or dividends,
- Your investment interest expense is not more than your investment income,
- You have no carryovers of investment interest expense from 2008, and
- You have no passive activity losses.

For more details, get federal Publication 550, *Investment Income and Expenses*.

## Interest Expense You CANNOT Deduct

Do not include the interest you paid for—

- Personal interest, such as credit cards and automobile loans.
- Indebtedness of another person, when you are not legally liable for payment of the interest.
- A gambling debt or other unenforceable obligation.
- Money you borrowed to buy tax-exempt securities or single-premium life insurance.

- Any kind of business-related interest. Business interest expenses are reported elsewhere.

See the instructions for federal Form 1040, Schedule A—Interest Expense for more information.

## Line 21d

### Gifts to Charity

If you itemized deductions on your 2009 federal return, write the amount from line 19 of Form 1040, Schedule A on line 21d. You need not complete *Worksheet A-4* on page 36.

**Exception:** You should complete *Worksheet A-4* on page 36 if:

- Your charitable contribution deduction was limited based upon your federal adjusted gross income. You must refigure your charitable contribution deduction for state tax purposes using your Hawaii adjusted gross income, or
- You have a contribution carryover from prior years and the amount is different for federal and State tax purposes.

If you did **not** itemize deductions on your 2009 federal return, complete *Worksheet A-4* on page 36.

### Contributions You CAN Deduct

You may deduct what you gave to organizations that are religious, charitable, educational, scientific, or literary in purpose. You may also deduct what you gave to organizations that work to prevent cruelty to children or animals. An organization that tells you it is a “501(c)(3) organization” is telling you that it falls into this category.

Examples of these organizations are:

- Churches, temples, synagogues, Salvation Army, Red Cross, CARE, Goodwill Industries, United Way, Boy Scouts, Girl Scouts, Boys Club of America, etc.
- Fraternal orders, if the gifts will be used for the purposes listed above.
- Veterans’ and certain cultural groups.
- Nonprofit schools, hospitals, and organizations whose purpose is to find a cure for or help people who have arthritis, asthma, birth defects, cancer, cerebral palsy, cystic fibrosis, diabetes, heart disease, hemophilia, mental illness or retardation, multiple sclerosis, muscular dystrophy, tuberculosis, etc.
- Federal, State, and local governments if the gifts are solely for public purposes.

Contributions can be cash (including checks and money orders), property, or out-of-pocket expenses you paid to do volunteer work for the kinds of organizations described above. If you drive to and from the volunteer work, you can take 14 cents a mile or the actual cost of gas and oil. Add parking and tolls to the amount you claim under either method. But don’t deduct any amounts that were repaid to you.

If you made a gift **and received a benefit in return**, such as food, entertainment, or mer-

chandise, you may deduct only the amount that is more than the value of the benefit. For example, if you paid \$70 to a charitable organization to attend a fund raising dinner and the value of the dinner was \$40, you may deduct only \$30.

If you do not know whether you can deduct what you gave to an organization, check with that organization.

### Contributions You CANNOT Deduct

- Political contributions (but see the instructions for Miscellaneous Deductions, line 21f).
- Dues, fees, or bills paid to country clubs, lodges, fraternal orders, or similar groups.
- Cost of raffle, bingo, or lottery tickets.
- Tuition to a private school.
- The value of your time or services.
- Value of blood given to a blood bank.
- The transfer of a future interest in tangible personal property (generally until the entire interest has been transferred).
- Gifts to:
  - a. Individuals.
  - b. Foreign organizations.
  - c. Groups that are run for personal profit.
  - d. Groups whose purpose is to lobby for changes in the law.
  - e. Civic leagues, social and sports clubs, labor unions, and chambers of commerce.

### Limit on the Amount You May Deduct

See federal Publication 526 to figure the amount of your deduction if **any** of the following applies:

- Your cash contributions, or contributions of ordinary income property, are more than 30% of your Hawaii adjusted gross income.
- Your gifts of capital gain property are more than 20% of your Hawaii adjusted gross income.
- You gave gifts of property that increased in value, or gave gifts of the use of property.

### Gifts by Cash or Check

On *Worksheet A-4*, line 16, enter the total contributions you made in cash or by check (including out-of-pocket expenses).

**Note:** Charitable contributions of \$250 or more must be substantiated by a written acknowledgment from the donee organization to be deductible.

**Note:** You cannot deduct a cash contribution, regardless of the amount, unless you keep as a record of the contribution a bank record (such as a canceled check, a bank copy of a canceled check, or a bank statement containing the name of the charity, the date, and the amount) or a written communication from the charity. The written communication must include the name of the charity, date of the contribution, and amount of the contribution. For more information, see federal Publication 526, *Charitable Contributions*.

### Other Than by Cash or Check

On *Worksheet A-4*, line 17, enter the total contributions you made other than by cash or check. If you gave property, you should keep records stating the kind of property you gave, the name of the organization you gave it to, the date you gave it, how you figured its value at the time you gave it, and whether it was capital gain or ordinary income property. If you determine the value of a gift by an appraisal, keep a signed copy of it.

If the amount of your deduction is more than \$500, you must complete and attach federal Form 8283. For this purpose, the “amount of your deduction” means your deduction before applying any income limits that could result in a carryover of contributions. If you deduct more than \$500 for a contribution of a motor vehicle, boat, or airplane, you must also attach a statement from the charitable organization to your return. If your total deduction is over \$5,000, you may also have to get appraisals of the values of the donated property. See federal Form 8283 and its instructions for more information.

**Contributions of clothing and household items after August 17, 2006.** A deduction for these contributions will be allowed only if the items are in good used condition or better. However, this rule does not apply to a contribution of any single item for which a deduction of more than \$500 is claimed and for which you include a qualified appraisal and federal Form 8283 with your tax return.

## Line 21e

### Casualty and Theft Losses

**Note:** Hawaii did not adopt the federal provisions that (1) increase the per casualty floor for personal-use property from \$100 to \$500, and (2) waive the 10% of adjusted gross income limit on personal casualty losses for federally declared disasters.

Use line 21e to report casualty or theft loss(es) of property that is not trade, business, or rent or royalty property. Complete federal Form(s) 4684, *Casualties and Thefts*, to figure your loss. When completing line 11 of federal Form 4684, enter the smaller of line 10 or \$100 instead of the smaller of line 10 or \$500. Write the amount from federal Form 4684, line 16 on line 20 of *Worksheet A-5* on page 36, fill in *Worksheet A-5*, and attach a copy of federal Form(s) 4684 to Form N-11.

### Losses You CAN Deduct

You may be able to deduct all or part of each loss caused by theft, vandalism, fire, storm, and car, boat, and other accidents or similar causes.

If you have a nonbusiness casualty loss that is covered by insurance, you cannot take the casualty loss deduction unless you file a timely insurance claim for that loss. You can deduct nonbusiness casualty or theft losses only to the extent that:

- a. The amount of EACH separate loss is more than \$100, and

- b. The total amount of ALL losses during the year (reduced by the \$100 limit) is more than 10% of your adjusted gross income.

You may also deduct the costs of proving that you had a property loss. Examples of these costs are appraisal fees and photographs used to establish the amount of your loss.

## Losses You CANNOT Deduct

- Money or property misplaced or lost.
- Breakage of china, glassware, furniture, and similar items under normal conditions.
- Progressive damage to property (buildings, clothes, trees, etc.) caused by termites, moths, other insects, or disease.

## Line 21f

### Miscellaneous Deductions

If you did not itemize deductions on your 2009 federal return, complete *Worksheet A-6* on page 36.

If you itemized deductions on your 2009 federal return, take the amounts on Form 1040, Schedule A, lines 24 and 28 and write them on lines 24 and 28 of *Worksheet A-6* on page 36. Then, complete the worksheet starting from line 25.

**Exception:** Gambling losses included on line 28 of federal Form 1040, Schedule A, should not be included on line 28 of *Worksheet A-6*. For taxable years beginning after December 31, 2008, Act 165, Session Laws of Hawaii 2009, repealed the deduction of gambling losses for Hawaii income tax purposes.

**Note:** If you made political contributions in 2009, you may be able to deduct some or all of your contributions regardless of the amount of your adjusted gross income. See *Political Contributions on this page*.

### In General

Most miscellaneous deductions cannot be deducted in full. You must subtract 2% of your adjusted gross income from the total.

Generally, the 2% limit applies to job expenses you paid for which you were not reimbursed (line 21). The limit also applies to tax preparation fees (line 22) and certain expenses you paid to produce or collect taxable income or certain tax-exempt income (line 23).

The 2% limit does not apply to certain other miscellaneous expenses that you may deduct. These expenses can be deducted in full on lines 28 and 29. Certain job expenses of handicapped employees can be deducted on line 28. See federal Publication 529, *Miscellaneous Deductions*, for more information.

## Expenses Subject to the 2% Limit

### Employee Business Expenses

On *Worksheet A-6*, line 21, report job expenses you paid for which you were not reimbursed. Attach a copy of federal Form 2106 or 2106-EZ, if:

1. You claim any travel, transportation, meal, or entertainment expenses for your job; or

2. Your employer paid you for any of your job expenses reportable on *Worksheet A-6*, line 21.

**Examples of expenses to include on line 21 of *Worksheet A-6* are:**

- Travel, transportation, meal, or entertainment expenses.
- Union dues.
- Safety equipment, small tools, and supplies you needed for your job.
- Uniforms your employer said you must have, and which you may not usually wear away from work.
- Protective clothing required in your work, such as hard hats, and safety shoes and glasses.
- Physical examinations your employer said you must have.
- Dues to professional organizations and chambers of commerce.
- Subscriptions to professional journals.
- Fees to employment agencies and other costs to look for a new job in your present occupation, even if you do not get a new job.
- Business use of part of your home, but only if you use that part exclusively and on a regular basis in your work and for the convenience of your employer. For details, including limits that apply, see federal Publication 587, *Business Use of Your Home*.
- Education expenses you paid that were required by your employer, or by law or regulations, to keep your salary or job. In general, you may also include the cost of keeping or improving skills you must have in your job. For more details, see federal Publication 508, *Educational Expenses*. Some education expenses are not deductible. See *Expenses You MAY NOT Deduct* on page 21.

### Tax Preparation Fees

On *Worksheet A-6*, line 22, enter the total fees you paid to prepare your federal and Hawaii tax return, including fees paid for filing your return electronically. But **do not** include fees deducted elsewhere, such as business expenses.

### Other Expenses

**Note:** *Expenses and interest for royalties and other income derived from any patents, copyrights, and trade secrets by an individual or a qualified high technology business are deductible.*

On *Worksheet A-6*, line 23, enter the total amount you paid to produce or collect taxable income and certain tax-exempt income as stated in the above note, and manage or protect property held for earning income. But **do not** include expenses deducted elsewhere. Attach a statement showing the type and amount of each expense to Form N-11. Examples of these expenses are:

- Safe deposit box rental.
- Certain legal and accounting fees.
- Clerical help and office rent.
- Custodial (e.g. trust account) fees.

- Your share of the investment expenses of a regulated investment company.
- Certain losses on uninsured deposits in an insolvent or bankrupt financial institution. For details, including limits on the amount you can deduct, see federal Publication 529.
- Deduction for repayment of amounts under a claim of right whether more or less than \$3,000. See *Repayments* in federal Publication 525, *Taxable and Nontaxable Income*, for more information.
- Certain expenses related to an activity not engaged in for profit. For details, get federal Publication 535, *Business Expenses*.

## Expenses NOT Subject to the 2% Limit

**Note:** For taxable years beginning after December 31, 2008, Act 165, Session Laws of Hawaii 2009, repealed the deduction of gambling losses for Hawaii income tax purposes.

### Other Deductions

List only the following expenses on *Worksheet A-6*, Line 28:

- Hawaii estate and transfer tax.
- Amortizable bond premium on bonds acquired before October 23, 1986.
- Certain unrecovered investment in an annuity (IRC section 72(b)(3)). For details, see federal Publication 575, *Pension and Annuity Income*.
- Impairment-related work expenses of a handicapped person.

List the type and amount of each expense and attach a copy of the list to your return. Enter one total in the amount space for line 28. For more information on these expenses, get federal Publication 529, *Miscellaneous Deductions*.

**Note:** *Repayments under a claim of right over \$3,000 are subject to the 2% limitation for Hawaii income tax purposes.*

### Political Contributions

On line 29 of *Worksheet A-6*, list:

- Political contributions not in excess of \$250 in the year (up to \$500 on a joint return) to a central or county committee of a political party whose candidate was on the ballot for the immediately previous general election; and
- Contributions to candidates who agreed to abide by the campaign spending limits set by law, but you can't deduct more than \$1,000 in a year (\$2,000 on a joint return) total, and you can't deduct more than \$250 (\$500 on a joint return) to any one candidate.

In order to claim a deduction to candidates who agreed to abide by the campaign spending limits, you must attach a receipt to Form N-11. Canceled checks or copies of the same shall be considered adequate forms of receipt.

If you do not know whether the candidate agreed to abide by the campaign spending limits, contact the Campaign Spending Commission.

## Expenses You MAY NOT Deduct

Some expenses are not deductible at all. Examples are:

- Political contributions to candidates who did not agree to abide by the campaign spending limits.
- Personal legal expenses.
- Lost or misplaced cash or property (but see casualty and theft losses).
- Expenses for meals during regular or extra work hours.
- The cost of entertaining friends.
- Expenses of going to or from work.
- Education that you need to meet minimum requirements for your job or that will qualify you for a new occupation.
- Expenses of:
  - a. Travel as a form of education.
  - b. Attending a seminar, convention, or similar meeting unless it is related to your employment.
  - c. Adopting a child, including a child with special needs.
- Fines and penalties.
- Expenses of producing tax-exempt income, except for expenses for royalties and other income derived from any patents, copyrights, and trade secrets by an individual or a qualified high technology business.
- Gambling losses.

## Line 22

### Total Itemized Deductions or Standard Deduction

#### Dependents

If your parent (or someone else) can claim you as a dependent on his or her return (even if that person chose not to claim you), fill in the oval above line 21. If you are claiming the standard deduction, see *Standard Deduction for Dependents* on this page to figure your standard deduction.

#### Itemized Deductions

Your state income tax will be less if the total of your itemized deductions is larger than the standard deduction. To figure your itemized deductions, fill in lines 21a to 21f.

If the amount on line 20 is \$100,000 or less (\$50,000 if married filing separately), add lines 21a through 21f, and enter the result on line 22.

If the amount on line 20 is more than \$100,000 (\$50,000 if married filing separately), you may not be able to deduct all of your itemized deductions. Use the *Total Itemized Deductions Worksheet* on page 37 to figure the amount you may deduct.

#### Standard Deduction

Taxpayers who do not itemize their deductions may reduce their adjusted gross income by the amount of the standard deduction appropriate to their filing status. The amount of

the standard deduction for each filing status is as follows:

Filing Status	Standard Deduction
Single	\$2,000
Married filing jointly	4,000
Married filing separately	2,000
Head of Household	2,920
Qualifying Widow(er)	4,000

**Standard Deduction for Dependents.** If you can be claimed as a dependent by someone else and you do not itemize your deductions, your standard deduction is limited to the greater of \$500 or your earned income (up to the full standard deduction for your filing status). The standard deduction for an individual who can be claimed as a dependent on the tax return of another taxpayer is computed as follows.

- Enter your earned income (defined below). If none, enter zero.....**A.** \_\_\_\_\_
- Minimum amount .....**B.** 500.00
- Compare** the amounts on lines A and B above. Enter the LARGER of the two amounts here .....**C.** \_\_\_\_\_
- Maximum amount. Enter the full standard deduction for your filing status, shown in the chart above, here .....**D.** \_\_\_\_\_
- Compare** the amounts on lines C and D above. Enter the SMALLER of the two amounts here and on Form N-11, line 22.....**E.** \_\_\_\_\_

**Earned income** includes wages, salaries, tips, professional fees, and other compensation received for personal services you performed. It also includes any amount received as a scholarship that you must include in your income. Generally, your earned income is the total of the amounts you reported on Form 1040, lines 7 (wages), 12 (business income), and 18 (farming income), minus the amount, if any, on line 27 (deduction for self-employment tax).

## Line 23

Line 20 minus line 22. This line MUST be filled in. If line 23 is a negative number, shade the minus (-) in the box to the left of the amount boxes.

## Line 24

### Exemptions

**Note:** Act 14, Special Session Laws of Hawaii 2009, provides that for taxable years beginning after December 31, 2008, Hawaii conforms to the federal phase-out provision for personal exemptions with certain modifications.

**Note:** If the amount on line 20 is more than \$89,981, you may not be able to deduct all of your personal exemptions. Use the *Personal Exemptions Worksheet* on page 39 to figure the amount you may deduct.

### Regular Exemptions

Residents are allowed \$1,040 for each exemption they can claim. Multiply \$1,040 by the total number of exemptions you claimed

on line 6e. **Remember, if you can be claimed as a dependent on another person's tax return, you may not claim an exemption for yourself.**

### Blind, Deaf, or Totally Disabled — Definition, Certification, and Exemptions

Fill in the appropriate oval(s) on line 24 if you are blind, deaf or totally disabled and your impairment has been certified. You **must** submit a completed Form N-172 prior to filing your return in order to claim this exemption. **If you do not, the exemption will be disallowed and your return processed without the disability exemption(s) claimed.**

“Blind” means a person whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or whose visual acuity is greater than 20/200 but is accompanied by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

“Deaf” means a person whose average loss in the speech frequencies (500-2000 Hertz) in the better ear is 82 decibels, A.S.A., or worse.

“Person totally disabled” means a person who is totally and permanently disabled, either physically or mentally, which results in the person's inability to engage in any substantial gainful business or occupation. It is presumed that a person whose earned income, before deductions and exemptions, exceeds \$30,000 per year is engaged in a substantial, gainful business or occupation.

The impairment of sight, deafness or disability shall be certified on the basis of a written report on an examination performed by a qualified ophthalmologist, qualified optometrist or a qualified otolaryngologist, licensed audiologist, or a qualified physician, as the case may be, on Form N-172.

A blind, deaf or totally disabled person who qualifies, may be allowed a Disability Exemption of \$7,000. The Disability Exemption is in lieu of the regular personal exemption of \$1,040. The following maximum exemptions are allowed:

One Individual (any filing status) —	\$7,000
Husband and Wife (non-disabled spouse under 65) —	8,040
Husband and Wife (non-disabled spouse age 65 or over) —	9,080
Husband and Wife (both disabled) —	14,000

**Note:** If you claim this special exemption you will not be able to claim the additional exemptions for your children or other dependents, or for being 65 or older.

For more information, see Tax Information Release No. 89-3, “State Tax Benefits Available to Persons with Impaired Sight, Impaired Hearing, or Who are Totally Disabled” and Tax Information Release No. 94-2, “State Tax Benefits Available to Persons Totally Disabled”.

