



*The Women's Bar Association  
of the State of New York*

*presents*

*Convention 2021  
Continuing Legal Education Series*

**New Frontiers in Family Law  
in a Post COVID World**

May 22, 2021  
2:30 pm - 3:30 pm

Presenter: Jacqueline Harounian, Esq.



## **New Frontiers in Family Law and Parenting: Adoption, Surrogacy, Fertility and Reproductive Technology**

**CLE Presentation for WBASNY  
May 21, 2021 at 2:30 pm**

**Presenter:  
Jacqueline Harounian, Esq.  
Wisselman, Harounian & Associates PC**

- I. Introduction
- II. Trends in Family Law and Parenting  
Gender Neutral Custody Laws  
Shared, Joint, 50/50, Physical, Legal, Nesting
- III. Non Traditional Families:  
Same Sex Parents, Single Parents, Older Parents  
Fertility and Alternative Reproductive Technologies  
Insurance Coverage for IVF (New Legislation)  
Surrogacy (New Legislation)
- IV. Practice Pointers for Written Agreements  
Prenups and Fertility Agreements  
Best Interests of the Child
- VI. Questions and Answers



# Stronger enforcement needed for equal benefits coverage, experts say

SHUAN SIM 2/16/2021

Cuomo mandates fertility benefits for same-sex couples

The Department of Financial Services on Thursday instructed insurers to begin covering fertility services for same-sex couples, a move applauded by reproductive health experts as a step toward equality.

Historically, same-sex couples have had to pay out of pocket to access these services, which means those who couldn't afford them didn't have the same ability to start a family as other couples, said Dr. Jamie Grifo, director of the NYU Langone Fertility Center and division director of reproductive endocrinology and infertility.

"This spells one less burden for people trying to build families," he said.

Associated costs for fertility services can be hefty. Female couples might access artificial insemination, and male couples might reach for assisted reproduction, which requires a donor egg and carrier. The latter tends to be more expensive, Grifo said. **The price for assisted reproduction alone could be about \$50,000, and that is not considering any other needed testing or medical**

care leading up to the implantation, said Jackie Harounian, partner of Long Island-based law firm Wisselman, Harounian & Associates, which specializes in matrimonial and family law.

"I've seen couples that undertake that debt in their excitement to start a family and ultimately divorce due to those financial stresses," Harounian said.

Some parties responded skeptically to the new mandate. "Our member health plans recognize the type of infertility services announced by Gov. Cuomo today are important to same-sex couples who wish to start a family," said Leslie Moran, senior vice president of the New York Health Plan Association. However, Moran said, although the mandate is well intended, such efforts ultimately increase utilization and costs of services, consequently adding to the overall price of coverage for everyone.

Increased premiums might occur, but whether that is an issue is up to group members to decide, Harounian said.

"Most group plans agree it is acceptable to share the cost of providing cancer treatment or even fertility treatments for straight couples, so why not extend that coverage for same-sex couples?" she asked. Even if there are people reluctant to share that cost, there are strategies to mitigate exposure, such as considering that coverage as an add-on option, Harounian said.

There are limitations to Cuomo's new mandate, Moran said. State-mandated benefits pertain only to fully insured policies—in which insurance companies assume the risk—and more than 50% of New Yorkers have self-insured plans—managed by employers—that are not regulated by the state. Although it may be true that smaller companies with such plans might not be able to afford the added costs, perhaps what might be needed is extra help from the state to bridge access, Grifo said.

"Same-sex couples understand what a gift and privilege it is to be a parent as they're making the choice to be one," Grifo said, "and we should do all we can to help them realize it." —S.S.

### New Frontiers In Family Law: Changing Relationships: Custody, Adoption, Surrogacy, Fertility, and Reproductive Technology



Author's name and title.

Having the best interests of the child as the paramount concern, the courts have been called upon to address a wide range of new and complex family law issues.



#### Surrogacy Features

The surrogacy process involves a woman who carries and gives birth to a child for another person or couple.

Surrogacy involves a woman who carries and gives birth to a child for another person or couple. This can be either traditional surrogacy, where the surrogate is also the biological mother, or gestational surrogacy, where the surrogate is not the biological mother.

#### Family Agreements

Family agreements are contracts between family members that outline their financial and legal arrangements. They can cover a wide range of issues, including property division, spousal support, and child custody.

The courts have been called upon to address a wide range of new and complex family law issues, including surrogacy, family agreements, and reproductive technology.

Reproductive technology, such as in vitro fertilization (IVF) and surrogacy, has created new legal challenges for the courts. These issues often involve complex questions of parentage and child custody.

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