

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

ALLEGHENY REPRODUCTIVE	:
HEALTH CENTER, et al.,	:
	:
Petitioners,	:
	:
vs.	:
	:
PENNSYLVANIA DEPARTMENT OF	:
HUMAN SERVICES, et al.,	:
	:
	:
Respondents.	:

**DECLARATION OF ELICIA GONZALES, LSW, M.Ed.**

I, Elicia Gonzales, LSW, M.Ed., make this declaration:

1. I am the Executive Director of the Women’s Medical Fund (WMF), a unit of Resources for Human Development, a registered charitable organization. WMF provides counseling and emergency financial assistance to thousands of low-income women and teenagers who need access to abortion care each year.

2. Pennsylvania’s Medicaid program, Medical Assistance, prohibits coverage for abortion procedures unless the pregnancy resulted from rape or incest, or the abortion is necessary to avert the death of the pregnant woman. This prohibition took effect in 1985 following the decision in *Fischer v. Dep’t of Public Welfare*, 502 A.2d 114 (Pa. 1985). That same year, WMF was founded to

provide financial support to low-income women and teenagers in Southeastern Pennsylvania who need abortions and cannot afford to pay for their procedure. WMF also provides counseling, information, and referrals to pregnant women seeking abortion care.

3. Throughout this affidavit, I refer to women and teenagers who have received counseling and/or financial assistance from WMF. I have anonymized their names and do not use any personally identifying information. Their stories are used to provide representative examples of real-world accounts of hardships experienced by low-income women who seek abortion care but who, due to the Pennsylvania coverage ban, cannot use Medical Assistance to cover their procedure.

## **I. Background**

4. I am a Licensed Social Worker and received dual master's degrees in Social Work and Education from Widener University. In addition, I earned a bachelor's degree in Psychology from the University of Colorado. I previously worked as the Executive Director at GALAEI, a LGBTQ Latino nonprofit, for six years.

5. I have served as the Executive Director of WMF since July 2017. In my role as Executive Director, I am responsible for supervising staff,

implementing the strategic plans and policies of the Board, and leading the fundraising, administration, and program oversight of the organization.

6. Since 1985, WMF has provided support to thousands of low-income women and teenagers in Southeastern Pennsylvania who need to terminate a pregnancy but cannot afford an abortion. Specifically, WMF provides emergency financial assistance to these women as well as counseling, information, and referrals. The vast majority of our clients are women of color—70% are Black women and 11% are Latinx women. Most of the women and teenagers that WMF serves are either enrolled in or eligible for Medical Assistance.

7. WMF is never able to cover the entire cost of a woman's abortion due to limited funding. WMF sets a daily limit on the amount it can use to fund callers, which usually runs out before the end of the day. In fiscal year 2018, 107 women and teenagers who we spoke to were not able to receive WMF funds because, at the time they spoke to a counselor, we had already hit our daily limit and they never got back through to us again. We also know that there are women and teenagers who call and never get through because the Help Line is too busy.

8. In general, women and teenagers who call WMF's Help Line have already scheduled an appointment for their abortion but do not have enough money to cover the procedure. During the counseling session, the counselor will ask the woman/teenager a series of questions to learn more about her financial

situation, including her average monthly expenses, her employment status, if she can borrow money from a supportive family member or friend, and if there are other safe ways for her to raise money like picking up shifts from work or doing odd jobs. The counselor also screens for circumstances that make it more difficult for someone to raise money for an abortion, including domestic violence and homelessness. Based on this information, WMF makes a pledge typically from \$100 to \$250 to go towards the procedure, and the woman/teenager must figure out how to raise the remaining funds.

9. Per year, only 82% of the pledges made by WMF are actually used. Eighteen percent of the pledges go unused for a variety of reasons (including, for example, because some women experience a miscarriage and others plans to obtain an abortion from a clinic with which WMF does not work); in some of these cases, women did not use WMF's pledge because they could not raise enough of the remaining money for the procedure.

10. In fiscal year 2018, WMF assisted 4,136 women and teenagers seeking abortion services. Seventy-two percent of them were already mothers, and 3,307 of them received and used an average of one hundred and twenty-eight dollars from WMF to help cover out-of-pocket expenses associated with their abortion. The average yearly income for the 3,307 women and teenagers who used WMF in 2018 was \$7,980.

## **II. Hardships Associated with Affording Abortion Care Without Insurance Coverage**

11. In the course of running its Help Line service, WMF routinely hears firsthand accounts of the harm caused to low-income women and teenagers whose abortions are not covered because of the Pennsylvania coverage ban. It forces them to make tradeoffs that threaten their health and financial stability, as well as that of their families. For some women living in poverty, the out-of-pocket costs of an abortion—roughly \$400 to \$3,600—can be an insurmountable barrier.

12. WMF has counseled and supported low-income women and teenagers, who, when faced with an unwanted pregnancy and the unexpected expense of paying for abortion services, are forced to choose between meeting basic needs—like paying for groceries, rent, and utility bills—and using that money for the procedure. The following stories of our clients are representative examples of the difficulties faced by low-income women trying to pay for their medical care. For each story in paragraphs 13 through 22, the women sought abortion care, did not have enough money on their own, and WMF helped pay for the remaining cost of the abortion.