## Line 25

### Taxable Income

Line 23 minus line 24, but not less than zero.

# Tax Computation

## Line 26

### Tax

To figure your tax, you will use one of the following methods. Read the conditions below to see which you should use, and fill in the appropriate oval on line 26 if you use the tax table, tax rate schedules, or alternative tax on capital gains. Fill in the oval for tax from the applicable forms if you use Form N-168 or Form N-615. Then, go to the *Tax Computation Worksheet* on page 37.

### Tax Table

If your taxable income is less than \$100,000, you **MUST** use the Tax Table on pages 42 through 53 to find your tax. Be sure you use the correct column in the Tax Table. After you have found the correct tax, enter that amount. There is an example at the beginning of the table to help you find the correct tax.

### Tax Rate Schedules

You must use the Tax Rate Schedules on page 54 to figure your tax if your taxable income is \$100,000 or more.

### Form N-168

**Note:** *Act 133, Session Laws of Hawaii 2009, allows income averaging for amounts received from the Exxon Valdez litigation.*

An individual engaged in a farming or fishing business may elect to average their farm or fishing income over a three-year period. See Form N-168 for more information.

### Form N-615

If a child under age 14 has investment income of more than \$1,000, use Form N-615, *Computation of Tax for Children Under Age 14 Who Have Investment Income of More than \$1,000*, to see if any of the child's investment income is taxed at the parent's rate and, if so, to figure the child's tax. See Form N-615 for more information.

### Alternative Tax on Capital Gains

If you have a net capital gain, you may be able to reduce your tax using the *Tax on Capital Gains Worksheet* on page 37 if your taxable income is over \$48,000 (\$24,000 for Single, and Married Filing Separately; or \$36,000 for Head of Household classifications). If your taxable income is \$48,000 (\$24,000 for Single, and Married Filing Separately; or \$36,000 for Head of Household classifications) or under, do not use the *Tax on Capital Gains Worksheet* on page 37.

Some taxpayers will have Hawaii gain adjustments. Before filling in the worksheet, determine whether you have adjustments from the *Hawaii Additions Worksheet* on page 36, e (gain adjustment), or j (other adjustments); from the *Hawaii Subtractions Worksheet* on page 36, j (certain income from a qualified high technology business), l (section 235-7(a)(13), HRS, capital gain), or m (other adjustments); or from Form N-152 (lump sum distribution from a pension plan). If you do,

Page 22

separate the adjustments into **long-term** gain adjustments for assets held for more than a year, and **short-term** adjustments for assets held for a year or less.

### Total Tax Liability

Use the *Tax Computation Worksheet* on page 37 to figure your total tax liability.

## Nonrefundable Credits

### Line 28

### Total Nonrefundable Tax Credits

If you are claiming any nonrefundable tax credits, you must use Schedule CR, Schedule of Tax Credits, to summarize the total nonrefundable tax credits claimed. Complete Part I of Schedule CR, and enter the amount from Schedule CR, line 15, on line 28. Attach Schedule CR directly behind Form N-11. The following nonrefundable tax credits are included on Schedule CR:

### Credit for Income Taxes Paid to Other States and Countries

If you have out-of-state income that is taxed by another state or foreign country and also by Hawaii, you may claim a credit against your Hawaii income for the net income tax you paid to the other state or foreign country if you meet the following conditions:

- The income was earned while you were a Hawaii resident (or you are married and filing a joint resident return) and was not exempt from Hawaii income tax;
- You did not file an *Election Under Act 60, SLH 1976* (see page 5);
- The income on which the state or foreign tax is imposed was derived or received from sources outside Hawaii;
- You were liable for and paid tax to the foreign jurisdiction (net amount of tax paid to a foreign jurisdiction after all credits, reductions, and refunds allowed or allowable by the laws of the foreign jurisdiction have been deducted);
- The tax paid to the other state or foreign country is an income-based tax that is imposed on both residents and nonresidents of the other state or foreign country, rather than a sales, gross receipts, withholding, or value added tax (i.e., taxes withheld on dividends paid from foreign investments do not qualify);
- No credit is allowed if the foreign income is excluded on the federal return;
- No credit is allowed if the foreign tax credit is allowed on the federal return;
- The income must be taxed by the other state or foreign country for the same taxable year for which the Hawaii credit is claimed;
- No credit is allowed for penalties or interest paid to the other state or foreign country; and
- No credit is allowed for city or local income taxes paid to another state.

To figure the allowable amount of the credit, fill in the *Other State and Foreign Tax Credit Worksheet* on page 37. On line 5 of the worksheet, enter the net amount of tax paid to the other state after all credits, reductions, and refunds allowed or allowable by the laws of the other state have been deducted (net tax liability).

**Required Attachments.** If you entered any amount on line 5, you must attach a copy of the tax return(s) from the other state(s). If you entered any amount on line 6, you must attach a copy of all federal Form(s) 1116 that you are filing this year. If you are not required to file federal Form 1116, attach a copy of the payee statement (such as federal Form 1099-DIV or 1099-INT) that you received for your foreign source income.

**Out-of-State Tax Refund.** *If you claim this credit and you later receive a tax refund from the other state or foreign country, you MUST report this to the Department of Taxation. You may be subject to penalties if you fail to make this report.*

For more information, see section 235-55, HRS, and section 18-235-55, Hawaii Administrative Rules.

### Credit for Beneficiaries of Foreign Trusts

Any resident beneficiary of a trust with a situs in another State may claim a credit for income taxes paid by the trust to the other State on any income that is attributable to assets other than intangibles. This credit is not allowed for trusts that are resident in a foreign country (or in any territory or possession of the United States).

The trust will inform you of what your share of the trust's income is, and how much of it is long-term capital gains. Include these amounts on lines 3 and 4, respectively, of the *Other State and Foreign Tax Credit Worksheet* on page 37.

The trust will also tell you your share of the tax the trust paid to the other state. Find out how much of the trust's income was attributable to real property and tangible personal property (not including stocks, bonds, mortgages, and other intangibles). Divide that number by the total amount of the trust's income, and multiply your share of the out-of-state tax by that percentage. Include this amount on line 5 of the *Other State and Foreign Tax Credit Worksheet* on page 37.

### Credit for Shareholders of S Corporations

A shareholder of an S corporation shall be considered to have paid a tax imposed on the shareholder in an amount equal to the shareholder's pro rata share of any net income tax paid by the S corporation to a state which does not measure the income of S corporation shareholders by the income of the S corporation. The term "net income tax" means any tax imposed on or measured by a corporation's net income.

The S corporation will inform you of what your share of its income is, and how much

of it is long-term capital gains. Include these amounts on lines 3 and 4, respectively, of the *Other State and Foreign Tax Credit Worksheet* on page 37.

The S corporation will also tell you your share of the tax paid to the other state. Include this amount on line 5 of the *Other State and Foreign Tax Credit Worksheet* on page 37.

## Carryover of the Energy Conservation Tax Credit

**Note:** *The energy conservation tax credit expired on June 30, 2003. This credit may be claimed only if the individual has a carryover of the tax credit from a prior year.*

Each individual resident taxpayer who files an individual income tax return and who has unused credits for energy conservation from the prior year may claim a tax credit against its individual income tax liability. Tax credits that exceed the individual's income tax liability are not refunded but may be used as a credit against the individual's income tax liability in subsequent years until exhausted.

For more information, see Form N-323, Carryover of Tax Credits.

**To claim the carryover of this credit.** Complete Form N-323 and Schedule CR and attach them to your return.

See the discussion for the Renewable Energy Technologies Income Tax Credit for the credit available for current system installations.

## Enterprise Zone Tax Credit

A qualified enterprise zone business may claim a credit for a percentage of net income tax due the State attributable to the conduct of business within a zone and a percentage of the amount of unemployment insurance premiums paid based on the payroll of employees employed at the business firm establishments in the zone. The applicable percentage is 80% the first year; 70% the second year; 60% the third year; 50% the fourth year; 40% the fifth year; 30% the sixth year; and 20% the seventh year. This credit is not refundable and any unused credit may NOT be carried forward.

For more information, see Form N-756, Enterprise Zone Tax Credit.

**To claim this credit.** Complete Form N-756 and Schedule CR and attach them to your return.

## Low-Income Housing Tax Credit

**Note:** *Do not confuse this credit with the credit for low-income household renters.*

Hawaii's low-income housing tax credit is equal to 50% of the tax credit allocated by the Housing and Community Development Corporation of Hawaii for qualified buildings located within the State of Hawaii.

Contact the Housing and Community Development Corporation of Hawaii for qualifying requirements and further information.

**To claim this credit.** Complete Form N-586 and Schedule CR and attach them to your return.

**Deadline for claiming this credit.** Claims for this credit, including any amended claims, **must** be filed on or before the end of the twelfth month after the close of your taxable year.

## Credit for Employment of Vocational Rehabilitation Referrals

The amount of the tax credit for the taxable year is equal to 20% of the qualified first-year wages for that year. The amount of the qualified first-year wages which may be taken into account with respect to any individual shall not exceed \$6,000.

"Qualified wages" means the wages paid or incurred by the employer during the taxable year to an individual who is a vocational rehabilitation referral and more than one-half of the wages paid or incurred for such an individual is for services performed in a trade or business of the employer.

"Qualified first-year wages" means, with respect to any vocational rehabilitation referral, qualified wages attributable to service rendered during the one-year period beginning with the day the individual begins work for the employer.

The credit allowed shall be claimed against net income tax liability for the taxable year. A tax credit which exceeds the taxpayer's income tax liability may be used as a credit against the taxpayer's income tax liability in subsequent years until exhausted.

For more information, see Form N-884, Credit for Employment of Vocational Rehabilitation Referrals.

**To claim this credit.** Complete Form N-884 and Schedule CR and attach them to your return.

**Deadline for claiming this credit.** Claims for this credit, including any amended claims, **must** be filed on or before the end of the twelfth month after the close of your taxable year.

## High Technology Business Investment Tax Credit

**Note:** *Act 178, Session Laws of Hawaii 2009, limits the amount of tax credit available for investments in a high technology business for investments made on or after May 1, 2009 and on or before December 31, 2010, by: (1) limiting claims of the tax credit to 80% of tax liability, (2) allowing only a one-to-one tax credit allocation ratio, and (3) eliminating carryovers. Also, for investments made on or after May 1, 2009, the partner distributive share tax incentive is removed.*

The credit is 35% of the investment in the year the investment is made, 25% for the first year following the year the investment was made, 20% for the second year following the investment, and 10% for each of the third and fourth years following the investment. The credit is subject to limitations and recapture

requirements. The credit shall not be available for taxable years beginning after December 31, 2010.

The credit allowed shall be claimed against net income tax liability for the taxable year. A tax credit which exceeds the taxpayer's income tax liability for any of the five years that the credit is taken may be used as a credit against the taxpayer's income tax liability in subsequent years until exhausted.

For more information, see Form N-318, High Technology Business Investment Tax Credit.

**To claim this credit.** Complete Form N-318 and Schedule CR and attach them to your return. Form N-318A, which must be certified for investments made on or after July 1, 2004, also must be attached to your return.

**Deadline for claiming this credit.** Claims for this credit, including any amended claims, **must** be filed on or before the end of the twelfth month after the close of your taxable year.

## Carryover of the Individual Development Account Contribution Tax Credit

**Note:** *The individual development account contribution tax credit is not available for taxable years beginning after December 31, 2004. This credit may be claimed only if the individual has a carryover of the tax credit from a prior year.*

Each individual taxpayer who files an individual income tax return and who has unused credits for contributions of matching funds to an individual development account from the prior year may claim a tax credit against its individual income tax liability. Tax credits that exceed the individual's income tax liability are not refunded but may be used as a credit against the individual's income tax liability in subsequent years until exhausted.

For more information, see Form N-323, Carryover of Tax Credits.

**To claim the carryover of this credit.** Complete Form N-323 and Schedule CR and attach them to your return.

## Technology Infrastructure Renovation Tax Credit

**Note:** *Act 178, Session Laws of Hawaii 2009, limits the amount of tax credit available for the technology infrastructure renovation tax credit for renovation costs incurred on or after May 1, 2009 and on or before December 31, 2010, by: (1) limiting claims of the tax credit to 80% of tax liability, and (2) eliminating carryovers.*

The amount of the tax credit for the taxable year is equal to 4% of renovation costs incurred to provide a commercial building with technology-enabled infrastructure. Renovation costs are costs incurred to plan, design, install, construct, and purchase technology-enabled infrastructure equipment to provide a commercial building with technology-enabled infrastructure. Technology-enabled infrastructure means: (1) high speed telecommunications systems that provide Internet ac-

cess, direct satellite communications access, and videoconferencing facilities; (2) physical security systems that identify and verify valid entry to secure spaces, detect invalid entry or entry attempts, and monitor activity in these spaces; (3) environmental systems to include heating, ventilation, air conditioning, fire detection and suppression, and other life safety systems; and (4) backup and emergency electric power systems. The credit shall not be available for taxable years beginning after December 31, 2010.

The credit allowed shall be claimed against net income tax liability for the taxable year. A tax credit which exceeds the taxpayer's income tax liability may be used as a credit against the taxpayer's income tax liability in subsequent years until exhausted.

For more information, see Form N-326, Technology Infrastructure Renovation Tax Credit.

**To claim this credit.** Complete Form N-326 and Schedule CR and attach them to your return.

## Credit for School Repair and Maintenance

Licensed contractors, pest control operators, and professional engineers, architects, surveyors and landscape architects who are subject to Hawaii's income tax may claim an income tax credit for contributions of in-kind services for the repair and maintenance of public schools. The credit shall be an amount equal to 10% of the value of the services contributed. Certain other limitations and restrictions apply.

The credit allowed shall be claimed against net income tax liability for the taxable year. A tax credit which exceeds the taxpayer's income tax liability may be used as a credit against the taxpayer's income tax liability in subsequent years until exhausted.

For more information, see Form N-330, Credit for School Repair and Maintenance.

**To claim this credit.** Complete Form N-330 and Schedule CR and attach them to your return.

**Deadline for claiming this credit.** Claims for this credit, including any amended claims, **must** be filed on or before the end of the twelfth month after the close of your taxable year.

## Carryover of the Hotel Construction and Remodeling Tax Credit

**Note:** *The 10% nonrefundable hotel construction and remodeling tax credit may not be claimed for qualified construction or renovation costs incurred after June 30, 2003. This credit may be claimed only if the individual has a carryover of the tax credit from a prior year.*

Each individual taxpayer who files an individual income tax return and who has unused credits for qualified construction or renovation costs from the prior year may claim a tax credit against its individual income tax liability.

ity. Tax credits that exceed the individual's income tax liability are not refunded but may be used as a credit against the individual's income tax liability in subsequent years until exhausted.

For more information, see Form N-323, Carryover of Tax Credits, and Tax Information Release No. 2000-2, *Hotel Construction and Remodeling Tax Credit*.

**To claim the carryover of this credit.** Complete Form N-323 and Schedule CR and attach them to your return.

## Carryover of the Residential Construction and Remodeling Tax Credit

**Note:** *The residential construction and remodeling tax credit may not be claimed for construction or renovation costs incurred after June 30, 2003. This credit may be claimed only if the individual has a carryover of the tax credit from a prior year.*

Each individual taxpayer who files an individual income tax return and who has unused credits for qualified construction or renovation costs from the prior year may claim a tax credit against its individual income tax liability. Tax credits that exceed the individual's income tax liability are not refunded but may be used as a credit against the individual's income tax liability in subsequent years until exhausted.

For more information, see Form N-323, Carryover of Tax Credits, and Tax Information Release No. 2002-3, *Residential Construction and Remodeling Tax Credit*.

**To claim the carryover of this credit.** Complete Form N-323 and Schedule CR and attach them to your return.

## Renewable Energy Technologies Income Tax Credit

**Note:** *Act 154, Session Laws of Hawaii 2009, makes a number of amendments to the Renewable Energy Technologies Income Tax Credit. For systems placed in service on or after July 1, 2009, see the instructions for the Nonrefundable Renewable Energy Technologies Income Tax Credit Placed in Service on or After July 1, 2009 and the Refundable Renewable Energy Technologies Income Tax Credit Placed in Service on or After July 1, 2009.*

Each taxpayer who files an individual income tax return for 2009 may claim a tax credit against his or her individual income tax liability for an eligible renewable energy technology system installed and placed in service in Hawaii. The tax credit shall apply only to the actual cost of the solar thermal, wind powered, or photovoltaic energy system, including accessories and installation, and shall not include the cost of consumer incentive premiums unrelated to the operation of the system or offered with the sale of the system (such as "free gifts", offers to pay electricity bills, or rebates) and costs for which another credit is claimed. The dollar amount of any utility rebate shall be deducted from the cost of the

qualifying system and its installation before determining the State credit. A tax credit which exceeds the taxpayer's income tax liability may be used as a credit against the taxpayer's income tax liability in subsequent years until exhausted.

The tax credit may be claimed for the following renewable energy technology systems installed and placed in service in Hawaii prior to July 1, 2009:

Type of Renewable Energy Technology System	Tax Credit Rate
<b>1. Solar thermal energy systems</b>	
a. Single-family residential property.	The lesser of 35% of the actual cost of the system or \$2,250.
b. Multi-family residential property.	Per unit: The lesser of 35% of each unit's actual cost of the system or \$350.
c. Commercial property.	The lesser of 35% of the actual cost of the system or \$250,000.
<b>2. Wind powered energy systems</b>	
a. Single-family residential property.	The lesser of 20% of the actual cost of the system or \$1,500.
b. Multi-family residential property.	Per unit: The lesser of 20% of each unit's actual cost of the system or \$200.
c. Commercial property.	The lesser of 20% of the actual cost of the system or \$500,000.
<b>3. Photovoltaic energy systems</b>	
a. Single-family residential property.	The lesser of 35% of the actual cost of the system or \$5,000.
b. Multi-family residential property.	Per unit: The lesser of 35% of each unit's actual cost of the system or \$350.
c. Commercial property.	The lesser of 35% of the actual cost of the system or \$500,000.

For more information, see Form N-334, Renewable Energy Technologies Income Tax Credit.

**To claim this credit.** Complete Form N-334 and Schedule CR and attach them to your return. Also, fill in the appropriate oval on Schedule CR to indicate the type of energy system.

**Deadline for claiming this credit.** Claims for this credit, including any amended claims, **must** be filed on or before the end of the twelfth month after the close of your taxable year.



## Nonrefundable Renewable Energy Technologies Income Tax Credit Placed in Service on or After July 1, 2009

**Note:** Act 154, Session Laws of Hawaii 2009, amends the renewable energy technologies income tax credit by (1) removing the solar thermal and photovoltaic classifications, and providing a lower solar classification, (2) applying a lower solar system cap to a system if the primary purpose of that system is to use energy from the sun to heat water for household use, (3) providing the taxpayer with an election to treat the tax credit as refundable, (4) deleting the provision which prohibited residential home developers from claiming the tax credit, and (5) not allowing any tax credit for the portion of the renewable energy technology system that is required for new single-family residential property construction, and providing that if all or a portion of a solar energy system or wind-powered system is used to fulfill the substitute renewable energy technology requirement, then the tax credit is further reduced or eliminated.

