



Model Benefits for Family Building

In order for an employer to provide benefits that are inclusive of all family building options, it is recommended that the following Model Benefits be viewed as a comprehensive set of benefits:

1. Model Benefits for Infertility Diagnosis and Treatment and Fertility Preservation Services
2. Model Benefits for Surrogacy
3. Model Benefits for Adoption

In other words, the employer will provide health insurance for fertility services as well as reimbursement of up to \$TBD (see suggested tiers in the model benefits documents) for the costs associated with family building that are not covered by health insurance, including but not limited to expenses associated with adoption, surrogacy, and fertility treatments. Please note that some employers use a specialty vendor to provide or administer family building benefits that include fertility services, surrogacy, and adoption. For a list of specialty vendors, please contact coverageatwork@resolve.org.

Model Benefits for Infertility Diagnosis and Treatment and Fertility Preservation Services

Definitions:

“Infertility” means a disease, condition or status characterized by:

- a failure to establish a pregnancy or to carry a pregnancy to live birth after regular, unprotected sexual intercourse, or
- a person’s inability to reproduce either as a single individual or with their partner without medical intervention, or
- a licensed physician’s findings based on a patient’s medical, sexual and reproductive history, age, physical findings and/or diagnostic testing, or
- disability as an impairment of reproductive function.

“Infertility diagnosis and treatment” means the recommended procedures and medications from the direction of a licensed physician that are consistent with established, published, or approved medical practices or professional guidelines from The American College of Obstetricians and Gynecologists (ACOG) and/or The American Society for Reproductive Medicine (ASRM).

“Fertility Preservation for Risk of Infertility” means procedures that are consistent with established medical practices or professional guidelines published by ASRM and/or the American Society of Clinical Oncology (ASCO) for a person who has a medical condition or is expected to undergo medication therapy, surgery, radiation, chemotherapy, or other medical treatment that is recognized by medical professionals to cause a risk of impairment to fertility.

“Fertility Preservation for Reproductive Aging and Other Causes” means procedures that are consistent with established medical practices or professional guidelines published by ASRM for women who want to try to protect against future infertility due to reproductive aging or other causes.

Benefits for Infertility Diagnosis and Treatment and Fertility Preservation Services include but are not limited to:

- Consultation and Diagnostic Testing
- Prescription Medications
- Intra-cervical insemination and/or intrauterine insemination (IUI)
- In vitro fertilization (IVF) procedure, which includes ovarian stimulation, oocyte retrieval, and a fresh or frozen embryo transfer
- Intracytoplasmic sperm injection (ICSI)
- Procedures utilized to retrieve oocytes, sperm or reproductive tissue
- Genetic testing (PGT-A, PGT-M, or PGT-SR)
- Fresh embryo transfers
- Frozen embryo transfers
- Cryopreservation of sperm, oocytes, reproductive tissue and/or embryos

Tier One

Covers all of the above, including at least one completed oocyte retrieval and unlimited fresh and frozen embryo transfers, as well as Fertility Preservation for Risk of Infertility, including storage.

Tier Two

Covers all of the above, including at least 3 completed oocyte retrievals and unlimited fresh and frozen embryo transfers, as well as Fertility Preservation for Risk of Infertility, including storage.

Tier Three

Covers all of the above, including donor eggs and sperm, with no limits on completed oocyte retrievals and fresh and frozen embryo transfers, as well as Fertility Preservation for Risk of Infertility and Fertility Preservation for Reproductive Aging and Other Causes, including storage.

Model Benefits for Surrogacy

Definitions:

“Surrogacy” refers to the method of family building in which a person agrees to become pregnant and carry a pregnancy for another individual, the Intended Parent(s). The person carrying the pregnancy has no intention of parenting the resulting child.

“Surrogate” is a person who agrees to carry a pregnancy for an Intended Parent(s) through in vitro fertilization (IVF) and embryo transfer or through intrauterine insemination (IUI) or intracervical insemination (ICI) of sperm.

“Intended Parent” is an individual who intends to be legally bound as a parent of a child. The Intended Parent enters into a legal agreement with the Surrogate to carry the pregnancy and assumes custody and parental responsibility for the child.

