



In a post-Roe America, abortion remains legal in Delaware. But is it accessible? — <https://bit.ly/3QAr5qX>

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It was late September of 2021 when the Wilmington city councilwoman learned she was pregnant and made the decision she did not want to be.

It was emotionally painful, but Shané Darby, 33, knew she had to do it. The mother of three feared having another child would lead to a significant financial burden. She knew it would be bad for her and her family and that she would struggle. She also did not want to have a relationship with the person whom she got pregnant with.

This would be her first abortion.

As the country is now a post-Roe America, Delaware is one of the few states where abortion remains legal despite the U.S. Supreme Court's ruling. More than two dozen states are expected to limit or ban access; some already have.

Though Delaware has codified abortion and even expanded access in certain ways, it still remains difficult to get an abortion in the First State – as it was for Darby. Now, more people are expected to travel to Delaware to get a legal abortion at a time when resources here are already strained.

There are less than a handful of abortion clinics in Delaware, where wait times for an appointment can stretch close to a month. With abortions costing up to \$715, poorer Delawareans are at a significant financial disadvantage. Medicaid, which insures about 16% of women ages 19-64 in this state, covers the cost of an abortion in Delaware only in cases of rape, incest or life endangerment.

Other states have dedicated funds to cover all abortions. Delaware has not.

Delaware Online/The News Journal interviewed a handful of residents, of different generations and backgrounds, about their abortions. While all faced some type of hurdle,

they also considered themselves lucky – either they lived in a state where it was accessible, they were able to cover the cost of the procedure or they had a supportive friend who accompanied them.

None has regretted terminating their pregnancy, citing it as the right decision. Many of their friends and family members still do not know. The stigma continues to wash over many of them.

Darby, who is discussing her experience for the first time publicly, assumed getting an abortion in Delaware would be simple. Instead, she faced a series of obstacles, big and small, that eventually required her to cross state lines.

“I fell into that trap,” Darby said. “Because this was my first time getting an abortion ... so I’m thinking, ‘We’re good; we’re great in Delaware. We have abortion access.’

“But it’s bigger than access.”

'Who else can I call?'

To get an abortion in Delaware, the options are likely limited to three Planned Parenthood clinics in Wilmington, Dover and Seaford. Each provides abortion services for those up to 16 weeks' gestation one day a week.

The wait time to schedule an appointment right now hovers around three weeks.

Darby’s first call in September 2021, what she thought would be her only call, was to the Wilmington location. Around seven weeks' pregnant at the time, she wanted a medicated abortion.

She would take the two pills and try to move forward.

Unlike her previous pregnancies, she was feeling intense and constant pain. I cannot be pregnant for another week, she thought to herself. This needed to happen soon.

Planned Parenthood, she said, told her the first available appointment was not for several more weeks, outside of the window of time to be able to get a medicated abortion. She did not want a procedural abortion.

Darby then tried ChristianaCare. But she was told she wouldn’t be able to get an appointment.

Delaware hospitals often provide abortions in limited cases only. A spokesman for ChristianaCare, the largest health system in the state, said the hospital “provides medically necessary reproductive health care services, including medically necessary abortions and services for women who are experiencing a miscarriage or stillbirth.”

Planned Parenthood, she learned, was likely the only option in Delaware.

Elizabeth Nash, a principal policy associate for the Guttmacher Institute, an organization that supports abortion rights, said most health care providers will likely refer patients to the nearest abortion clinic, instead of providing it themselves. This includes OB-GYNs and primary care physicians.

Until recently, physicians were the only health care providers in Delaware who could perform abortions.

In April, lawmakers passed a bill, which was signed by the governor, that allows physician assistants and advanced practice registered nurses to prescribe medication used for abortions. Medicated abortions are the most common form of abortion in Delaware.

Another bill, passed in the General Assembly on June 28, enables licensed physician assistants, certified nurse practitioners and nurse midwives to provide procedural abortions.

It's unclear to what extent this will expand access. Nash said how much access can expand is dependent on capacity. Does the clinic have enough procedure rooms? What about staff?