Each taxpayer who files an individual income tax return for 2009 may claim a tax credit against his or her individual income tax liability for an eligible renewable energy technology system installed and placed in service in Hawaii. The tax credit shall apply only to the actual cost of the solar or wind-powered energy system, including accessories and installation, and shall not include the cost of consumer incentive premiums unrelated to the operation of the system or offered with the sale of the system (such as "free gifts", offers to pay electricity bills, or rebates) and costs for which another credit is claimed. The dollar amount of any utility rebate shall be deducted from the cost of the qualifying system and its installation before determining the State credit. A tax credit which exceeds the taxpayer's income tax liability may be used as a credit against the taxpayer's income tax liability in subsequent years until exhausted, unless the taxpayer elects to treat the credit as refundable. See the instructions for Refundable Renewable Energy Technologies Income Tax Credit Placed in Service on or After July 1, 2009.

The tax credit may be claimed for the following renewable energy technology systems installed and placed in service in Hawaii on or after July 1, 2009:

Type of Renewable Energy Technology System	Tax Credit Rate
<b>1. Solar energy systems - Primary purpose is to use energy from the sun to heat water for household use</b>	
a. Single-family residential property.	The lesser of 35% of the actual cost of the system or \$2,250.
b. Multi-family residential property.	Per unit: The lesser of 35% of each unit's actual cost of the system or \$350.

c. Commercial property. The lesser of 35% of the actual cost of the system or \$250,000.

### Solar energy systems - All other solar energy systems

a. Single-family residential property. The lesser of 35% of the actual cost of the system or \$5,000.

b. Multi-family residential property. Per unit: The lesser of 35% of each unit's actual cost of the system or \$350.

c. Commercial property. The lesser of 35% of the actual cost of the system or \$500,000.

### 2. Wind powered energy systems

a. Single-family residential property. The lesser of 20% of the actual cost of the system or \$1,500.

b. Multi-family residential property. Per unit: The lesser of 20% of each unit's actual cost of the system or \$200.

c. Commercial property. The lesser of 20% of the actual cost of the system or \$500,000.

**To claim this credit.** Complete Form N-342 and Schedule CR and attach them to your return. Also, fill in the appropriate oval on Schedule CR to indicate the type of energy system.

**Deadline for claiming this credit.** Claims for this credit, including any amended claims, must be filed on or before the end of the twelfth month after the close of your taxable year.

## Ko Olina Resort and Marina Attractions and Educational Facilities Tax Credit

If you are claiming the Ko Olina resort and marina attractions and educational facilities tax credit, see Form N-336 for information.

## Line 29

Line 26 minus line 28. Enter the result on this line, but not less than zero.

## Tax Already Paid

## Line 30

### Total Hawaii Income Tax Withheld

Add the Hawaii income tax withheld as shown on federal Form(s) W-2 and 1099-G (unemployment compensation), State Form N-2, and any other forms that show Hawaii income tax withheld. Enter the total on this line. Attach a copy of federal Form(s) W-2 and 1099-G, and Form N-2 showing the withhold-

ing. If not attached, the withholding may be disallowed.

**Note:** If taxes were withheld on the sale of Hawaii real property, report this amount on line 31, "2009 Estimated Tax Payments".

## Line 31

### 2009 Estimated Tax Payments

Enter on this line your estimated Hawaii income tax payments made on Form N-1 for 2009. Do not include your 2008 overpayment you requested to have applied to your 2009 estimated tax (this amount is to be reported on line 32).

Also include on this line the amount of taxes withheld on the sale of Hawaii real property computed as follows:

1. Amount of taxes withheld as shown on Form(s) N-288A, "Statement of Withholding on Dispositions by Nonresident Persons of Hawaii Real Property Interests" .....
2. Amount of refund you already applied for on Form(s) N-288C, "Application for Tentative Refund of Withholding on Dispositions of Hawaii Real Property Interests" .....
3. Line 1 minus line 2. Include this amount on Form N-11, line 31. ....

**Note:** Attach a copy of the Form(s) N-288A showing the withholding.

If the tax was withheld for you through a partnership, estate, trust, or S corporation, see the Instructions for Pro Rata Share of Taxes Withheld and Paid by a Partnership, Estate, Trust, or S Corporation on the Sale of Hawaii Real Property Interests on page 27.

If you and your spouse paid joint estimated tax but are now filing separate income tax returns, one of you can claim all of the amount paid, or you can each claim a part of it. Please be sure to show both social security numbers on the separate returns. If you or your spouse paid separate estimated tax, but you are now filing a joint income tax return, add the amounts you each paid.

Follow the above instructions even if your spouse died during the year.

## Line 32

### 2008 Overpayment Applied to 2009 Estimated Tax

Enter on this line any overpayment from your 2008 return that you applied to your 2009 estimated tax.

## Line 33

### Amount Paid with Extension

If you made a payment with Form N-101A, enter the amount you paid on this line.

## Refundable Credits

**IMPORTANT!** If the amount of payments plus these credits is at least \$1 more than your tax,

the difference will be refunded to you. It is very important that you carefully read the following instructions for each of these credits to ensure that you properly claim all the credits to which you are entitled.

**Warning:** Many of the following credits **MUST** be claimed on or before the end of the twelfth month following the end of the taxable year (December 31, 2010, for calendar year taxpayers). If you do not claim these credits within that period, the credits are **waived and cannot** be claimed later, even on an amended return.

## Line 34

### Refundable Food/Excise Tax Credit

If your federal adjusted gross income was less than \$50,000, you may qualify for this credit. See the instructions for Schedule X, Part I, on page 32. Figure the credit on Schedule X, Part I, and enter the amount of the credit here.

**Note:** Do not claim this credit if you are being claimed or eligible to be claimed as a dependent by any taxpayer for federal or Hawaii income tax purposes.

**Deadline for claiming this credit.** Claims for this credit, including any amended claims, **must** be filed on or before the end of the twelfth month after the close of your taxable year.

## Line 35

### Credit for Low-Income Household Renters

If you occupy and pay rent for real property within the State as your residence, your Hawaii adjusted gross income was less than \$30,000, and the rent you paid during 2009 was more than \$1,000, you may qualify for this credit. To see if you qualify, see the instructions for Schedule X, Part II, on page 32. If you qualify, figure the credit on Schedule X, Part II, and enter the amount of the credit here.

**Note:** Do not claim this credit if you are being claimed or eligible to be claimed as a dependent by any taxpayer for federal or Hawaii income tax purposes.

**Deadline for claiming this credit.** Claims for this credit, including any amended claims, **must** be filed on or before the end of the twelfth month after the close of your taxable year.

## Line 36

### Credit for Child and Dependent Care Expenses

Certain payments made for child and dependent care (including payments made to the State of Hawaii A+ Program) may be claimed as a credit against your tax due. To see if you qualify, see the instructions for Schedule X, Part III, on page 33. If you qualify, figure the credit on Schedule X, Part III, and enter the amount of the credit here.

**Note:** Do not claim this credit if you are being claimed or eligible to be claimed as a dependent by any taxpayer for federal or Hawaii income tax purposes.

## Line 37

### Credit for Child Passenger Restraint System

Each taxpayer who files an individual income tax return for the taxable year may claim a tax credit for 2009 for the purchase of **one or more new** child passenger restraint systems which comply with federal motor vehicle safety standards.

**Note:** This credit is \$25 per return regardless of the cost or the number of restraint systems purchased.

**To claim this credit.** Enter \$25 in line 37, and attach a copy of the sales invoice, which states the type of child restraint system purchased, to your return.

**Your claim for this credit may be rejected** if the invoice is not attached, or if 1) or 2) applies but no statement or explanation is attached.

- 1) If the invoice doesn't have your name on it, you must attach a statement saying that you and nobody else is claiming the credit for the purchase described in the invoice.
- 2) If the invoice has somebody else's name on it, you must attach an explanation.

**Deadline for claiming this credit.** Claims for this credit, including any amended claims, **must** be filed on or before the end of the twelfth month after the close of your taxable year.

## Line 38

### Credit for \$1 General Income Tax

Act 84, Session Laws of Hawaii 2009, provides that each resident taxpayer who files an individual income tax return for the taxable year, including those who have no income or no income taxable under chapter 235, HRS, may claim a one-time \$1.00 general income tax credit, provided that the taxpayer is not eligible to be claimed as a dependent for federal or State income tax purposes by another taxpayer. The credit is multiplied by the number of qualified exemptions to which the taxpayer is entitled.

The credit may be claimed for each resident individual who:

- Was a resident of Hawaii for at least nine months regardless of whether the qualified resident was physically in Hawaii for nine months,
- Is not claimed and is not eligible to be claimed as a dependent by any taxpayer for federal or Hawaii income tax purposes, and
- Was not confined in jail, prison, or a youth correctional facility for the full taxable year.

**Note:** The credit is not based on adjusted gross income. The credit is figured on a fixed

amount of \$1.00 per qualified exemption. A qualified exemption does not include additional exemptions for being 65 years of age or over, or for deficiencies in vision, hearing, or other disability.

**To claim this credit.** There is no special form to be filed. All you need to do is multiply \$1.00 by the number of your qualified exemptions. Enter the amount on line 38.

**Deadline for claiming this credit.** Claims for the tax credit, including any amended claims thereof, **must** be filed on or before the end of the twelfth month after the close of your taxable year.

## Line 39

### Total Refundable Tax Credits from Schedule CR

If you are claiming any of the following refundable tax credits, you must use Schedule CR, Schedule of Tax Credits, to summarize the total refundable tax credits claimed. Complete Part II of Schedule CR, and enter the amount from Schedule CR, line 24, on line 39. Attach Schedule CR directly behind Form N-11.

The following refundable tax credits are included on Schedule CR:

### Capital Goods Excise Tax Credit

**Note:** Act 178, Session Laws of Hawaii 2009, reduces the rate of the capital goods excise tax credit to 0% for property that was placed in service on or after May 1, 2009 through December 31, 2009.

A 4% credit is available to Hawaii businesses that acquire qualifying business property and place it in service during the taxable year.

For more information, see the instructions for Form N-312; Tax Information Release No. 88-6, *Capital Goods Excise Tax Credit*; Tax Information Release No. 88-8, *Capital Goods Excise Tax Credit Recapture*; and Tax Information Release No. 89-4, *The Taxpayer Who Is Entitled To The Capital Goods Excise Tax Credit When the Parties Characterize a Transaction As A Sale-Leaseback*.

**To claim this credit.** Complete Form N-312 and Schedule CR and attach them to your return.

**Deadline for claiming this credit.** Claims for this credit, including any amended claims, **must** be filed on or before the end of the twelfth month after the close of your taxable year.

### Fuel Tax Credit for Commercial Fishers

Each principal operator of a commercial fishing vessel who files an individual income tax return may claim an income tax credit for certain fuel taxes paid during the year.

**To claim this credit.** Complete Form N-163 and Schedule CR and attach them to your return.

**Deadline for claiming this credit.** Claims for this credit, including any amended claims,

must be filed on or before the end of the twelfth month after the close of your taxable year.

## Tax Credit for Research Activities

This 20% credit is based on the federal credit for research activities except that the federal base amounts are excluded and research must have been conducted in Hawaii.

The credit shall not be available for taxable years beginning after December 31, 2010.

**To claim this credit.** Complete Form N-319 and Schedule CR and attach them to your return. Form N-319A, which must be certified for research expenses incurred on or after July 1, 2004, also must be attached to your return.

**Deadline for claiming this credit.** Claims for this credit, including any amended claims, must be filed on or before the end of the twelfth month after the close of your taxable year.

## Ethanol Facility Tax Credit

A credit is allowable for the investment in a qualified ethanol facility that is in production on or before January 1, 2017.

**To claim this credit.** Complete Form N-324 and Schedule CR and attach them to your return.

**Deadline for claiming this credit.** Claims for this credit, including any amended claims, must be filed on or before the end of the twelfth month after the close of your taxable year.

## Motion Picture, Digital Media, and Film Production Income Tax Credit

A taxpayer may claim an income tax credit of (1) 15% of the qualified production costs incurred on or after July 1, 2006, and before January 1, 2016, by a qualified production in the City and County of Honolulu, and (2) 20% of the qualified production costs incurred on or after July 1, 2006, and before January 1, 2016, by a qualified production in the Kauai, Maui, or Hawaii county. The total tax credits claimed per qualified production shall not exceed \$8,000,000.

For more information, see Form N-340, Motion Picture, Digital Media, and Film Production Income Tax Credit.

**To claim this credit.** Complete Form N-340 and Schedule CR and attach them to your return.

**Deadline for claiming this credit.** Claims for this credit, including any amended claims, must be filed on or before the end of the twelfth month after the close of your taxable year.

## Refundable Renewable Energy Technologies Income Tax Credit Placed in Service on or After July 1, 2009

**Note:** Act 154, Session Laws of Hawaii 2009, provides that a taxpayer may elect to treat the renewable energy technologies income tax credit as refundable.

See the instructions for Nonrefundable Renewable Energy Technologies Income Tax Credit Placed in Service on or After July 1, 2009. The tax credit is generally nonrefundable. However, the tax credit may be refundable under the following circumstances:

- For solar energy systems, a taxpayer may elect to reduce the eligible credit amount by 30%. If this reduced amount exceeds the amount of income tax payment due from the taxpayer, the excess of the credit amount over payments due will be refunded to the taxpayer.
- For any renewable energy technology system, a taxpayer may elect to have any excess of the credit over payments due refunded to the taxpayer if (1) all of the taxpayer's income is exempt from taxation under section 235-7(a)(2), Hawaii Revised Statutes (HRS), i.e., distributions from a public retirement plan or system, or section 235-7(a)(3), HRS, i.e., any compensation received in the form of a pension for past services; or (2) the taxpayer has Hawaii adjusted gross income of \$20,000 or less (or \$40,000 or less if filing a tax return as married filing jointly).

A husband and wife who do not file a joint tax return shall only be entitled to make this election to the extent that they would have been entitled to make the election had they filed a joint tax return.

**To claim this credit.** Complete Form N-342 and Schedule CR and attach them to your return.

**Deadline for claiming this credit.** Claims for this credit, including any amended claims, must be filed on or before the end of the twelfth month after the close of your taxable year.

## Important Agricultural Land Qualified Agricultural Cost Tax Credit

If you are claiming the important agricultural land qualified agricultural cost tax credit, see Form N-344 for information.

## Other Credits

### Pro Rata Share of Taxes Withheld and Paid by a Partnership, Estate, Trust, or S Corporation on the Sale of Hawaii Real Property Interests

If the tax was withheld by a partnership, estate, trust or S corporation, and you are taxable on a pro rata share of the entity's gain on the sale, include ONLY the amount of your pro rata share of any net income taxes withheld and paid by the partnership, estate, trust or S corporation on Schedule CR, line 23a, and attach a copy of the Schedule K-1 issued to you

by the partnership, estate, trust, or S corporation.

**Note:** If the partnership, estate, trust or S corporation filed a Form N-288C, "Application for Tentative Refund of Withholding on Dispositions of Hawaii Real Property Interests", you may not claim this credit for your share of the amount being refunded to the entity.

## Credit From a Regulated Investment Company

A shareholder of a regulated investment company is allowed a credit for the tax paid to the State by the company on the amount of capital gains which by section 852(b)(3)(D) of the Internal Revenue Code is required to be included in the shareholder's return. The regulated investment company will notify you of the undistributed capital gains amount and the tax paid, if any. If this credit applies to you, include the amount on Schedule CR, line 23b, and attach an explanation.

## Line 40

### Total Payments and Credits

Add lines 30 through 39. Enter the amount on this line.

## Refund or Balance Due

## Line 41

### Amount Overpaid

If line 40 is larger than line 29, the difference is the amount overpaid.

The Hawaii School-Level Minor Repairs and Maintenance Special Fund provides moneys for school-level minor repairs and maintenance. If you have an overpayment of at least \$2 (\$4 if married and filing a joint return), you can choose to contribute to the Hawaii School-Level Minor Repairs and Maintenance Special Fund (line 42a).

The Hawaii Public Libraries Special Fund provides moneys to support the operations of the library system. If you have an overpayment of at least \$2 (\$4 if married and filing a joint return), you can choose to contribute to the Hawaii Public Libraries Special Fund (line 42b).

The Hawaii Children's Trust Fund provides moneys for the award of grants for primary and secondary prevention activities to prevent child abuse and neglect. The Domestic Violence and Sexual Assault Special Fund provides moneys for programs and grants or purchases of service that support or provide domestic violence and sexual assault intervention or prevention. The Spouse and Child Abuse Special Accounts provide moneys for staff programs, and grants or purchases of service that support or provide spouse or child abuse intervention or prevention. If you have an overpayment of at least \$5 (\$10 if married and filing a joint return), you can choose to contribute to these funds (line 42c).

## Line 42a

### Contribution to the Hawaii Schools Repairs and Maintenance Fund

If you want to contribute \$2 to the Hawaii School-Level Minor Repairs and Maintenance Special Fund (or \$4 if your spouse also wants to contribute and you are filing jointly), fill in the appropriate oval(s). No other amounts can be accepted. Your contribution will reduce your refund. Once made, the contribution cannot be revoked.

## Line 42b

### Contribution to the Hawaii Public Libraries Fund

If you want to contribute \$2 to the Hawaii Public Libraries Special Fund (or \$4 if your spouse also wants to contribute and you are filing jointly), fill in the appropriate oval(s). No other amounts can be accepted. Your contribution will reduce your refund. Once made, the contribution cannot be revoked.

## Line 42c

### Contribution to the Domestic Violence / Child Abuse and Neglect Funds

If you want to contribute \$5 to the Hawaii Children's Trust Fund, the Domestic Violence and Sexual Assault Special Fund, and the Spouse and Child Abuse Special Accounts (or \$10 if your spouse also wants to contribute and you are filing jointly), fill in the appropriate oval(s). No other amounts can be accepted. Your contribution will reduce your refund. Once made, the contribution cannot be revoked.

## Line 45

### Applied to 2010 Estimated Tax

Enter the amount from line 44 that you want applied to your estimated tax for 2010.

We will apply amounts to your account unless you attach a request to apply it to your spouse's account. The request should include your spouse's social security number and full name.

## Line 46a

### Refund

Line 44 minus line 45. This is the amount that will be refunded to you.

**Note:** Check the box under line 46a if the ultimate destination of your refund is to a foreign (non-U.S.) bank account. Do not complete lines 46b through 46d. Due to new rules for international ACH transactions that went into effect on September 18, 2009, the direct deposit of your refund into a foreign (non-U.S.) bank account will not be available. A check will be sent to you instead.