Costs Associated with Surrogacy may include but are not limited to:

- Medical expenses for the Intended Parent(s) for infertility diagnosis and treatment, including egg retrieval, sperm retrieval/fertilization and/or acquisition of donor egg, sperm, or embryo, not already covered by the employer’s health plan.
- Medical expenses for the Surrogate, including medical screening, IUI/ICI, or embryo transfer to the Surrogate.
- Mental health expenses, including evaluations of the Intended Parents, the Surrogate and Surrogate’s Partner required as part of the Surrogacy process and prenatal/postnatal counseling for the Surrogate and Intended Parent(s).
- Legal fees for the donor(s) and Intended Parent(s) related to egg, sperm and/or embryo donation legal fees and estate planning fees for the Surrogate and Intended Parent(s) associated with the surrogacy legal agreement, and establishment of parentage, with separate legal representation required for the Surrogate, Donor and Intended Parent.
- Surrogacy agency fees, including matching services, case management, escrow management fees and other related third-party expenses, such as insurance reviews.
- Compensation, expenses, reimbursements, and potential contingent fees for Surrogate.
- Insurance expenses, including health, life, and short-term disability coverage for the Surrogate, and newborn insurance coverage benefits.
- Travel expenses for the Surrogate to and from the fertility clinic, for the Intended Parent(s) to and from the fertility clinic if the clinic is not local, and travel at the time of birth if the Surrogate is not local.

Tier One

- Reimbursement: \$30,000+ of documented expenses, including expenses not covered by the employer’s health plan. *
- Paid Leave for Primary and Secondary Caregiver: Match parental leave related to birth of a child.

Tier Two

- Reimbursement: \$60,000+ of documented expenses, including expenses not covered by the employer’s health plan. *
- Paid Leave for Primary and Secondary Caregiver: Match parental leave related to birth of a child.

Tier Three

- Reimbursement: No cap on documented expenses, including expenses not covered by the employer’s health plan.
- Paid Leave for Primary and Secondary Caregiver: Match parental leave related to birth of a child.

**Note: When using a dollar cap, it is important to consider cost increases per year and to increase dollar cap equivalently.*

See [Model Benefits for Infertility Diagnosis and Treatment](#) for expenses that are recommended to be covered by the employer’s health plan for the Intended Parent(s).

Surrogacy laws vary by state so check the laws of the state where the benefits are drawn and/or utilized.

Learn more about Surrogacy here: <https://resolve.org/learn/what-are-my-options/surrogacy/>. Additional information can also be found in the Uniform Parentage Act of 2017 at <https://www.uniformlaws.org/committees/community-home?CommunityKey=c4f37d2d-4d20-4be0-8256-22dd73af068f>.

Model Benefits for Adoption

Definition:

“Adoption” is the legal transfer of parental rights and responsibilities from one parent or set of parents to another. A legal adoption requires a court action in which the adopting parent(s) becomes the legal parent of a child and incurs the rights and obligations of a parent.

There are many types of adoption that your employees may pursue. For example, international or intercountry adoption occurs when someone adopts a child from another country. Domestic infant adoption is when someone adopts a newborn from within the United States. Adoption from foster care occurs when someone adopts a child who is in the foster care system because his or her birth parents could not provide adequate care and support. Some people also adopt relatives, such as nieces, nephews, or grandchildren, or pursue stepparent adoption, whereby they become a legal parent of their spouse’s child or children.

Costs associated with Adoption may include but are not limited to the following:

- Adoption agency fees, including home study, placement fee, and post-placement supervision
- Costs of background checks
- Document fees, such as birth certificates
- Legal fees and court costs
- Medical expenses for a child not covered by insurance
- Medical expenses of the birth mother
- Living expense reimbursement for the birth mother
- Temporary foster care expenses
- Travel and lodging expenses
- Immigration and naturalization fees
- Immunization and translation fees
- Post-adoption services and support

Reimbursement: The employer should offer financial reimbursement in stages since the adoption process can be lengthy. To be inclusive, it is recommended to offer these benefits to employees who are starting the process, in the middle of the process, or have completed the process within the last 12 months and to cover the adoption of relatives and stepchildren. It is recommended to provide this benefit to employees as the costs are incurred regardless of when and if the adoption is finalized.

Tier One

- **Reimbursement: \$30,000+ of documented expenses***
- **Paid Leave for Primary or Secondary Caregiver Upon Placement of Child with Employee****
- **Unpaid Leave for Primary or Secondary Caregiver*****

Tier Two

- **Reimbursement: \$60,000+ of documented expenses***
- **Paid Leave for Primary or Secondary Caregiver Upon Placement of Child with Employee****
- **Unpaid Leave for Primary or Secondary Caregiver*****

Tier Three

- **Reimbursement: No cap on reimbursement of documented expenses**
- **Paid Leave for Primary or Secondary Caregiver Upon Placement of Child with Employee****
- **Unpaid Leave for Primary or Secondary Caregiver*****

**When using a dollar cap, it is important to consider cost increases per year and to increase dollar cap equivalently.*

*** Match existing parental leave related to birth of a child.*

**** Offer an unpaid leave option for those who wish to use it in place of or in addition to paid leave.*