The health care industry is still experiencing a significant worker shortage, she said. Even before the pandemic, Delaware has struggled for decades to obtain and attract health care workers. Sussex County, in particular, is in dire need of women's health care providers.

Planned Parenthood officials say the new laws will allow its clinics to perform more abortions, specifically by establishing more service days. The organization is looking to double the number of abortions it provides.

But in the fall of 2021, Darby felt stuck. "Oh my gosh, who else can I call?" she thought.

She turned to a close friend for help, who gave her a phone number. It was for a clinic in Philadelphia.

'The Medicaid barrier is huge'

When Darby called the clinic, the receptionist booked her an appointment that week.

Pennsylvania law required Darby to first receive a counseling session that, she said, essentially discouraged her to go through with it. It was a recorded phone message, and she barely listened. She was then required to wait 24 hours before getting an abortion.

When Darby was pregnant with her first child, she was in high school. She had contemplated an abortion at that time and remembers going to Planned Parenthood for an appointment early on in her pregnancy. She saw the ultrasound and immediately knew she wanted to have the baby – a decision she remains grateful for.

Years later, Darby was in a different place.

Delaware does not require a 24-hour waiting period like Pennsylvania, which has a legacy of abortion restrictions. But there are still some obstacles here.

One of the biggest, advocates say, is the Medicaid rules.

This provision, known as the Hyde Amendment, restricts federal spending on abortions. It was passed three years after *Roe v. Wade*. Though there have been attempts in Congress to remove this amendment, it has been renewed in federal budgets every year since 1976.

Darby has health insurance through Tricare because she's a member of the National Guard. It also only covers abortion for the same reasons as the Hyde Amendment. She assumed Tricare wouldn't cover the abortion and didn't even attempt to go through the insurer.

In Delaware, the cost of an abortion at a Planned Parenthood clinic can range from \$490 to \$715. The price, which often tends to be \$490, is based on gestation, officials said. The further along the pregnancy is, the more expensive the procedure.

"The Medicaid barrier is huge," said Ruth Lytle-Barnaby, president and CEO of Planned Parenthood of Delaware. "Though we do have some extra funds that we tap into to help people, I think this whole thing's gonna just explode because we've now just made it really costly."

A 2021 study by a University of California, San Francisco, researcher found, in an analysis of pregnancy outcome among Medicaid patients searching for abortions online, that restrictive abortion policies at the state level were associated with people not getting an abortion at all.

Women of color are more likely than white women to be enrolled in Medicaid, and also have higher rates of unintended pregnancies and abortions, according to the Kaiser Family Foundation. In 2019, Delaware saw a disproportionate number of Black women receive abortions, making up about 45% of the performed abortions.

Medicaid is funded by both the state and federal governments, which means states can decide to pay for abortions under Medicaid by using their own money. Sixteen states, according to the Kaiser Family Foundation, have policies to cover abortion costs for women on Medicaid for circumstances beyond those defined by the Hyde Amendment.

Maryland and New Jersey are among them.

Providing Medicaid coverage for abortions should be a bigger priority for Democratic-controlled states, said Nash, the Guttmacher Institute policy analyst.

“Given the composition of the legislatures and governors,” she said, “it would make sense that (blue states) would move in this direction – Delaware being one of those states.”

The first job Rep. Melissa Minor-Brown, a New Castle Democrat, had in health care was at the Planned Parenthood Wilmington clinic. She worked intake and often counseled women on their options when it came to abortion.

“If you could see the amount of women who just came there because they needed help and didn't have the money,” she said. Minor-Brown would often call donors to see if they could help pay for certain patients' procedures.

Years later, she still becomes emotional recalling one patient who was gang-raped and was in need of an abortion or a woman who cried as she told Minor-Brown about how her husband had a gun and would kill her if she had an abortion.

Minor-Brown introduced a sweeping bill in early June that would expand the types of health care workers who can provide procedural abortions and give protections to those who come to Delaware to get an abortion. It doesn't include anything related to Medicaid funds, though Minor-Brown signaled that could be a priority next session.

Days after the Supreme Court overturned Roe, a group of Delaware abortion advocates announced the creation of the First State Abortion Fund, a nonprofit that will help cover the costs of abortions for Delaware residents. Similar organizations exist throughout the country.