**Note:** If you are filing your return after the prescribed due date, the refund shown may

be limited or disallowed due to the statute of limitations. In general, a claim for refund or credit for overpaid income taxes must be filed within three years after the return is filed for the taxable year, within three years of the due date for filing the return, or within two years from when the tax is paid, whichever is later. For purposes of determining whether a refund or credit is allowed, taxes paid on or before the due date of the return (e.g. taxes withheld from an employee's pay, or estimated tax payments) are considered paid on the due date of the return, without considering an extension of time to file the return.

## Lines 46b Through 46d

### Direct Deposit of Refund

Complete lines 46b through 46d if you want the Department of Taxation to directly deposit the amount shown on line 46a into your checking or savings account at a bank or other financial institution (such as a mutual fund, brokerage firm, or credit union) instead of sending you a check.

**Note:** If the ultimate destination of your refund is to a foreign (non-U.S.) bank account, do not complete lines 46b through 46d. See the instructions for line 46a.

**Note:** If you owe certain past-due debt, such as child support, and all or part of the overpayment on line 41 is used (offset) to pay the past-due amount, you will not be allowed to have your refund directly deposited into your checking or savings account. A check will be sent to you instead.

**Note:** If you are filing an amended return on Form N-11, your refund cannot be directly deposited into your checking or savings account. Direct deposit can only be used if you are filing an original return.

### Why Use Direct Deposit?

- You get your refund fast – even faster if you e-file!
- Payment is more secure – there is no check to get lost.
- More convenient. No trip to the bank to deposit your check.
- Saves tax dollars. A refund by direct deposit costs less than a check.

You can check with your financial institution to make sure your deposit will be accepted and to get the correct routing and account numbers. The Department is not responsible for a lost refund if you enter the wrong account information.

If you file a joint return and fill in lines 46b through 46d, you are appointing your spouse as an agent to receive the refund. This appointment cannot be changed later.

Some financial institutions will not allow a joint refund to be deposited into an individual account. If the direct deposit is rejected, a check will be sent instead. The Department is not responsible if a financial institution rejects a direct deposit.

## Routing Number

The routing number **must** be nine digits. The first two digits must be 01 through 12 or 21 through 32. Otherwise, the direct deposit will be rejected and a check sent instead.

Your check may state that it is payable through a financial institution different from the one at which you have your checking account. If so, **do not** use the routing number on that check. Instead, contact your financial institution for the correct routing number to enter on line 46b.

## Type of Account

On line 46c, check the applicable box to indicate whether you want your refund deposited into your checking or savings account.

## Account Number

Contact your financial institution for the correct account number to enter on line 46d. The account number can be up to 17 characters (both numbers and letters). Omit spaces, hyphens, and special symbols. Enter the number from left to right and leave any unused boxes blank. Be sure **not** to include the check number.

## Line 47

### Balance Due

If line 29 is larger than line 40, the difference is your balance due. Use Form N-200V, Individual Income Tax Payment Voucher, to send your payment to the Department of Taxation.

Attach your check or money order and Form N-200V to the front of Form N-11. Write your social security number and "2009 Form N-11" on your check or money order.

**Note:** If you include penalty and/or interest for the late filing of your return with your payment, identify and enter these amounts on a separate sheet of paper and attach to Form N-11. Do not include the penalty and/or interest amounts for the late filing of your return in the Balance Due on line 47.

**Note:** If you cannot pay the full amount you owe, you can enter a payment agreement by requesting for a payment agreement **after** you receive the billing notice. Please be aware that penalty and interest continue to accrue on the unpaid tax amount even though you have not received the billing notice. Payments will be accepted and applied to your tax liability; however, to ensure your payments are applied correctly, your check or money order must have: (1) your name clearly printed on the check as it is printed on the tax return (if filing a joint return, also print your spouse's name), (2) your social security number (if filing a joint return, also write your spouse's social security number), and (3) the tax year and form number you filed (e.g., 2009 N-11).

## Line 48

### Underpayment of Estimated Tax Penalty

See the instructions for *Penalties and Interest* on page 31 and Form N-210, Underpay-

ment of Estimated Tax by Individuals and Fiduciaries, to see if you owe a penalty for the underpayment of estimated taxes. If you owe a penalty, enter the penalty amount on Form N-11, line 48. Do not include the penalty amount on line 41 or line 47. If you have any taxes due, include the amount of the penalty on Form N-200V. If you have an overpayment, your overpayment will be reduced automatically by the amount of the penalty.

Fill in the oval at line 48 if Form N-210 is attached.

**Note:** *If you are a farmer or fisherman and receive a penalty notice, do not ignore it, even if you think it is in error. You may get a penalty notice even though you filed your return on time, attached Form N-210, and met the gross income from farming or fishing requirement. If you receive a penalty notice for underpaying estimated tax and you think it is in error, write to the address on the notice and explain why you think the notice is in error. Include a computation showing that you met the gross income from farming or fishing requirement.*

## Amended Returns

If you are filing an amended return, fill in the amended return oval at the top of Form N-11. Complete your amended return using corrected amounts through line 48. Attach Schedule AMD, Explanation of Changes on Amended Return, to the income tax return Form N-11. If you are filing an amended return due to a net operating loss carryback, also fill in the NOL Carryback oval and attach a copy of your original federal income tax return for the loss year. See page 31 of the instructions for more information.

If your original return has an overpayment, part or all of which was credited to 2010 estimated taxes, the amount that was credited on your original return cannot be changed unless (1) the 2010 return has not yet been filed, and (2) the amended return shows a balance due. In this situation, you may request that the amount credited to 2010 estimated taxes be applied to the balance due on the amended return by attaching a written request to the amended return.

If you contributed to the Hawaii Schools Repairs and Maintenance Fund, Hawaii Public Libraries Fund, and/or Domestic Violence/Child Abuse and Neglect Funds on your original return, your contribution(s) cannot be revoked, and you must make the same designation(s) on your amended return.

## Line 49

### Amount Paid (Overpaid) on Original Return

Enter on line 49 the amount paid on your original 2009 Form N-11, line 47 (plus the amount of estimated tax penalty on line 48, if any); or the amount overpaid on your original 2009 Form N-11, line 41 (less the amount of estimated tax penalty on line 48, if any). If the amount is an overpayment, shade the minus (-) in the box to the left of the amount boxes.

Attach Schedule AMD, Explanation of Changes on Amended Return.

## Line 50

### Balance Due (Refund) With Amended Return

If no amount was entered on line 49, enter on line 50 the amount, if any, from line 46a (less the amount of estimated tax penalty on line 48, if any) or line 47 (plus the amount of estimated tax penalty on line 48, if any) of the amended return.

If there is an amount on line 49 and that amount is:

a. A payment and there is an amount on line 41, complete the following worksheet:

1. Amount from line 41 (less the amount of estimated tax penalty on line 48, if any) .. \_\_\_\_\_
2. Amount from line 49 ..... \_\_\_\_\_
3. Add line 1 and line 2 ..... \_\_\_\_\_

Enter the amount from line 3 of the worksheet on line 50. This is the amount of your overpayment on your amended return. Shade the minus (-) in the box to the left of the amount boxes.

b. A payment and there is an amount on line 47, complete the following worksheet:

1. Amount from line 47 (plus the amount of estimated tax penalty on line 48, if any) .. \_\_\_\_\_
2. Amount from line 49 ..... \_\_\_\_\_
3. Line 1 minus line 2 ..... \_\_\_\_\_

Enter the amount from line 3 of the worksheet on line 50.

If the amount on line 1 of the worksheet is larger than the amount on line 2 of the worksheet, this is the amount you owe on your amended return.

If the amount on line 2 of the worksheet is larger than the amount on line 1 of the worksheet, this is the amount of your overpayment on your amended return. Shade the minus (-) in the box to the left of the amount boxes.

c. An overpayment and there is an amount on line 41, complete the following worksheet:

1. Amount from line 41 (less the amount of estimated tax penalty on line 48, if any) .. \_\_\_\_\_
2. Amount from line 49 ..... \_\_\_\_\_
3. Line 1 minus line 2 ..... \_\_\_\_\_

Enter the amount from line 3 of the worksheet on line 50.

If the amount on line 1 of the worksheet is larger than the amount on line 2 of the worksheet, this is the amount of your overpayment on your amended return. Shade the minus (-) in the box to the left of the amount boxes.

If the amount on line 2 of the worksheet is larger than the amount on line 1 of the worksheet, this is the amount you owe on your amended return.

d. An overpayment and there is an amount on line 47, complete the following worksheet:

1. Amount from line 47 (plus the amount of estimated tax penalty on line 48, if any) .. \_\_\_\_\_

2. Amount from line 49 ..... \_\_\_\_\_

3. Add line 1 and line 2 ..... \_\_\_\_\_

Enter the amount from line 3 of the worksheet on line 50. This is the amount you owe on your amended return.

If you have an overpayment on your amended return, you may contribute to the (1) Hawaii Schools Repairs and Maintenance Fund (line 42a) if line 42a on your original return was blank, (2) Hawaii Public Libraries Fund (line 42b) if line 42b on your original return was blank, and/or (3) Domestic Violence/Child Abuse and Neglect Funds (line 42c) if line 42c on your original return was blank.

Subtract the amount contributed to the above funds from the amount of overpayment available and enter the difference on line 50. Shade the minus (-) in the box to the left of the amount boxes. Be sure that the sum of the amounts entered on lines 42a, 42b, 42c, and 50 is not more than the overpayment available.

If you have an amount due on your amended return, use Form N-200V, Individual Income Tax Payment Voucher, to send your payment to the Department of Taxation. Attach your check or money order and Form N-200V to the front of Form N-11.

Attach Schedule AMD, Explanation of Changes on Amended Return.

## Taxpayer Questionnaire

All taxpayers **MUST** complete lines 51, 52, and 53.

## Line 51

### Schedule C

If you filled in Schedule C or Schedule C-EZ for federal Form 1040 (for taxpayers receiving income from operating a business or practicing a profession as a sole proprietorship), check "Yes". If you checked "No", go on to line 52.

### Hawaii Gross Receipts

Enter your Hawaii gross receipts or sales, net of returns and allowances. This will be the Hawaii amount from Schedule C, line 3; or Schedule C-EZ, line 1. If you do not have any Hawaii gross receipts or sales, enter zero (0).

If you filed more than one Schedule C, enter the total of your Hawaii gross receipts.

### Main Business Activity and Product

Report the business activity that accounted for the most gross income included here. Also, enter the business product or service. For example, business activity: wholesale, business product: groceries; or business activity: retail, business product: hardware.

### Hawaii Tax Identification Number

Enter your Hawaii Tax Identification Number for this activity. If you do not have an identification number, leave the boxes blank.

If more than one identification number applies, enter one identification number here and the rest on a separate sheet.

## Line 52

### Rents on Schedule E

If you received rental income and reported it on Schedule E, federal Form 1040, check "Yes". If you checked "No", go on to line 53.

### Hawaii Gross Receipts

Enter your Hawaii gross rents. In most cases, this will be the Hawaii amount from Schedule E, line 3. If you do not have any Hawaii gross rents, enter zero (0).

If you filed more than one Schedule E, enter the total of your Hawaii gross rents.

### Hawaii Tax Identification Number

Enter your Hawaii Tax Identification Number for this activity, *even if you wrote the same number down on line 51*. If you do not have an identification number, leave the boxes blank.

If more than one identification number applies, enter one identification number here and the rest on a separate sheet.

## Line 53

### Schedule F

If you completed Schedule F for federal Form 1040 (for those receiving farming income), check "Yes". If you checked "No", go to Step 6 on this page.

### Hawaii Gross Receipts

Enter your Hawaii gross receipts or sales, net of returns and allowances. This will be the Hawaii amount from Schedule F, line 11. If you do not have any Hawaii gross receipts or sales, enter zero (0).

### Main Business Activity and Product

Report the business activity that accounted for the most gross income included here. Also, enter the business product or service. For example, business activity: ranching, business product: cattle.

### Hawaii Tax Identification Number

Enter your Hawaii Tax Identification Number for this activity, *even if you wrote the same number down on line 51 or 52*. If you do not have an identification number, leave the boxes blank.

## Now continue with Step 6 below.

### Step 6

#### Check your return to make sure it is correct.

### Step 7

#### Third Party Designee

If you want to authorize the Department of Taxation to discuss your tax return with a person that you designate, enter the name of your third party designee, telephone number, and identification number. You are authorizing the Department to call your third party designee  
Page 30

to answer any questions that may arise during the processing of your tax return.

**Note:** *This designation is not a full power of attorney and does not replace Form N-848.*

### Step 8

#### Hawaii Election Campaign Fund

This fund helps to provide accountability, transparency, integrity and a level playing field for State and County candidates in Hawaii elections. If you have a tax liability of at least \$3 (\$6 if married and filing a joint return), you can choose to contribute to the Hawaii Election Campaign Fund.

If you want \$3 to go to the fund, fill in the "Yes" oval. If you are filing a joint return, and your spouse wants \$3 to go to the fund, fill in the "Yes" oval.

If you fill in the "Yes" oval, your tax liability or refund due will not change.

Once made, the designation cannot be revoked.

### Step 9

#### Sign and date your return.

Form N-11 is not considered a valid return unless you sign it. If you are unable to sign the return (due to disease or injury, etc.), you can appoint an agent to sign your return. A return signed by an agent must have a power of attorney attached that authorizes the agent to sign for you. You can use Form N-848, Power of Attorney.

Be sure to date your return. If you have someone else prepare your return, you are still responsible for the correctness of the return.

**Joint Return.** Your spouse must also sign Form N-11 if it is a joint return. If your spouse cannot sign because of disease or injury and tells you to sign, you can sign your spouse's name in the proper space on the return followed by the words "By (your name), Husband (or Wife)." Be sure to also sign in the space provided for your signature. Attach a dated statement, signed by you, to the return. The statement should include the form number of the return you are filing, the tax year, and the reason your spouse cannot sign, and that your spouse has agreed to your signing for him or her.

If you are the guardian of your spouse who is mentally incompetent, you can sign the return for your spouse as guardian.

If your spouse is unable to sign the return because he or she is serving in a combat zone, and you do not have a power of attorney or other statement, you can sign for your spouse. Attach a signed statement to your return that explains that your spouse is serving in a combat zone.

If your spouse cannot sign the joint return for any other reason, you can sign for your spouse only if you are given a valid power of attorney. Attach the power of attorney to your tax return.

If you are filing a joint return as the surviving spouse, see *Death of Taxpayer* on page 6.

**Child's Return.** If your child cannot sign the return, sign your child's name in the space provided. Then, add "By (your signature), parent for minor child."

**Occupation.** Write your occupation in the space provided. If married and filing a joint return, also write your spouse's occupation in the space provided.

### Step 10

#### Did you have someone else prepare your return?

If you fill in your own return, the Paid Preparer's space should remain blank. If someone prepares your return and does not charge you, that person should not sign your return.

Generally, anyone who is paid to prepare your tax return must sign your return and fill in the other blanks in the Paid Preparer's Information area of your return. The preparer may furnish his or her alternative identifying number for income tax return preparers (PTIN) instead of his or her social security number.

If you have questions about whether a preparer is required to sign your return, please contact our Taxpayer Services staff.

The preparer required to sign your return **MUST** complete the required preparer information and:

- Sign it, by hand, in the space provided for the preparer's signature. (Signature stamps or labels are not acceptable.)
- Give you a copy of your return in addition to the copy to be filed with the Department of Taxation.

### Step 11

#### Attachments

**Reminder:** *Federal Schedules A, B, C, D, E, and F are not required to be attached to Form N-11. However, keep these schedules with your records until the statute of limitations runs out for that return. Also, you are not required to attach a copy of the first page of the federal return to Form N-11.*

Attach a copy of your Form(s) HW-2 and N-2, or federal Form(s) W-2 and 1099-G (unemployment compensation), to the front of Form N-11 in the area designated. To the back of your return attach, in the following order:

- Schedule CR.
- Any other schedules, in alphabetical order.
- Other Hawaii – series forms, in numerical order.
- Any other federal forms, in numerical order, used as a substitute for state forms (see *Related Federal/Hawaii Tax Forms* on page 3).
- Any other required attachments.

**A return without the required schedules, forms, and attachments is incomplete. You**

**must file a complete return on time to avoid paying penalties and interest for late filing.**

If you need more space on forms or schedules, attach separate sheets and use the same arrangement as the printed forms. But show your totals on the printed forms. Please use sheets that are the same size as the forms and schedules. Be sure to put your name and social security number on these separate sheets.

If you owe tax, be sure to use Form N-200V to send your payment to the Department of Taxation. Attach your check or money order and Form N-200V to the front of Form N-11.

## Reminders

### Processing of Your Tax Return

In general, refunds due to you are issued within 8 weeks from the date your return is filed with the Department of Taxation. However, it may take additional time if you filed your return close to the April 20 filing deadline, if errors were made in completing your return, or you moved and did not change your address in writing with the Department of Taxation.

You may call our Taxpayer Services Branch to obtain automated information about your individual income tax refunds 24 hours a day, 7 days a week. Automated refund information should be available 4 to 6 weeks after your return is filed with the Department of Taxation.

You may also check your refund status through the Department of Taxation's website.

### Penalties and Interest

**Late Filing of Return.** The penalty for failure to file a return on time is assessed on the tax due at a rate of 5% per month, or part of a month, up to a maximum of 25%.

**Extensions.** If you are unable to file your Hawaii tax return by April 20, 2010, you are automatically granted a 6-month extension without the need to file anything with the Department unless an additional tax payment must be made. As long as the following conditions are met, you are deemed to have made an application for the 6-month extension to file an income tax return on the prescribed due date:

1. On or before April 20, 2010, 100% of the properly estimated tax liability is paid;
2. The tax return is filed on or before the expiration of the 6-month extension period;
3. The tax return is accompanied by full payment of any tax not already paid; and
4. You are not bound by a court order to file a tax return on or before the prescribed due date.

If you must make an additional payment of tax on or before April 20, 2010 in order to meet the condition requiring payment of 100% of the properly estimated tax liability, you must file Form N-101A with your payment. Federal Form 4868, Application for Automatic Extension of Time To File U.S. Individual Income Tax Return, may not be used in lieu of Form N-101A.

**Interest.** Interest at the rate of 2/3 of 1% per month or part of a month shall be assessed on unpaid taxes and penalties beginning with the first calendar day after the date prescribed for payment, whether or not that first calendar day falls on a Saturday, Sunday, or legal holiday.

**Failure to pay tax after filing timely returns.** The penalty for failure to pay the tax after filing a timely return is 20% of the tax unpaid within 60 days of the prescribed due date. The 60-day period is calculated beginning with the prescribed due date even if the prescribed due date falls on a Saturday, Sunday, or legal holiday.

**Underpayment of estimated taxes.** You may be subject to a penalty for not paying enough estimated tax if your tax payments, including withholding, do not total the smallest of:

- 1) 60% of the 2009 tax liability; or
- 2) 100% of the tax shown on the 2008 return.

