

## **Hawaii**

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In 1987, Hawaii adopted the Uniform Premarital Agreement Act whole sale in Hawaii's Uniform Premarital Agreement Act HRS §§ 572D-1 to 572D-11. Currently, the statutory law has absolutely no vital differences from the U.P.A.A. Any modifications to the procedural or substantive requirements for prenuptial agreements are found in the common law (court decisions). For example, in *Napoleon v. Napoleon*, the court found that a couple could not include a clause that would release child support in a prenuptial agreement. For the conflict of law issues surrounding prenuptial agreements, Hawaii has changed approaches over time. The state moved from a rigid conflict of law approach to the more flexible "most significant relationship" approach for prenuptial agreements. There is little common law in Hawaii state courts on the treatment of a couple's choice of law clause. The only statutory guidance can be found in Hawaii's U.P.A.A. According to the act, a couple's choice of law clause will govern issues of construction. It has not been answered by Hawaii State courts whether a couple's choice of law provision can also govern issues of enforceability and validity.