The details still remain vague, specifically who is leading the effort and when the organization will begin helping patients. Organizers said those details will be announced in the coming weeks. It is expected to help cover the cost of the abortion itself, as well as expenses like transportation and child care.

After coordinating an appointment around when her children were in school, Darby drove to Philadelphia for an abortion in early October 2021.

She took a pill at the clinic, and she began to bleed.

DeShanna Neal spoke of their two abortions for the first time at a Delaware rally last month. They had them when they were living in Pennsylvania, nearly 20 years ago, at ages 18 and 19.

The night the news broke about the possible Supreme Court ruling, Neal, who is running for state House, wrote about their experience on Facebook. It was how their mother learned they had two abortions.

“I should not have had to keep this for so long,” Neal said.

It's still painful for one Sussex County resident to talk about, and she asked that The News Journal not identify her by name. She said she got a legal abortion in New York in the early 1970s before the Roe v Wade ruling. She was 20.

She considers herself lucky. A close friend traveled with her to New York, and it was covered by her health insurance. Her doctor was the one who performed the procedure and traveled to New York in order to do so.

She stopped putting her abortion on medical forms after a physician once told her that her abortion was the cause of a miscarriage she had a decade later. Abortions, experts say, are not known to lead to future pregnancy complications or miscarriages.

She has told few people in her life about it.

"I still get sick to my stomach," she said. "When I think about it, I still feel embarrassment and shame. I don't know why."

She took the second pill at home the next day. Despite feeling sluggish, she forced herself to go to a good friend's baby shower.

'Roe v. Wade just put it in my face'

When the news of the possible overturning of Roe first came in May, it propelled some Delawareans, including Darby, to speak about their abortion experiences publicly.

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She was horrified to see Seaford City Council late last year approve an ordinance that would require the burial or cremation of fetal remains from abortions or miscarriages that occur in the city. The vote occurred just after Planned Parenthood opened a clinic, which provides abortions, in Seaford.

Attorney General Kathy Jennings swiftly sued the city, in a historic move, arguing that the ordinance goes against state law. A Delaware Chancery Court judge, days after the Supreme Court ruling, sided with Jennings, ruling that the ordinance is “preempted and invalid” because it directly conflicts with Delaware’s laws requiring an “official record of death before human remains” can be cremated or buried.

The ordinance itself sent a message to women: There are pockets in Delaware where the environment is hostile toward those seeking abortions.

This Sussex County resident said getting her abortion was a traumatic experience. The thought of having to bury those cells, as well as those of her miscarriage, is unimaginable to her.

Carol Greenway, a Planned Parenthood volunteer who escorts patients from the parking lot into the Dover clinic, said a vocal group of anti-abortion people is always watching them from across the street. At times, they yell or chant offensive things. Greenway uses an umbrella to shield women entering the clinic from the protesters.

There never seem to be enough escorts in Kent and Sussex counties, she said.

“I can't imagine,” the Sussex County resident said, “if I had to walk through a crowd of people screaming with signs and pictures of, you know, embryos and fetuses. I just can't even imagine if I had had to go through that.”

Activists supporting reproduction rights joined the Women's March in Seaford on Saturday, Oct. 2, 2021, outside the site of a new Planned Parenthood clinic. On the other side of the highway were many counter protesters in opposition to abortions and Planned Parenthood.

Darby knew her abortion was the right decision, and she doesn't feel bad about getting one. She also finds herself mourning the child she could have had. She didn't talk to family or friends and did her best to not think about it.

But that changed this spring.

“Roe v. Wade just put it in my face,” she said. “I was like, 'You're gonna have to think about this one.’”

She said opening up about her experience has brought a sense of healing. And she hopes other women no longer feel shame. Darby has found it's OK to have different feelings about her abortion – and at times no feelings about it at all.

She learned about the overturning of Roe while she was completing annual training for the National Guard. She was disconnected from the outside world and wasn't focused on a possible Supreme Court ruling.

When the news broke, Darby pulled out her phone and began scrolling through social media. She felt relieved she lived in Delaware – and then thought about the women who didn't.

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