There are special rules for farmers and fishermen.

For more information, see Form N-210, Underpayment of Estimated Tax by Individuals and Fiduciaries.

### Change of Address

If your mailing address changes after you file your return, you must notify the Department **in writing** of the change in addition to notifying the post office serving your former address. Failure to do so may prevent any refund due to you from being delivered (the U.S. Postal Service is not permitted to forward your State refund check), and delay important notices or correspondence to you regarding your return. Be sure to include your name(s) and social security number(s) as printed on your return in any correspondence with the Department.

### How Long Should Records Be Kept?

Keep records of income, deductions, and credits shown on your tax return, as well as any worksheets you used, until the statute of limitations runs out for that return. Usually this is three years from the date the return was due or filed, whichever is later. Also keep copies of your filed tax returns and any Forms W-2 or 1099 you received as part of your records. You should keep some records longer. For example, property records (including those on your home) should be kept as long as they are needed to figure the basis of the original or replacement property. For more details, see federal Publication 552, Recordkeeping for Individuals.

### Amended Return

If you file your income tax return and later become aware of any changes you must make to income, deductions, or credits, you may file an amended return on Form N-11 to change the Form N-11 you already filed. **Use the Form N-11 for the year you are amending.** (You cannot file a 2008 amended return on a 2009 Form N-11.) Fill in the amended return oval at the top of Form N-11, and fill in the re-

turn with all of the correct information. Attach Schedule AMD, Explanation of Changes on Amended Return, to Form N-11. If you are filing an amended return due to a net operating loss carryback, also fill in the NOL Carryback oval and attach a copy of your original federal income tax return for the loss year.

See the instructions for Form N-11, lines 49 and 50.

For information on the statute of limitation periods within which you may file an amended return to claim a refund or credit of overpaid taxes, see the instructions for Form N-11, line 46a (Refund) on page 28.

**Note:** *If you are filing an amended return on Form N-11, your refund cannot be directly deposited into your checking or savings account. Direct deposit can only be used if you are filing an original return.*

You can get prior year forms from our website, by calling our Taxpayer Services Branch, and at any district tax office. See page 6 for the Department's website address and for the phone number to request the forms you need.

If your amended return is a different form from your original return filed, file an amended return on that different form. (If you filed an original return on Form N-11 and should have filed Form N-15, file an amended return on Form N-15.)

### Change in Federal Taxable Income

In general, a change to your federal return, whether it is made by you (on federal Form 1040X) or by the Internal Revenue Service, must be reported to the State of Hawaii.

- 1) Section 235-101(b), HRS, requires a report (an amended return) to the Director of Taxation if the amount of IRC taxable income is changed, corrected, adjusted or recomputed as stated in (3).
- 2) This report must be made:
  - a) Within 90 days after a change, correction, adjustment or recomputation is finally determined.
  - b) Within 90 days after an amended return is filed.
- 3) A report within the time set out in (2) is required if:
  - a) The amount of taxable income as returned to the United States is changed, corrected, or adjusted by an officer of the United States or other competent authority.
  - b) A change in taxable income results from a renegotiation of a contract with the United States or a subcontract thereunder.
  - c) A recomputation of the income tax imposed by the United States under the Internal Revenue Code results from any cause.
  - d) An amended income tax return is made to the United States.
- 4) The statutory period for the assessment of any deficiency or the determination of any refund attributable to the report shall not expire before the expiration of one year from the date the Department is notified by the taxpayer or the Internal Revenue Service, whichever is earlier, of such a report in writing.

# Instructions for Schedule X — Tax Credits

## Purpose

Use Schedule X to claim the refundable food/excise tax credit, credit for low-income household renters, and the credit for child and dependent care expenses. **Even if you have no taxable income, you should complete and attach Schedule X to your Form N-11 to claim these credits so they can be refunded to you.**

**Warning:** *The refundable food/excise tax credit and the credit for low-income household renters MUST be claimed on or before the end of the twelfth month following the end of the taxable year. If you do not claim these credits within that period, the credits are waived and cannot be claimed later, even on an amended return.*

## Part I

### Refundable Food/Excise Tax Credit

Each resident taxpayer who files an individual income tax return for the taxable year, including those who have no income or no income taxable under chapter 235, HRS, may claim this credit provided that the taxpayer is not eligible to be claimed as a dependent for federal or State income tax purposes by another taxpayer.

#### Qualified Exemptions

The refundable food/excise tax credit may be claimed for each resident individual who:

- Was a resident of Hawaii and was physically present in Hawaii for more than nine months during the taxable year;
- Is not claimed and is not eligible to be claimed as a dependent by any taxpayer for federal or Hawaii individual income tax purposes; and
- Was not confined in jail, prison, or a youth correctional facility for the full taxable year.

#### For Whom the Credit May Be Claimed

A resident taxpayer filing Form N-11 or N-13, or a part-year resident taxpayer filing Form N-15 may claim the credit for any of the following people who are “qualified exemptions” as defined above:

- The taxpayer’s self;
- The taxpayer’s spouse, if the spouse is filing jointly with the taxpayer;
- The taxpayer’s dependents; and
- The taxpayer’s minor children receiving support from the Department of Human Services of the State, social security survivor benefits, and the like.

#### Birth or Death of a Qualified Exemption

- A person who dies during the year may be a qualified exemption so long as the person

was alive and physically present within the State for more than nine months. If a person who was continuously living in Hawaii died after September 30, 2009, that person could still be a qualified exemption.

- A child who is born during 2009 could be a qualified exemption if the mother was physically present in the State while pregnant with the child and the total days of gestation and life after birth total more than nine months during the taxable year.

## Line 1

### Federal Adjusted Gross Income

If your **federal** adjusted gross income shown on your return (Form N-11, line 7) is \$50,000 or more, stop here; you cannot take this credit. However, you may claim the credit for a minor child receiving support from the Department of Human Services, etc.

**Married filing separately.** If you are married filing separately, you must add your spouse’s **federal** adjusted gross income to your own. If the total is \$50,000 or more, you cannot claim this credit.

## Line 2

### Qualified Exemptions

On line 2, enter the names of the qualified exemptions. Start with yourself, enter your spouse’s name if you are filing a joint return, and list your dependents. However, do not list minor children receiving more than half of their support from public agencies even though you may claim them as a dependent. List these minor children on line 3.

If married filing separately, only one spouse may claim the dependents.

Enter the number of qualified persons on line 2.

## Line 3

### Minor Children Receiving Public Support

On line 3, list your minor children who are also qualified exemptions, and who receive more than half of their support from the Department of Human Services, Social Security benefits, and other government payments. If you are married filing separately, only one spouse may claim each child. Enter the number of children here, and on the space provided beside Form N-11, line 34.

## Line 5

Enter your spouse’s **federal** adjusted gross income.

## Line 10

### Amount of the Credit

Add lines 8 and 9. Enter this amount on Form N-11, line 34.

**Deadline for claiming this credit.** Claims for this credit, including any amended claims, **must** be filed on or before the end of the twelfth month after the close of your taxable year.

## Part II

### Credit for Low-Income Household Renters

Each resident taxpayer who occupies and pays rent for real property within the State as his or her residence and who files an individual income tax return for the taxable year, including those who have no income or no income taxable under chapter 235, HRS, may claim a tax credit of \$50 per **qualified exemption**, including the additional exemption for taxpayers age 65 or over, provided the following four conditions are met:

- The taxpayer is not eligible to be claimed as a dependent for federal or State income tax purposes by another taxpayer;
- The taxpayer has adjusted gross income of less than \$30,000; and
- The taxpayer has paid more than \$1,000 in rent during the taxable year.
- The rented property is NOT exempt from real property tax. Rent paid for property which is partially or fully exempt from real property tax will not qualify for the credit. For example, county or State low-income housing projects, military housing, dormitories in schools, residential real property owned by a nonprofit organization, and homes in which the owner occupies a portion of the property, may have been granted real property tax exemptions by the county. If such exemptions, whether partial or full exemptions, have been granted, the rent paid for such properties will not qualify for the credit. To verify if real property tax exemptions have been granted on the rented property, please inquire with either the landlord, rental agent, or the Real Property Tax Office in the county in which the property is located.

**Note:** *Minor children receiving more than half of their support from the State Department of Human Services, Social Security benefits, and the like, which you can claim as dependents, are considered qualified exemptions for purposes of claiming this credit. This means that the exemption for a child listed in line 3 of Part I does count toward this credit if you can claim them as a dependent.*

A “**residence**” is defined as the dwelling place that constitutes the principal residence



of the taxpayer or his or her immediate family in this State.

**“Rent”** means the amount paid in cash in any taxable year for the occupancy of a residence. Rent does not include:

- Charges for utilities, parking stalls, storage of goods, yard services, furniture, furnishings, and the like;
- Rental claimed as a deduction from gross income or adjusted gross income for income tax purposes;
- Ground rental paid for use of land only; and
- Rental allowances or rental subsidies received (i.e. housing allowance received from the armed forces or the Hawaii Housing Authority.).

## Line 1

### Adjusted Gross Income

If the adjusted gross income (Form N-11, line 20) shown on your return is \$30,000 or more, **stop here**; you cannot take this credit.

**Married filing separately.** If you are married filing separately, you must add your spouse's adjusted gross income to your own. If you are married filing separately and your spouse is a nonresident, you need to determine your spouse's adjusted gross income from all sources, within and outside of Hawaii, and add that amount to your own adjusted gross income. If the **total** is \$30,000 or more, you cannot claim this credit.

## Line 2

### Resident for More Than Nine Months

If you are a resident who has not been physically present in Hawaii for more than 9 months in 2009, **stop here**; you cannot take this credit.

## Line 3

### Dependent of Another Taxpayer

If you can be claimed as a dependent on another person's return, **whether or not** that person claims you, **stop here**; you cannot take this credit.

## Line 4

### Your Addresses

List your most recent address. Fill in all of the required information. If you lived in more than one location during 2009, attach a separate sheet listing the same information for the other locations.

**Do not list** any location that was partly or wholly exempt from real property tax, such as:

- County or State low-income housing projects;
- Military housing;
- Dormitories in schools;

- Residential real property owned by a non-profit organization; or
- Homes in which the owner occupies a portion of the property.

## Line 5

### Rent You Paid

Enter the total amount of rent you paid during 2009 to all of the locations listed on line 4. If you are sharing or were sharing the rent with somebody else, list only your share of the rent here.

## Line 6

### Exclusions

Enter that portion of the amount on line 5 which:

- Is for ground rent, utilities, goods, or services;
- You claimed as a deduction anywhere on your tax return; or
- You were reimbursed, through a rental allowance or rental subsidy from any source.

## Line 7

Line 5 minus line 6. If this amount is \$1,000 or less, **stop here**; you cannot take this credit.

## Line 8

### Qualified Exemptions

- Enter the number from Schedule X, Part I, line 2. If you did not claim the refundable food/excise tax credit, complete Part I, line 2, and enter amount here. ....
- Enter the number of persons who would have been listed in Part I, line 2 as qualified exemptions except that: (1) they were minor children receiving more than half of their support from public agencies, or (2) they were in prison, a youth correctional facility, or jail for the entire taxable year. ....
- If you are a qualified exemption and you are age 65 or over, enter 1. Otherwise, enter 0. ....
- If you are married and filing a joint return or married and filing separately where your spouse is not filing a Hawaii return, had no income, and was not the dependent of someone else; and your spouse is a qualified exemption; and your spouse is age 65 or over; enter 1. Otherwise, enter 0. ....
- Add lines a through d. Enter the result here and on line 8 of Schedule X, Part II. ....

## Line 9

### Amount of the Credit

Line 8 times \$50. Enter this amount on Form N-11, line 35.

**Deadline for claiming this credit.** Claims for this credit, including any amended claims,

**must** be filed on or before the end of the twelfth month after the close of your taxable year.

## Part III

### Credit for Child and Dependent Care Expenses

If you maintain a household that included a child under age 13 or a dependent or spouse incapable of self-care, you may be allowed this credit for expenses you paid during the taxable year to care for your dependent so you could work.

#### Who May Claim the Credit

If you are a resident taxpayer who files an individual income tax return for a taxable year, you are not claimed or eligible to be claimed as a dependent on another taxpayer's federal or Hawaii income tax return, and you maintain a household which includes one or more qualifying persons (as defined on this page), you may be allowed a credit against your income tax. The credit ranges from 15% to 25% of employment-related expenses (up to certain limitations) PAID during the taxable year in order to enable you to work either full or part time for an employer or as a self-employed individual.

#### Maintaining a Household

You will be treated as maintaining a household for any period only if you furnish over half the cost of maintaining the household for that period. If you are married during that time, you and your spouse must provide over half the maintenance cost for the period.

The expenses of maintaining a household include property taxes, mortgage interest, rent, utility charges, upkeep and repairs, property insurance, and food consumed on the premises. They do not include the cost of clothing, education, medical treatment, vacations, life insurance, and transportation.

#### Qualifying Person

A qualifying person is any one of the following persons:

- Any person under age 13 whom you claim as a dependent (but see Special Rule (4) below, Children of Divorced or Separated Parents).
- Your disabled spouse who is mentally or physically unable to care for himself or herself.
- Any disabled person who is mentally or physically unable to care for himself or herself and whom you claim as a dependent, or could claim as a dependent (as a qualifying relative) except that he or she had income of \$3,650 or more.

#### Employment-related Expenses

Employment-related expenses are those paid for the following, but only if paid to enable you to be gainfully employed:

(1) *Expenses for Household Services.* Expenses will be considered for household ser-

VICES in your home if they are for the ordinary and usual services necessary for the operation of the home, and bear some relationship to the qualifying person. For example, payment for services of a domestic maid or cook ordinarily will be considered expenses for household services if performed at least partially for the benefit of the qualifying person.

(2) *Expenses for the Care of a Qualifying Person.* Expenses will be considered for the care of one or more qualifying persons if their main purpose was to assure that individual's well-being and protection. You can include amounts paid for items other than the care of your child (such as food and schooling) only if the items are incidental to the care of the child and cannot be separated from the total cost.

You may NOT include any amount paid for services outside your household at a camp where the qualifying person stays overnight.

Do not include services outside your household as employment-related expenses for your spouse or a dependent age 13 or older. However, services outside your household are employment-related expenses for a dependent who has not reached his or her 13th birthday or for an individual who regularly spends at least eight hours each day in your household.

You may include expenses incurred for qualified dependent care centers as employment-related expenses. The dependent care center must comply with all applicable laws, rules, and regulations of Hawaii if the center is located within Hawaii. If the center is located outside Hawaii, the center must comply with all applicable laws, rules, and regulations of the state or country in which the center is located. Furthermore, these centers must provide care for more than six individuals (other than individuals who reside at the center), and must receive a fee, payment, or grant providing services for any of the individuals (regardless of whether such center is operated for profit).

**Note:** *Payments made to the State of Hawaii A+ Program qualify for the credit.*

## Medical Expenses

Some dependent care expenses may qualify as medical expenses. If you cannot use all the medical expenses to qualify for this credit because of the dollar limit or earned income limit (explained later), you can take the rest of these expenses as an itemized deduction for medical expenses. But if you deduct the medical expenses first on Worksheet A-1, you cannot use any part of these expenses on Schedule X.

## Special Rules

(1) *Married Couples Must File Joint Returns.* If you are married at the end of the taxable year, the credit for employment-related expenses is allowable only if you and your spouse file a joint return for the taxable year.

(2) *Marital Status.* If you are legally separated from your spouse under a decree of divorce or separate maintenance, you are not considered married.

(3) *Certain Married Individuals Living Apart and Filing Separate Returns.* If during the last 6 months of the taxable year your spouse was not a member of your household and you (a) maintained a household which was for more than one-half of the taxable year the principal place of abode of a qualifying person, and (b) furnished over half of the cost of maintaining such household during the taxable year, then you are not considered married for purposes of the credit or the exclusion.

(4) *Children of Divorced or Separated Parents.* If you were divorced, legally separated, or lived apart from your spouse during the last 6 months of 2009, you may be able to claim the credit even if your child is not your dependent. If your child is not your dependent, he or she is a qualifying person if all five of the following apply:

1. You had custody of the child for the longer period during the year;
2. The child received over half of his or her support from one or both of the parents;
3. The child was in the custody of one or both of the parents over half of the year;
4. The child was under age 13, or was physically or mentally unable to care for himself or herself; and
5. The child is not your dependent because:
  - a. As the custodial parent, you signed federal Form 8332, Release of Claim to Exemption for Child of Divorced or Separated Parents, or a similar statement, agreeing not to claim the child's exemption for 2009; or
  - b. You were divorced or separated before 1985 and your divorce decree or written agreement states that the other parent can claim the child's exemption, and the other parent provides at least \$600 in child support during the year. **Note:** *This rule does not apply if your decree or agreement was changed after 1984 to specify that the other parent cannot claim the child's exemption.*

(5) *Payments to a Related Individual.* You can count work-related expenses you pay to relatives who are not your dependents, even if they live in your home. However, do not count any amounts you pay to:

1. A dependent for whom you (or your spouse if you are married) can claim an exemption, or
2. Your child who is under age 19 at the end of the year, even if he or she is not your dependent.

## Line 1

### Care Providers

Complete columns (a) through (e) for each person or organization that provided the care. If you do not give the information asked for in each column, or if the information you give is not correct, your credit and, if applicable, the exclusion of employer-provided dependent care benefits may be disallowed.

You can use Form HW-16, "Dependent Care Provider's Identification and Certification", to get the correct information from the care provider. (This form is available at our website, by calling our Taxpayer Services

Branch, and at any district tax office.) If the provider does not comply with your request to certify the information, complete the entries you can, such as the provider's name and address. Write "See attached" in the columns for which you do not have the provider's certification of information. Attach a statement that you requested the information from the care provider, but the provider did not comply with your request. You must keep records to show that you exercised due diligence in attempting to provide the required information. For more details, including what is considered "due diligence," see federal Publication 503.

**Columns (a) and (b).** Enter the care provider's name and address. If you were covered by your employer's dependent care plan and your employer furnished the care (either at your workplace or by hiring a care provider), enter your employer's name in column (a), write "See W-2" in column (b), and leave columns (c) through (e) blank. But if your employer paid a third party (not hired by your employer) on your behalf to provide the care, you must give information on the third party in columns (a) through (e).

**Column (c).** If the care provider is an individual, enter his or her social security number (SSN). If the individual is an alien and was issued an individual taxpayer identification number (ITIN) by the IRS, enter the ITIN. If the individual has applied for an ITIN but the IRS has not yet issued the ITIN, write "Applied For". For other than an individual, enter provider's federal employer identification number (FEIN). If the provider is a tax-exempt organization, write "Tax-Exempt" in column (c).

**Column (d).** Enter the care provider's Hawaii Tax I.D. Number. If the provider is a tax-exempt charitable organization (IRC section 501(c)(3)), enter "Tax-Exempt".

**Column (e).** Enter the total amount you *actually paid* during the taxable year to the care provider. Also include amounts your employer paid on your behalf to a third party. It does not matter when the expenses were incurred. Do not reduce this amount by any reimbursement you received.

## Line 2

### Dependent Care Benefits

If you received dependent care benefits from an employer (you have a federal form W-2 that has an amount in Box 10), enter the amount shown in Box 10 of your W-2 form(s).

If you were self-employed or a partner, include amounts you received under a dependent care assistance program from your sole proprietorship or partnership.

## Line 4

### Amount Forfeited or Carried Over to 2010

If you participated in an employee plan in which the amount you contributed to an employer-paid dependent care benefit plan was

deducted from your income, and you did not receive the full benefit from this plan, you may be entitled to deduct the amount forfeited on this line. See your employer for the forfeited amount you are allowed to deduct.

Also include on this line any amount you did not receive but are permitted by your employer to carry forward and use in the following year during a grace period.

## Line 8

### Your Earned Income

In general, earned income is wages, salaries, tips, and other employee compensation. It also includes net earnings from self-employment. For more information, see the instructions to lines 18 and 19.

## Line 9

### Spouse's Earned Income

If your filing status is Married Filing Jointly, enter your spouse's earned income on this line.

If your filing status is Married Filing Separately, see *Certain Married Individuals Living Apart and Filing Separate Returns* discussed on page 8. If you are considered unmarried under that rule, enter your earned income (from line 8) on this line. If you are **not** considered unmarried under that rule, enter your spouse's earned income on line 9.

If your spouse was a student or disabled in 2009, see *Spouse Who Is a Full-time Student or Is Disabled*.

All other taxpayers should enter the amount on line 8.

## Line 11

### Taxable Benefits

Enter the amount from the following worksheet.

- a** Enter the amount from Schedule X, Part III, line 2 that you received from your sole proprietorship or partnership. If you did not receive any such amounts, enter -0-..... \_\_\_\_\_
- b** Enter the amount from Schedule X, Part III, line 5..... \_\_\_\_\_
- c** Line b minus line a. .... \_\_\_\_\_
- d** Enter \$5,000 (\$2,500 if married filing separately and you were required to enter your spouse's earned income on Schedule X, Part III, line 9)..... \_\_\_\_\_
- e** Enter the amount from Schedule X, Part III, line 10..... \_\_\_\_\_
- f** **Deductible benefits.** Enter the smallest of line a, line d, or line e. Also, include this amount on the appropriate line(s) of your return. .... \_\_\_\_\_
- g** Enter the **smaller** of line d or line e..... \_\_\_\_\_
- h** Enter the amount from line f. \_\_\_\_\_
- i** **Excluded benefits.** Line g minus line h. If zero or less, enter -0-..... \_\_\_\_\_

- j** **Taxable benefits.** Line c minus line i. If zero or less, enter -0-. Enter the result here and on line 11 of Schedule X, Part III..... \_\_\_\_\_

The taxable portion of employer-paid dependent care benefits for federal income tax purposes is included in your federal AGI. If the taxable portion of employer-paid dependent care benefits is the same for federal and Hawaii income tax purposes, no additional adjustment needs to be made. If the taxable portion of employer-paid dependent care benefits is different for federal and Hawaii income tax purposes, an adjustment needs to be made to arrive at Hawaii AGI.

## Line 16

### Qualifying Person(s)

Complete columns (a) through (d) for each qualifying person. If you have more than three qualifying persons, attach a statement to your return with the required information. Be sure to put your name and social security number on the statement. Also, write "See attached" on the dotted line next to line 17.

**Column (a).** Enter each qualifying person's name.

**Column (b).** Enter the qualifying person's relationship to you.

**Column (c).** Enter the qualifying person's social security number.

**Column (d).** Enter the qualified expenses you incurred and paid in 2009 for the person listed in column (a). Do not include in column (d) qualified expenses:

- You incurred in 2009 but did not pay until 2010. You may be able to use these expenses to increase your 2010 credit.
- You incurred in 2008 but did not pay until 2009. Instead, see the instructions for line 23 on this page.
- You prepaid in 2009 for care to be provided in 2010. These expenses may only be used to figure your 2010 credit.

## Lines 18 and 19

### Earned Income Limit

The amount of your qualified expenses cannot be more than your earned income or, if married filing a joint return, the smaller of your earned income or your spouse's earned income.

In general, earned income is wages, salaries, tips, and other employee compensation. It also includes net earnings from self-employment.

**Unmarried taxpayers.** If you are unmarried at the end of 2009 or are treated as being unmarried at the end of the year, enter your earned income on line 18.

**Married Taxpayers.** If you are married filing a joint return, figure each spouse's earned income separately and disregard community property laws. Enter your earned income on line 18 and your spouse's earned income on line 19.

**Spouse Who Is a Full-time Student or Is Disabled.** If your spouse was a full-time student or was mentally or physically unable to care for himself or herself, figure your spouse's earned income on a monthly basis to determine your spouse's earned income for the year. For each month that your spouse was disabled or a full-time student, your spouse is considered to have earned income of not less than \$200 a month (\$400 a month if more than one qualifying person was cared for in 2009). But if your spouse also worked during any month and earned more than that amount, use his or her actual earned income.

For any month that your spouse was not disabled or a full-time student, use your spouse's actual earned income if your spouse worked during the month.

If, in the same month, both you and your spouse were full-time students and did not work, you cannot use any amount paid that month to figure the credit. The same applies to a couple who did not work because neither was capable of self-care.

**A full-time student** is one who was enrolled in a school for the number of hours or classes that is considered full time. The student must have been enrolled at least 5 months during 2009.

**Self-employment Income.** You must reduce your earned income by any loss from self-employment. If you only have a loss from self-employment, or your loss is more than your other earned income, you cannot take the credit.

## Line 23

### Amount of the Credit

If you had qualified expenses for 2008 that you did not pay until 2009, you may be able to increase the amount of credit you can take in 2009. To do this, multiply the 2008 expenses you paid in 2009 by the applicable percentage from the table on line 22 that applies to your 2008 adjusted gross income. Your 2008 expenses must be within the 2008 limits. Attach a computation showing how you figured the increase. If you can take a credit for your 2008 expenses, write "PYE" and the amount of the credit on the dotted line next to line 23. Enter the total amount of the credit on line 23. Also enter this amount on Form N-11, line 36.

# Worksheets

## Form N-11 – State Tax Refund Worksheet

1. Enter your State tax overpayment (line 41) from your 2008 Form N-11 return. Do not enter more than the amount on your 2008 Itemized Deduction Worksheet A-2, line 5 (state and local income taxes) .....
2. Enter from your 2008 Form N-11 the following:
  - a. Refundable food/excise tax credit (line 34) .....
  - b. Credit for low-income household renter (line 35) .....
  - c. Credit for child and dependent care expenses (line 36) .....
  - d. Credit for child passenger restraint system(s) (line 37) .....
  - e. Credit for \$1 general income tax (line 38) .....
  - f. Carryover of the residential construction and remodeling tax credit (Sch. CR, line 11) ....
3. Add lines 2a through 2f .....
4. Line 1 minus line 3. If zero or less, enter "0" here and on line 8, skip lines 5-7; otherwise continue on to line 5 .....
5. Enter amount from your 2008 Form N-11, line 22 .....
6. Enter the amount shown below for the filing status you claimed on your 2008 Form N-11 .....

Single or married filing separately—	\$2,000
Married filing jointly or qualifying widow(er)—	4,000
Head of household—	2,920

7. Line 5 minus line 6. Enter the result, but not less than zero .....
8. Compare the amounts on lines 4 and 7 above and enter the SMALLER of the two amounts here .....
9. Enter the taxable part of your refund reported on your **2009** federal Form 1040, line 10. If this amount is blank, or if you filed Form 1040A, or 1040EZ, enter zero here .....
10. If line 8 is LARGER than line 9, subtract line 9 from line 8. Enter the result here and on line **b** of the *Hawaii Additions Worksheet* below **OR**  
If line 8 is SMALLER than line 9, subtract line 8 from line 9. Enter the result here and on line **b** of the *Hawaii Subtractions Worksheet* below **OR**  
If line 8 EQUALS line 9, enter zero and stop here .....

## Hawaii Additions Worksheet

- a Taxable amount relating to Individual Housing Account .....
- b Hawaii tax refund adjustment (see above) .....
- c Peace Corps compensation .....
- d Depreciation adjustment .....
- e Gain adjustment .....
- f Excluded income earned outside the U.S. ....
- g Student loan interest deduction .....
- h Employer-provided adoption benefits .....
- i Qualified Higher Education Expenses .....
- j Other adjustments (attach separate explanation to Form N-11) .....
- k Add lines a to j. Enter here and on Form N-11, line 10 .....

## Hawaii Subtractions Worksheet

- a Interest on federal obligations. But subtract the amount from line 14 of federal Form 8815 .....
- b Hawaii tax refund adjustment (see above) .....
- c Interest earned by an Individual Housing Account .....
- d Qualifying compensation to Hansen's disease patient .....
- e Expenses connected with federal credits .....
- f Child's interest and dividend income on federal Form 8814 that is **not** reported on Form N-814 .....
- g Premiums on and benefits from prepaid legal services plans .....
- h Student loan interest deduction .....
- i Employer-provided adoption benefits .....
- j Certain income from a qualified high technology business .....
- k Individual development accounts .....
- l Section 235-7(a)(13), HRS, capital gain .....
- m Other adjustments (attach separate explanation to Form N-11) .....
- n Add lines a to m. Enter here and on Form N-11, line 18 .....

## Itemized Deductions Worksheet

### WORKSHEET A-1— Medical and Dental Expenses

1. Enter amount of medical and dental expenses (see page 16 of Instructions) .....
2. Enter adjusted gross income from Form N-11, line 20 .....
3. Multiply line 2 by 7.5% (.075) .....
4. Line 1 minus line 3. If zero or less, enter zero. Enter the result here and on Form N-11, line 21a .....

### WORKSHEET A-2 – Taxes You Paid

5. State and local (**check only one box**):
  - a  Income taxes, or
  - b  General sales taxes .....
6. Real estate taxes .....
7. Personal property taxes .....
8. Other taxes .....
9. Add lines 5 through 8. Enter the total here and on Form N-11, line 21b .....

### WORKSHEET A-3 – Interest You Paid

10. Home mortgage interest and points reported to you on federal Form 1098 .....
11. Home mortgage interest not reported to you on federal Form 1098 .....
12. Points not reported to you on Form 1098 (see federal instructions to Form 1040, Schedule A, line 12 for special rules) .....
13. Qualified mortgage insurance premiums .....
14. Investment interest (attach Form N-158) .....
15. Add lines 10 through 14. Enter the total here and on Form N-11, line 21c .....

### WORKSHEET A-4—Gifts to Charity

16. Enter amount of gifts by cash or check (if any gift of \$250 or more, see page 19 of Instructions) .....
17. Other than by cash or check (if any gift of \$250 or more, see page 19 of Instructions) (attach federal Form 8283 if over \$500) .....
18. Carryover from prior year .....
19. Add lines 16 through 18. Enter total here and on Form N-11, line 21d .....

### WORKSHEET A-5—Casualties and Thefts

20. Total casualty and theft loss(es) from Form 4684, line 16 (see instructions on page 19) .....
- a Enter 10% of your **Hawaii** adjusted gross income (Form N-11, line 20) .....
- b Line 20 minus line a. If zero or less, stop here. Otherwise, enter this amount on Form N-11, line 21e .....

### WORKSHEET A-6—Miscellaneous Deductions

21. Unreimbursed employee business expenses—job travel, union dues, job education (attach federal Form 2106 or Form 2106-EZ if required) .....
22. Tax preparation fees .....
23. Other expenses (investment, safe deposit box, etc.) (list type and amount, and attach the list to your return) .....
24. Add lines 21 to 23 .....
25. Enter adjusted gross income from Form N-11, line 20 .....
26. Multiply line 25 by 2% (.02) .....
27. Line 24 minus line 26. Enter the result, but not less than zero .....
28. Other deductions not subject to 2% AGI limit (see instructions on page 20) (list type and amount, and attach the list to your return) .....
29. Political contributions .....
30. Add lines 27, 28, and 29. Enter total here and on Form N-11, line 21f .....

# Worksheets (continued)

## Form N-11 – Total Itemized Deductions Worksheet

1. Add the amounts on Form N-11, lines 21a through 21f ..... **1.** \_\_\_\_\_
2. Add the amounts on Form N-11, lines 21a and 21e, and the amount of investment interest ..... **2.** \_\_\_\_\_
3. Line 1 minus line 2 (if the result is zero or less, **STOP HERE**; enter the amount from line 1 above on Form N-11, line 22) ..... **3.** \_\_\_\_\_
4. Multiply line 3 above by 80% (.80) ..... **4.** \_\_\_\_\_
5. Enter the amount from Form N-11, line 20 ..... **5.** \_\_\_\_\_
6. Enter \$100,000 (\$50,000 if married filing separately) ..... **6.** \_\_\_\_\_
7. Line 5 minus line 6. (If the result is zero or less, **STOP HERE**; enter the amount from line 1 above on Form N-11, line 22.) ..... **7.** \_\_\_\_\_
8. Multiply line 7 by 3% (.03) ..... **8.** \_\_\_\_\_
9. Enter the **SMALLER** of line 4 or line 8 ..... **9.** \_\_\_\_\_
10. Divide line 9 by 3.0 ..... **10.** \_\_\_\_\_
11. **Total itemized deductions.** Line 1 minus line 10. Enter the result here and on Form N-11, line 22 ..... **11.** \_\_\_\_\_

## Other State and Foreign Tax Credit Worksheet

1. Enter taxable income from Form N-11, line 25 ..... \_\_\_\_\_
2. Enter amount of long-term capital gain from the space provided beside Form N-11, line 27 ..... \_\_\_\_\_
3. Enter the amount of your out-of-state income, **including** capital gains. Do **not** include any income that is exempt in Hawaii such as employer-funded pensions ..... \_\_\_\_\_
4. Enter the amount of long-term capital gains from sources outside the State ..... \_\_\_\_\_
5. Enter the amount of tax you paid to **other States**, except for tax paid on income that is exempt in Hawaii ..... \_\_\_\_\_
6. Enter the amount of tax you paid to **foreign countries** or to U.S. possessions, except for tax paid on income that is exempt in Hawaii ..... \_\_\_\_\_
7. Enter the amount of the federal foreign tax credit you were allowed to take this year. Do not include amounts carried over to other years, or amounts from prior years that were carried forward to this year ..... \_\_\_\_\_
8. Line 6 minus line 7 ..... \_\_\_\_\_
9. Line 5 plus line 8. This is the total amount of out-of-state tax eligible for the credit ..... \_\_\_\_\_
10. Line 1 minus line 3. This is your Hawaii source income ..... \_\_\_\_\_
11. Line 2 minus line 4. This is your Hawaii source long-term capital gain. If line 4 exceeds line 2, enter zero here ..... \_\_\_\_\_
12. Line 10 minus line 11. This is your Hawaii ordinary income ..... \_\_\_\_\_
13. Enter your tax amount from line **a** or line **b** of the *Tax Computation Worksheet* on this page ..... \_\_\_\_\_
14. Figure the Hawaii tax on the amount on line 12. Use the Tax Table or Tax Rate Schedules ..... \_\_\_\_\_
15. Multiply the amount on line 11 by 7.25% (.0725) ..... \_\_\_\_\_
16. Add lines 14 and 15 ..... \_\_\_\_\_
17. Line 13 minus line 16 ..... \_\_\_\_\_
18. Compare lines 9 and 17. Enter the **smaller** amount here and on Schedule CR, line 1. Any excess **cannot** be carried forward ..... \_\_\_\_\_

## Tax Computation Worksheet

Enter the tax amount calculated from **a** or **b**.

- |          |   |       |
|----------|---|-------|
| <b>a</b> | Tax Table, Tax Rate Schedule, or Tax on Capital Gains Worksheet.....  | _____ |
| <b>b</b> | Form N-168 or Form N-615.....   | _____ |
| <b>c</b> | Enter any additional tax from Form N-2, Distribution from an Individual Housing Account.....  | _____ |
| <b>d</b> | Enter any additional tax from Form N-103, Sale of Your Home.....  | _____ |
| <b>e</b> | Enter any additional tax from Form N-152, Tax on Lump-Sum Distributions.....  | _____ |
| <b>f</b> | Enter any additional tax from Form N-312, Recapture of Capital Goods Excise Tax Credit.....   | _____ |
| <b>g</b> | Enter any additional tax from Form N-318, Recapture of High Technology Business Investment Tax Credit.....  | _____ |
| <b>h</b> | Enter any additional tax from Form N-338, Tax Credit for Flood Victims.....   | _____ |
| <b>i</b> | Enter any additional tax from Form N-405, Tax on Accumulation Distribution of Trusts.....   | _____ |
| <b>j</b> | Enter any additional tax from Form N-586, Recapture of Low-Income Housing Tax Credit.....   | _____ |
| <b>k</b> | Enter any additional tax from Form N-814, Parent's Election to Report Child's Interest and Dividends.....   | _____ |
| <b>l</b> | Add lines <b>a</b> or <b>b</b> , and <b>c</b> through <b>k</b> . This is your <b>total tax</b> . Enter the result here and on Form N-11, line 26..... | _____ |

**Note:** If you entered any amount in lines **b** through **k**, fill in the oval before "... if tax ... is included." on Form N-11, line 26.

## Tax on Capital Gains Worksheet

**Note:** If your taxable income is \$48,000 (\$24,000 for Single, and Married Filing Separately; or \$36,000 for Head of Household classifications) or under, do not use this worksheet.

1. Enter your taxable income from Form N-11, line 25 ..... \_\_\_\_\_
2. Enter your net long-term capital gain (Form 1040, Sch. D, line 15; or Form 1040, line 13 if Sch. D is not required) ..... \_\_\_\_\_
3. Combine your Hawaii long-term adjustments, if any, and enter the total here (see page 22 of the Instructions) ..... \_\_\_\_\_
4. Combine lines 2 and 3. This is your Hawaii net long-term capital gain ..... \_\_\_\_\_
5. Enter your net capital gain (Form 1040, Sch. D, line 16; or Form 1040, line 13 if Sch. D is not required) ..... \_\_\_\_\_
6. Combine your Hawaii short-term adjustments, if any, and enter the total here (see page 22 of the Instructions) ..... \_\_\_\_\_
7. Combine lines 3, 5, and 6. This is your Hawaii net capital gain ..... \_\_\_\_\_
8. Enter the **smaller** of line 4 or line 7 ..... \_\_\_\_\_
9. If you are filing Form N-158, enter the amount from line 4e of Form N-158 ..... \_\_\_\_\_
10. Line 8 minus line 9 (If this amount is zero or less, **stop here**; you **cannot** use this worksheet to figure your tax.) ..... \_\_\_\_\_
11. Line 1 minus line 10 ..... \_\_\_\_\_
12. Enter the amount shown below for the filing status you claimed ..... \_\_\_\_\_

Single or Married filing separately—	\$24,000
Married filing jointly or qualifying widow(er)—	48,000
Head of household—	36,000
13. Enter the **greater** of line 11 or line 12 ..... \_\_\_\_\_
14. Line 1 minus line 13. This is the amount of net capital gains eligible for alternative tax ..... \_\_\_\_\_
15. Compute the tax on the amount on line 13 using the Tax Table or Tax Rate Schedules, whichever applies ..... \_\_\_\_\_
16. Multiply line 14 by 7.25% (.0725) and enter the result ..... \_\_\_\_\_
17. Line 15 plus line 16 ..... \_\_\_\_\_
18. Compute the tax on the amount on line 1 using the Tax Table or Tax Rate Schedules, whichever applies ..... \_\_\_\_\_
19. Enter the smaller of line 17 or line 18 here and on line **a** of the *Tax Computation Worksheet* above. If line 17 is smaller, enter the amount from line 14 in the space provided beside Form N-11, line 27 ..... \_\_\_\_\_

# Worksheets (continued)

## Adoption Benefits Worksheet

**Caution:** See the federal instructions to Form 8839, Qualified Adoption Expenses, before completing this worksheet.

	Child 1	Child 2
1. Maximum exclusion per child.....	\$10,000	\$10,000
2. Did you receive <b>employer-provided adoption benefits</b> for a prior year for the same child? <b>No.</b> Enter -0-. <b>Yes.</b> See the federal instructions for the amount to enter.....	_____	_____
3. Subtract line 2 from line 1.....	_____	_____
4. <b>Employer-provided adoption benefits</b> you received in 2009. This amount should be shown in box 12 of your 2009 W-2 form(s) with code <b>T</b> .....	_____	_____
5. Add the amounts on line 4.....	_____	_____
6. Enter the <b>smaller</b> of line 3 or line 4. But if the child was a child with special needs and the adoption became final in 2009, enter the amount from line 3.....	_____	_____
7. Add the amounts on line 6. If zero, skip lines 8 - 11, enter -0- on line 12, and go to line 13.....	_____	_____
8. Enter your Hawaii modified adjusted gross income*.....	_____	_____
9. Is line 8 more than \$150,000? <b>No.</b> Skip lines 9 - 10 and enter -0- on line 11. <b>Yes.</b> Subtract \$150,000 from line 8.....	_____	_____
10. Divide line 9 by \$40,000. Enter the result as a decimal (rounded to at least three places). Do not enter more than "1.000".....	_____	_____
11. Multiply line 7 by line 10.....	_____	_____
12. <b>Excluded benefits.</b> Subtract line 11 from line 7.....	_____	_____
13. <b>Taxable benefits.</b> Is line 12 more than line 5? <b>No.</b> Subtract line 12 from line 5. <b>Yes.</b> Subtract line 5 from line 12. Enter the result as a negative number.....	_____	_____
14. Enter the taxable adoption benefits as reported on your 2009 federal return.....	_____	_____
15. If line 13 is LARGER than line 14, subtract line 14 from line 13. Enter the result here and on line <b>h</b> of the <i>Hawaii Additions Worksheet</i> on page 36 <b>OR</b> If line 13 is SMALLER than line 14, subtract line 13 from line 14. Enter the result here and on line <b>i</b> of the <i>Hawaii Subtractions Worksheet</i> on page 36.....	_____	_____

\***Hawaii modified adjusted gross income** is your Hawaii adjusted gross income, determined without regard to the amount of the student loan interest deduction, plus the amount of employer-provided adoption benefits from the *Adoption Benefits Worksheet*, line 5.

## Student Loan Interest Deduction Worksheet

1. Enter the total interest you paid in 2009 on qualified student loans. **Do not** enter more than \$2,500. ....
2. Enter your Hawaii modified adjusted gross income\*\*.....  
**Note:** If line 2 is \$65,000 or more if single, head of household, or qualifying widow(er) **OR** \$130,000 or more if married filing jointly, **stop here.** You **cannot** take the deduction.
3. Enter: \$50,000 if single, head of household, or qualifying widow(er);  
\$100,000 if married filing jointly. ....
4. Is the amount on line 2 more than the amount on line 3?  
**No.** Skip lines 4 and 5, enter -0- on line 6, and go to line 7.  
**Yes.** Subtract line 3 from line 2.....
5. Divide line 4 by \$15,000 (\$30,000 if married filing jointly). Enter the result as a decimal (rounded to at least three places). If the result is 1.000 or more, enter 1.000.....
6. Multiply line 1 by line 5.....
7. **Student loan interest deduction.** Subtract line 6 from line 1. Enter the result here.....
8. Enter the student loan interest deduction as reported on your 2009 federal return.....
9. If line 7 is LARGER than line 8, subtract line 8 from line 7. Enter the result here and on line **h** of the *Hawaii Subtractions Worksheet* on page 36 **OR**  
If line 7 is SMALLER than line 8, subtract line 7 from line 8. Enter the result here and on line **g** of the *Hawaii Additions Worksheet* on page 36. ....

\*\***Hawaii modified adjusted gross income** is your Hawaii adjusted gross income determined without regard to the amount of the student loan interest deduction.

# Worksheets (continued)

## Personal Exemptions Worksheet

1. Is the amount on Form N-11, line 20, more than the amount shown on line 4 below for your filing status?  
**No.** STOP. Multiply \$1,040 by the total number of exemptions claimed on Form N-11, line 6e, and enter the result on Form N-11, line 24. If you are claiming the disability exemption, enter that amount on Form N-11, line 24.  
**Yes.** Go to line 2.
2. Multiply \$1,040 by the total number of exemptions claimed on Form N-11, line 6e. If you are claiming the disability exemption, enter that amount ..... \_\_\_\_\_
3. Enter the amount from Form N-11, line 20. .... \_\_\_\_\_
4. Enter the amount shown below for your filing status..... \_\_\_\_\_  
 Single—\$119,963  
 Married filing jointly or qualifying widow(er)—\$179,963  
 Married filing separately—\$89,981  
 Head of household—\$149,963
5. Subtract line 4 from line 3..... \_\_\_\_\_
6. Is line 5 more than \$122,500 (\$61,250 if married filing separately)?  
**Yes.** Multiply line 2 by 2/3. Enter the result here and on Form N-11, line 24. Do not complete the rest of this worksheet.  
**No.** Divide line 5 by \$2,500 (\$1,250 if married filing separately). If the result is not a whole number, increase it to the next higher whole number (for example, increase 0.0004 to 1)..... \_\_\_\_\_
7. Multiply line 6 by 2% (.02) and enter the result as a decimal. .... \_\_\_\_\_
8. Multiply line 2 by line 7..... \_\_\_\_\_
9. Divide line 8 by 3.0. .... \_\_\_\_\_
10. Deduction for exemptions. Subtract line 9 from line 2. Enter the result here and on Form N-11, line 24..... \_\_\_\_\_

# MISSING CHILD CENTER

## HAWAII



**Missing Child Center-Hawaii**  
Department of the Attorney General  
425 Queen Street, Honolulu, HI 96813  
Phone: (808) 586-1449 Fax: (808) 586-1424  
Email: hawaiimissingkids@hawaii.gov  
Website: www.missingchildcenterhawaii.com

# Hawaii's Missing & Endangered Children

### MISSING SINCE 05/27/1997



**CURRENT AGE** 13 yrs  
**MISSING AGE** 3 yrs  
**HEIGHT** 3 ft. 1 in.  
**WEIGHT** 45 lbs.  
**HAIR** Light Brown/  
Blonde Highlights  
**EYES** Brown/Hazel  
**RACE** Caucasian, Egyptian,  
(Middle-East Ethnicity)

**Sarah Elgohary** Alias: Dowsha

#### MISSING FROM: Honolulu, Hawaii

Child has been known as "Dowsha" since birth and probably would not respond to Sarah. She is believed to be with her non-custodial father who has a deep cleft chin, kinky hair usually worn short and speaks English with a heavy accent and Arabic. He may also seek employment as a delivery or taxi driver or in the fields of computers or accounting. Father and daughter are believed to be in Egypt.

If Seen Please Call

Honolulu Police Department, Det. Erik Iinuma 808-529-3062 or 911 or Missing Child Center- Hawaii at 808-586-1449 or The National Center for Missing and Exploited Children at 1-800-the-lost

### MISSING SINCE 02/11/1988



**CURRENT AGE** 32 yrs  
**MISSING AGE** 12 yrs  
**HEIGHT** 4 ft. 11 in.  
**WEIGHT** 75 lbs.  
**HAIR** Black  
**EYES** Brown  
**RACE** Chinese



Age Progressed to 27

**Jie Zhao Li**

#### MISSING FROM: Honolulu, Hawaii

Jie Zhao Li was last seen selling chili tickets in Nuuanu near a convenience store.

If Seen Please Call

Honolulu Police Department, Missing Persons 808-529-3115 or 911 or Missing Child Center-Hawaii at 808-586-1449 or the National Center for Missing & Exploited Children at 1-800-the-lost

### MISSING SINCE 09/11/1997



**AGE NOW** 16 yrs  
**AGE** 8 yrs  
**HGT** 4ft  
**WGT** 45-50lbs  
**HAIR** Black  
**EYES** Brown  
**RACE** Filipino,  
Hawaiian



Age Progressed to Age 14

**Peter Kema Jr.**  
Aka: Peter Boy

#### MISSING FROM: Hilo, Hawaii

Peter was last seen in mid-August when he allegedly accompanied his father to Honolulu. Peter's father alleges he last saw him in mid-September when he turned custody over to a relative known to him as Auntie Rose at A'ala Park. Neither Peter or Rose have been seen since.

If Seen Please Call

Hawaii County Police Department at 808-961-2211 or Big Island Crimestoppers at 808-961-8300 or Missing Child Center- Hawaii at 808-586-1449 or the National Center for Missing and Exploited Children at 1-800-the-lost

### MISSING SINCE 10/13/2003



**AGE NOW** 18 yrs  
**AGE** 15 yrs old  
**HGT** 5 ft. 1 in.  
**WGT** 180 lbs.  
**HAIR** Brown  
**EYES** Brown  
**RACE** Caucasian,  
Asian



Age Progressed to Age 17

**Cristian Sedeno**  
Nickname: Cris

#### MISSING FROM: Honolulu, Hawaii

Cristian was last seen at Ala Moana Shopping Center on 10/13/2003. Her photo is shown age progressed to 17. She may be still on Oahu or may have traveled to Las Vegas, Nevada.

If Seen Please Call

Honolulu Police Department, Runaway Detail, Officer Walter Gouveia at 529-3879 or 529-3886 or 911 or Missing Child Center- Hawaii at 586-1449 or the National Center for Missing and Exploited Children at 1-800-the-lost



# **2009 TAX TABLES**

**Tax Table Must Be Used By Persons With Taxable  
Income Of Less Than \$100,000**

# 2009 Hawaii Tax Table

Based on Taxable Income  
For persons with taxable  
incomes of less than  
\$100,000

**Example:** Mr. & Mrs. Brown are filing a joint return. Their taxable income on line 25 is \$23,275. First, they find the \$23,250 - 23,300 income line. Next, they find the column for married filing jointly and read down the column. The amount shown where the income line and filing status column meet is \$1,010. This is the tax amount they must write on line 26 of their return.

At least	But less than	Single or Married filing separately	Married filing jointly *	Head of a household
23,250	23,300	1,301	1,010	1,136
23,300	23,350	1,305	1,013	1,139
23,350	23,400	1,309	1,016	1,143

If line 25 (taxable income) is —		And you are —			If line 25 (taxable income) is —		And you are —			If line 25 (taxable income) is —		And you are —		
At least	But less than	Single or Married filing separately	Married filing jointly *	Head of a household	At least	But less than	Single or Married filing separately	Married filing jointly *	Head of a household	At least	But less than	Single or Married filing separately	Married filing jointly *	Head of a household
<b>Your tax is —</b>					<b>Your tax is —</b>					<b>Your tax is —</b>				
0	50	0	0	0	2,500	2,550	38	35	35	<b>5,000</b>				
50	100	1	1	1	2,550	2,600	40	36	36	5,000	5,050	122	74	96
100	150	2	2	2	2,600	2,650	41	37	37	5,050	5,100	125	76	97
150	200	2	2	2	2,650	2,700	43	37	37	5,100	5,150	128	77	99
200	250	3	3	3	2,700	2,750	44	38	38	5,150	5,200	131	79	100
										5,200	5,250	133	81	102
250	300	4	4	4	2,750	2,800	46	39	39					
300	350	5	5	5	2,800	2,850	48	40	40	5,250	5,300	136	82	104
350	400	5	5	5	2,850	2,900	49	40	40	5,300	5,350	139	84	105
400	450	6	6	6	2,900	2,950	51	41	41	5,350	5,400	142	85	107
450	500	7	7	7	2,950	3,000	52	42	42	5,400	5,450	144	87	108
					<b>3,000</b>					5,450	5,500	147	89	110
500	550	7	7	7	3,000	3,050	54	42	42	5,500	5,550	150	90	112
550	600	8	8	8	3,050	3,100	56	43	43	5,550	5,600	153	92	113
600	650	9	9	9	3,100	3,150	57	44	44	5,600	5,650	155	93	115
650	700	9	9	9	3,150	3,200	59	44	44	5,650	5,700	158	95	116
700	750	10	10	10	3,200	3,250	60	45	45	5,700	5,750	161	97	118
750	800	11	11	11	3,250	3,300	62	46	46	5,750	5,800	164	98	120
800	850	12	12	12	3,300	3,350	64	47	47	5,800	5,850	166	100	121
850	900	12	12	12	3,350	3,400	65	47	47	5,850	5,900	169	101	123
900	950	13	13	13	3,400	3,450	67	48	48	5,900	5,950	172	103	124
950	1,000	14	14	14	3,450	3,500	68	49	49	5,950	6,000	175	105	126
<b>1,000</b>										<b>6,000</b>				
1,000	1,050	14	14	14	3,500	3,550	70	49	49	6,000	6,050	177	106	128
1,050	1,100	15	15	15	3,550	3,600	72	50	50	6,050	6,100	180	108	129
1,100	1,150	16	16	16	3,600	3,650	73	51	51	6,100	6,150	183	109	131
1,150	1,200	16	16	16	3,650	3,700	75	51	52	6,150	6,200	186	111	132
1,200	1,250	17	17	17	3,700	3,750	76	52	54	6,200	6,250	188	113	134
1,250	1,300	18	18	18	3,750	3,800	78	53	56	6,250	6,300	191	114	136
1,300	1,350	19	19	19	3,800	3,850	80	54	57	6,300	6,350	194	116	137
1,350	1,400	19	19	19	3,850	3,900	81	54	59	6,350	6,400	197	117	139
1,400	1,450	20	20	20	3,900	3,950	83	55	60	6,400	6,450	199	119	140
1,450	1,500	21	21	21	3,950	4,000	84	56	62	6,450	6,500	202	121	142
					<b>4,000</b>									
1,500	1,550	21	21	21	4,000	4,050	86	56	64	6,500	6,550	205	122	144
1,550	1,600	22	22	22	4,050	4,100	88	57	65	6,550	6,600	208	124	145
1,600	1,650	23	23	23	4,100	4,150	89	58	67	6,600	6,650	210	125	147
1,650	1,700	23	23	23	4,150	4,200	91	58	68	6,650	6,700	213	127	148
1,700	1,750	24	24	24	4,200	4,250	92	59	70	6,700	6,750	216	129	150
1,750	1,800	25	25	25	4,250	4,300	94	60	72	6,750	6,800	219	130	152
1,800	1,850	26	26	26	4,300	4,350	96	61	73	6,800	6,850	221	132	153
1,850	1,900	26	26	26	4,350	4,400	97	61	75	6,850	6,900	224	133	155
1,900	1,950	27	27	27	4,400	4,450	99	62	76	6,900	6,950	227	135	156
1,950	2,000	28	28	28	4,450	4,500	100	63	78	6,950	7,000	230	137	158
<b>2,000</b>														
2,000	2,050	28	28	28	4,500	4,550	102	63	80					
2,050	2,100	29	29	29	4,550	4,600	104	64	81					
2,100	2,150	30	30	30	4,600	4,650	105	65	83					
2,150	2,200	30	30	30	4,650	4,700	107	65	84					
2,200	2,250	31	31	31	4,700	4,750	108	66	86					
2,250	2,300	32	32	32	4,750	4,800	110	67	88					
2,300	2,350	33	33	33	4,800	4,850	111	68	89					
2,350	2,400	33	33	33	4,850	4,900	114	69	91					
2,400	2,450	35	34	34	4,900	4,950	117	71	92					
2,450	2,500	36	35	35	4,950	5,000	120	73	94					

\*This column must also be used by qualifying widow(er)

Continued on next page























If line 25 (taxable income) is —		And you are —			If line 25 (taxable income) is —		And you are —			If line 25 (taxable income) is —		And you are —		
At least	But less than	Single or Married filing separately	Married filing jointly *	Head of a household	At least	But less than	Single or Married filing separately	Married filing jointly *	Head of a household	At least	But less than	Single or Married filing separately	Married filing jointly *	Head of a household
		Your tax is —					Your tax is —					Your tax is —		
<b>97,000</b>					<b>98,000</b>					<b>99,000</b>				
97,000	97,050	7,259	6,512	6,885	98,000	98,050	7,341	6,594	6,967	99,000	99,050	7,424	6,677	7,050
97,050	97,100	7,263	6,516	6,889	98,050	98,100	7,345	6,598	6,971	99,050	99,100	7,428	6,681	7,054
97,100	97,150	7,267	6,520	6,893	98,100	98,150	7,349	6,602	6,975	99,100	99,150	7,432	6,685	7,058
97,150	97,200	7,271	6,524	6,897	98,150	98,200	7,353	6,606	6,979	99,150	99,200	7,436	6,689	7,062
97,200	97,250	7,275	6,528	6,901	98,200	98,250	7,358	6,611	6,984	99,200	99,250	7,440	6,693	7,066
97,250	97,300	7,279	6,532	6,905	98,250	98,300	7,362	6,615	6,988	99,250	99,300	7,444	6,697	7,070
97,300	97,350	7,283	6,536	6,909	98,300	98,350	7,366	6,619	6,992	99,300	99,350	7,448	6,701	7,074
97,350	97,400	7,287	6,540	6,913	98,350	98,400	7,370	6,623	6,996	99,350	99,400	7,452	6,705	7,078
97,400	97,450	7,292	6,545	6,918	98,400	98,450	7,374	6,627	7,000	99,400	99,450	7,457	6,710	7,083
97,450	97,500	7,296	6,549	6,922	98,450	98,500	7,378	6,631	7,004	99,450	99,500	7,461	6,714	7,087
97,500	97,550	7,300	6,553	6,926	98,500	98,550	7,382	6,635	7,008	99,500	99,550	7,465	6,718	7,091
97,550	97,600	7,304	6,557	6,930	98,550	98,600	7,386	6,639	7,012	99,550	99,600	7,469	6,722	7,095
97,600	97,650	7,308	6,561	6,934	98,600	98,650	7,391	6,644	7,017	99,600	99,650	7,473	6,726	7,099
97,650	97,700	7,312	6,565	6,938	98,650	98,700	7,395	6,648	7,021	99,650	99,700	7,477	6,730	7,103
97,700	97,750	7,316	6,569	6,942	98,700	98,750	7,399	6,652	7,025	99,700	99,750	7,481	6,734	7,107
97,750	97,800	7,320	6,573	6,946	98,750	98,800	7,403	6,656	7,029	99,750	99,800	7,485	6,738	7,111
97,800	97,850	7,325	6,578	6,951	98,800	98,850	7,407	6,660	7,033	99,800	99,850	7,490	6,743	7,116
97,850	97,900	7,329	6,582	6,955	98,850	98,900	7,411	6,664	7,037	99,850	99,900	7,494	6,747	7,120
97,900	97,950	7,333	6,586	6,959	98,900	98,950	7,415	6,668	7,041	99,900	99,950	7,498	6,751	7,124
97,950	98,000	7,337	6,590	6,963	98,950	99,000	7,419	6,672	7,045	99,950	100,000	7,502	6,755	7,128

**100,000 OR OVER —  
You MUST use the tax rate schedules.**

\*This column must also be used by qualifying widow(er)

# 2009 Tax Rate Schedules

**CAUTION – If your taxable income is less than \$100,000, you MUST use the Tax Table.**

## Schedule I

### SINGLE TAXPAYERS AND MARRIED FILING SEPARATE RETURNS

	<b>If the amount on Form N-11, Line 25 is</b>	<b>Your tax is:</b>
Use this schedule if you filled in Filing Status Oval 1 or 3 on Form N-11	Not over \$2,400 .....	1.40% of taxable income
	Over \$2,400 but not over \$4,800 .....	\$ 34 plus 3.20% over \$2,400
	Over \$4,800 but not over \$9,600 .....	\$ 110 plus 5.50% over \$4,800
	Over \$9,600 but not over \$14,400 .....	\$ 374 plus 6.40% over \$9,600
	Over \$14,400 but not over \$19,200 .....	\$ 682 plus 6.80% over \$14,400
	Over \$19,200 but not over \$24,000 .....	\$ 1,008 plus 7.20% over \$19,200
	Over \$24,000 but not over \$36,000 .....	\$ 1,354 plus 7.60% over \$24,000
	Over \$36,000 but not over \$48,000 .....	\$ 2,266 plus 7.90% over \$36,000
	Over \$48,000 but not over \$150,000 .....	\$ 3,214 plus 8.25% over \$48,000
	Over \$150,000 but not over \$175,000 .....	\$ 11,629 plus 9.00% over \$150,000
	Over \$175,000 but not over \$200,000 .....	\$ 13,879 plus 10.00% over \$175,000
	Over \$200,000 .....	\$ 16,379 plus 11.00% over \$200,000

## Schedule II

### MARRIED TAXPAYERS FILING JOINT RETURNS AND CERTAIN WIDOWS AND WIDOWERS

	<b>If the amount on Form N-11, Line 25 is:</b>	<b>Your tax is:</b>
Use this schedule if you filled in Filing Status Oval 2 or 5 on Form N-11	Not over \$4,800 .....	1.40% of taxable income
	Over \$4,800 but not over \$9,600 .....	\$ 67 plus 3.20% over \$4,800
	Over \$9,600 but not over \$19,200 .....	\$ 221 plus 5.50% over \$9,600
	Over \$19,200 but not over \$28,800 .....	\$ 749 plus 6.40% over \$19,200
	Over \$28,800 but not over \$38,400 .....	\$ 1,363 plus 6.80% over \$28,800
	Over \$38,400 but not over \$48,000 .....	\$ 2,016 plus 7.20% over \$38,400
	Over \$48,000 but not over \$72,000 .....	\$ 2,707 plus 7.60% over \$48,000
	Over \$72,000 but not over \$96,000 .....	\$ 4,531 plus 7.90% over \$72,000
	Over \$96,000 but not over \$300,000 .....	\$ 6,427 plus 8.25% over \$96,000
	Over \$300,000 but not over \$350,000 .....	\$ 23,257 plus 9.00% over \$300,000
	Over \$350,000 but not over \$400,000 .....	\$ 27,757 plus 10.00% over \$350,000
	Over \$400,000 .....	\$ 32,757 plus 11.00% over \$400,000

## Schedule III

### UNMARRIED HEADS OF HOUSEHOLD

	<b>If the amount on Form N-11, Line 25 is:</b>	<b>Your tax is:</b>
Use this schedule if you filled in Filing Status Oval 4 on Form N-11	Not over \$3,600 .....	1.40% of taxable income
	Over \$3,600 but not over \$7,200 .....	\$ 50 plus 3.20% over \$3,600
	Over \$7,200 but not over \$14,400 .....	\$ 166 plus 5.50% over \$7,200
	Over \$14,400 but not over \$21,600 .....	\$ 562 plus 6.40% over \$14,400
	Over \$21,600 but not over \$28,800 .....	\$ 1,022 plus 6.80% over \$21,600
	Over \$28,800 but not over \$36,000 .....	\$ 1,512 plus 7.20% over \$28,800
	Over \$36,000 but not over \$54,000 .....	\$ 2,030 plus 7.60% over \$36,000
	Over \$54,000 but not over \$72,000 .....	\$ 3,398 plus 7.90% over \$54,000
	Over \$72,000 but not over \$225,000 .....	\$ 4,820 plus 8.25% over \$72,000
	Over \$225,000 but not over \$262,500 .....	\$ 17,443 plus 9.00% over \$225,000
	Over \$262,500 but not over \$300,000 .....	\$ 20,818 plus 10.00% over \$262,500
	Over \$300,000 .....	\$ 24,568 plus 11.00% over \$300,000

STATE OF HAWAII—DEPARTMENT OF TAXATION  
**HAWAII TAXPAYER BILL OF RIGHTS**

**MESSAGE FROM THE DIRECTOR**

*This publication explains some of your most important rights as a taxpayer.*

*Hawaii taxpayers have many rights. Some are based on laws, and others are based on our commitment to administer Hawaii's tax laws in a fair and equitable manner. The Hawaii Taxpayer Bill of Rights compiles these rights for your easy reference.*

*Taxpayer rights are at the heart of good tax administration — a pledge that the tax laws will be administered with fairness, uniformity, courtesy, and common sense. In our commitment to this pledge, we invite your suggestions for improving the services provided by the Department of Taxation.*

**HAWAII TAXPAYER BILL OF RIGHTS**

**I. Protection of Taxpayer Rights**

Taxpayers are entitled to be informed about their rights and responsibilities and to be assured that their rights will be protected throughout their contact with the Department of Taxation.

**II. Tax Information**

Taxpayers have a right to tax information written in plain language.

Taxpayers have a right to examine their own tax records, audit files, and collection files.

Taxpayers have a right to request copies of their own tax returns and return information, if available, subject to copying fees.

Taxpayers have a right to obtain explanations regarding billings and assessments.

**III. Professional and Courteous Service**

Taxpayers have a right to prompt, courteous, and accurate responses to all questions and requests for tax assistance.

Taxpayers have a right to be assured that no civil service employee of the Department of Taxation will be paid, promoted, or in any way rewarded based on the amount of assessments made or taxes collected.

Taxpayers have a right to be free from harassment and inappropriate contact by Department of Taxation personnel in matters relating to the collection of delinquent taxes and during the course of audits.

**IV. Privacy and Confidentiality**

Taxpayers have a right to be assured that their dealings with the Department of Taxation will be kept confidential.

Taxpayers have a right to be assured that their tax returns and tax return information will not be disclosed, except as provided by law.

**V. Time Limitations**

Taxpayers are entitled to seek a refund if they have overpaid their taxes. A claim for refund must be filed within the applicable statute of limitations.

The Department of Taxation may assess a taxpayer additional taxes if the assessment is made within the applicable statute of limitations. There is no time limit on the assessment of taxes in the case of a false or fraudulent return or failure to file a return.

Taxpayers have a right to extend the period of limitations for the assessment or refund of taxes by signing a written agreement with the Department of Taxation.

If the Department of Taxation is notified by the Internal Revenue Service or a taxpayer of any changes, corrections, or adjustments to the taxpayer's Federal

tax return, the statute of limitations is automatically extended.

**VI. Audits and Assessments**

Taxpayers have a right to a Proposed Notice of Assessment except in the case of a jeopardy assessment. A Proposed Notice of Assessment is mailed to the taxpayer's last known address and: (1) explains the basis for the assessment of taxes, penalties, and interest; (2) informs taxpayers of their right to request clarification or to object to the tax assessment within thirty days from the date the Proposed Notice of Assessment was mailed; and (3) informs taxpayers that the proposed tax assessment will become final after the expiration of thirty days from the mailing of the Proposed Notice of Assessment.

Taxpayers have a right to a Final Notice of Assessment, issued after the expiration of thirty days from the mailing of the Proposed Notice of Assessment, that provides the basis for the tax assessment, and informs the taxpayer of the procedures for appealing the assessment.

Taxpayers have a right to request a meeting with the auditor or collector, their supervisor, or senior management to discuss a Proposed or Final Notice of Assessment if they do not agree with the tax assessment.

Taxpayers have a right to request that the Department of Taxation consider a closing agreement to reduce a Proposed or Final Notice of Assessment. Closing agreements are final.

**VII. Tax Appeals/Payment Under Protest**

Taxpayers have a right to information regarding procedures for appealing a tax assessment.

**Tax Appeals.** Taxpayers have a right to appeal an assessment, either to the board of review or to the tax appeal court. The appeal must be filed within 30 days from the date the Final Notice of Assessment was mailed. If the appeal is filed with the board of review, the decision of the board may be appealed within 30 days to the tax appeal court. If the appeal is filed with the tax appeal court, the decision of the tax appeal court may be appealed within 30 days to the Intermediate Appellate Court.

The first appeal to either the board of review or to the tax appeal court may be made without payment of the tax assessed. However, the assessed tax must be paid together with interest when the taxpayer appeals the decision by the board or the tax appeal court or the decision by the board in favor of the Department of Taxation is not appealed. In addition, a taxpayer who prevails before the board of review does not have to pay the assessed tax prior to an appeal by the Department of Taxation to the tax appeal court. Similarly, a taxpayer who prevails before the board of review and the tax appeal court does not have to pay the assessed tax prior to an appeal by the Department of Taxation to the Intermediate Appellate Court.

The tax appeal court may allow an individual taxpayer to appeal an income tax assessment without prior payment of the tax where the total tax liability does not exceed \$50,000 and the taxpayer shows that the payment of the tax would cause irreparable harm. Similarly, a circuit court may allow a taxpayer to appeal a general excise tax assessment without prior payment of the tax if the taxpayer shows that the payment of the tax would cause irreparable harm.

**Payment Under Protest.** In lieu of filing an appeal or if an appeal is not filed with the board of review or tax appeal court within 30 days from the date the Final Notice of Assessment was mailed, the taxpayer may pay the disputed tax assessment under written protest and seek to recover the taxes by filing an action in tax appeal court within 30 days from the date of payment.

**VIII. Representation**

Taxpayers have a right to represent themselves or have another person accompany or represent them (with proper written authorization) when dealing with the Department of Taxation on any tax matter, including audits, collections, and appeals.

**IX. Taxpayer Advocate**

Taxpayers have a right to seek the assistance of our Taxpayer Advocate to resolve any tax-related problem after all other means for resolving the problem have been exhausted, or if they feel that their rights as a taxpayer have been abridged, except in the case of a criminal tax investigation.

**X. Installment Agreements, Waivers, and Compromises**

**Installment Agreements.** Taxpayers have a right to request that the Department of Taxation consider an installment payment agreement to allow taxpayers to pay their delinquent taxes over time. The Department of Taxation will evaluate a request for an installment payment agreement based on the financial condition of the taxpayer. Taxpayers will be notified before collection action is taken on any outstanding tax liability if the installment payment agreement is in good standing. Interest will continue to accrue on the outstanding tax and penalty until paid in full. The Department may offset any outstanding tax liability with any credits due to the taxpayer from other taxes.

**Waiver of Penalties and Interest.** Taxpayers have a right to request that the Department of Taxation waive penalties and interest added to any tax if the taxpayer can show that failure to file a return or pay a tax on time was due to reasonable cause, i.e., not due to the taxpayer's own carelessness, neglect, or willful disregard of the law, but due to circumstances beyond the taxpayer's control.

**Compromise Offers.** Taxpayers have a right to request that the Department of Taxation consider a compromise offer to reduce any tax claim arising under the tax laws administered by the Department based on doubt as to liability or collectibility, subject to the Governor's approval. If the tax liability excluding penalties and interest is \$50,000 or less, the Director may approve the offer in compromise without the Governor's approval after the offer in compromise has been posted on the Department's website for 5-calendar days.

**XI. Collections**

Taxpayers have a right to be informed in writing to the taxpayer's last known address of possible collection actions that may be taken on delinquent taxes, including referral to a collection agency.

Taxpayers have a right to be notified of any cost recovery fee associated with any collection action.

Taxpayers have a right to have collection actions put on hold in the case of hardship or while discussing their situation with the collector, supervisor, or senior management, understanding that interest continues to accrue.

Taxpayers have a right to a prompt release of a lien upon payment of a tax delinquency and all filing fees.

Taxpayers have a right to have an incorrect lien corrected or released and to have a letter of clarification sent to a credit reporting company.

Taxpayers have a right to have all other collection actions exhausted before a seizure of a taxpayer's assets takes place, unless the Department of Taxation determines that the interests of the State are in jeopardy.

Taxpayers have a right to have the following property exempt from levy: wearing apparel; school books; fuel; provisions; furniture; personal effects; books and tools of a trade, business, or profession; unemployment benefits; and undelivered mail.

# Index to Instructions

<b>A</b>		<b>H</b>		<b>S</b>	
Address Change .....	31	Hawaii Taxpayer Bill of Rights .....	55	Social Security Number .....	7
Address of Hawaii Department of Taxation.....	6	Head of Household .....	8	Steps for Preparing Your	
Adjustments to Income .....	11 – 15			Return .....	6 – 10 and 30 – 31
Amended Returns —		<b>I</b>		Student Dependent — Exemption .....	10
Balance Due (or Refund).....	29	Income Tax Withholding .....	25	<b>T</b>	
Change in Federal Taxable Income.....	31	Individual Housing Accounts —		Tax —	
Filing .....	29 and 31	Distributions From.....	11	Computation .....	22 and 37
Annuities.....	13	Payments to.....	14	Other —	
Attachments to Return .....	30	Tax Liability Upon the Sale or Transfer....	11	Accumulation Distribution of Trusts .....	37
<b>B</b>		Individual Retirement Accounts (IRAs).....	13	Computation of Tax for Children	
Balance Due (or Refund) .....	27	Interest Expense .....	17	Under Age 14 Who Have	
Birth or Death of Dependent.....	10	Interest Income .....	11 and 14	Investment Income of More	
Blind, Deaf, or Totally Disabled Person.....	21	Interest — Late Payment of Tax.....	31	than \$1,000.....	22
Business Income —		Itemized Deductions —.....	15 – 21	Distribution from an Individual	
Rents on Schedule E.....	30	You Choose to Itemize Deductions .....	16	Housing Account.....	11 and 37
Schedule C .....	29	You MUST Itemize Deductions.....	16	Lump-Sum Distributions.....	13
Schedule F .....	30	<b>M</b>		Parent's Election to Report Child's	
Business Use of Your Home .....	20	Married Persons —		Interest and Dividends .....	37
<b>C</b>		Filing Joint Return .....	7	Recapture of Capital Goods Excise	
Capital Gains and Losses.....	22 and 37	Filing Separate Returns.....	8	Tax Credit .....	37
Casualty and Theft Losses .....	19	Special Rule for Aliens .....	8	Recapture of High Technology	
Contributions to Charity .....	19	Who Live Apart.....	8	Business Investment Tax Credit.....	37
Credit for \$1 General Income Tax .....	26	Medical and Dental Expenses .....	16	Recapture of Low-Income Housing	
Credit for Child and Dependent Care		Miscellaneous Deductions .....	20	Tax Credit .....	37
Expenses.....	33 – 35	Multistate Tax Compact Act.....	6	Sale of Your Home Purchase with	
Credits Against Tax .....	22	<b>N</b>		Proceeds from an Individual	
<b>D</b>		Net Operating Loss .....	15	Housing Account.....	11
Death of Taxpayer .....	6	Nonresident.....	4	Other Methods of Computing.....	22
Dependents — Exemptions .....	9	Nonresident Alien —		Tax Credits .....	22 and 32
Direct Deposit of Refund.....	28	Filing a Joint Return .....	8	Taxes You CAN Deduct .....	17
Disability — Exemption .....	21	Filing a Separate Return .....	8	Tax Rate Schedules.....	54
Divorced or Separated Parents.....	9	Who Must File.....	4	Tax Tables.....	42 – 53
Domicile Defined.....	5	<b>P</b>		Third Party Designee .....	30
<b>E</b>		Part-Year Resident .....	5	<b>W</b>	
Educational Expenses .....	20	Payments (Amount You Owe) .....	28	When to File .....	5
Election Under Act 60, SLH 1976.....	5	Penalties and Interest —		Where to File.....	6
Employee Business Expenses.....	20	Failure to Pay Tax After Filing Timely		Where to Get Information.....	6
Estimated Tax.....	6 and 25	Return .....	31	Which Form to File.....	5
Exemptions.....	9 and 21	Late Filing of Return .....	31	Who Must File .....	4
Extension of Time to File.....	31	Underpayment of Estimated Tax .....	28 and 31	Who Should File.....	4
<b>F</b>		Pensions and Annuities.....	13	Withholding — Hawaii Tax .....	25
Filing Requirements —		Political Campaigns — Hawaii Election		Worksheets .....	36 – 39
Extension of Time to File .....	5	\$3 Check-off .....	30		
Filing a Final Return .....	6	Preparer — Did you have someone else			
When to File .....	5	prepare your return?.....	30		
Where to File .....	6	<b>R</b>			
Which Form to File .....	5	Records — How Long to Keep .....	31		
Who Must File.....	4	Related Federal/Hawaii Tax Forms .....	3		
Who Should File .....	4	Reminders.....	31		
Filing Status.....	7	Reminders for 2009.....	2		
		Rent — Income .....	30		
		Resident .....	4		
		Retirement Plan Payments .....	13		
		Rounding Off to Whole Dollars .....	10		