13. Sixteen-year-old Teresa and her mother could not afford to pay for Teresa's abortion. The family's sole income came from the wages Teresa's father earned from picking mushrooms, approximately \$800 per month. Teresa's mother gradually took small amounts from the funds used for household groceries

to raise \$150 towards the abortion, but she still was unable to raise enough money to cover the procedure.

14. Sasha had one child and a part-time job at a health facility, earning \$1,200 per month. She raised \$140 by dipping into her last paycheck, but could not raise the rest of the money she needed for her abortion procedure.

Ultimately, she was forced to push off paying her cell phone bill to come up with an additional \$100, but she still was unable to raise enough money.

15. Jodi earned about \$950 per month working part-time at a hotel and lived with her 10-year-old daughter. To raise money for her abortion, she obtained an advance on her next paycheck, borrowed from her grandmother, and pushed off an upcoming bill, but she still was unable to raise enough money to cover the procedure.

16. Similarly, Maria had one child and worked part-time at a low-wage job, earning \$500 per month. Maria saved \$100 from her last paycheck and pushed off paying bills to raise funds toward her procedure, but she still was unable to raise enough money to cover it.

17. Larissa was unemployed and received \$497 per month from cash assistance and food stamps to support four children and herself. Larissa borrowed what she could from friends and family but still did not have enough to cover her abortion. As a result, she was forced to push off paying bills to raise

additional money she needed for the procedure, and still required the assistance of WMF in order to cover the full costs.

18. Jada had a monthly income of \$1,600 to support three children and made trade-offs between household needs and medical care when faced with an unwanted pregnancy. With a high rent payment to cover, she struggled to raise enough money to pay for the abortion. She ultimately pushed off her water bill to raise \$150 towards the procedure and still required the assistance of WMF in order to cover the full costs.

19. Maya lived with her eight children and had a disability that kept her out of work. She received social security for her own disability and social security for one of her children who had special needs. Struggling to raise the necessary funds for her abortion, Maya diverted money she would have used to pay bills and buy diapers to pay for her procedure, but still was unable to cover the full costs.

20. Juliann was a full-time student studying criminal justice and mother to four children. She was not employed while in school, and her only income came from Social Security benefits she received to support her child with a disability. Juliann took \$50 from funds she allocated for diapers to put towards the cost of her procedure, but still was unable to cover the full costs.

21. Brianna did domestic work like babysitting and cleaning to provide for her one child while she looked for another job. Brianna sold several items in her house including a television to raise \$250 towards her abortion, but still she was unable to cover the full costs of her procedure.

22. Low-income women are often forced to delay abortion care in order to raise funds for their procedure. For example, Lorena missed a previous appointment she had scheduled to obtain an abortion because she could not afford the procedure. Lorena had moved in with a friend after recently escaping domestic violence. Unable to get financial help from her friends, she diverted money used for rent to obtain abortion care, but still was unable to raise enough money for the procedure.

23. Similarly, Ella had scheduled an appointment for an abortion, but had to postpone it because, when she presented at the clinic for the procedure, she was further along in pregnancy and could not afford to pay more for the more expensive procedure required at that stage. Ella was then forced to use money she would have used to buy her child clothes for kindergarten to put towards her abortion, but she was still unable to cover the full costs of her procedure.

24. For some low-income women, the Pennsylvania coverage ban means that they ultimately must forgo obtaining an abortion altogether and carry an unwanted pregnancy to term because they are never able to secure the funds



necessary to afford the procedure. For example, Henrietta, who had been hiding from an abusive former partner at her mother's home, needed WMF's assistance because she could not afford to pay for her abortion. During her counseling session, WMF learned that Henrietta had been pregnant before and was forced to carry the pregnancies to term because she could not afford abortion services, and later gave up the newborns for adoption.

25. In other cases, low-income women experience lengthy delays as they try to raise funds for their procedure and, by the time they present at the clinic, they are too far along in pregnancy to be eligible for the procedure. For example, Sam lived with her two children in an apartment she rented, and worked at a health care agency earning roughly \$1,200 per month. Sam faced an unwanted pregnancy and could not afford abortion care. Raising the money for the procedure took time, and when she finally presented at a clinic-based provider, she was twenty weeks pregnant and was referred to a hospital because she had health factors that could require surgical intervention. However, because obtaining abortion at a hospital is much more expensive than at a freestanding clinic, she could not afford the procedure, even with WMF's pledge of assistance, and was thus forced to continue her pregnancy to term. When asked if she would have gone through with the abortion had Medical Assistance covered the procedure, Sam gave an affirmative response.

26. Allowing for Medical Assistance in Pennsylvania to cover abortion care would reduce the need for low-income women to choose between carrying an unwanted pregnancy to term and using money they need for essential expenses for themselves and their families to pay for the procedure. It would also reduce the number of women who are forced to carry their pregnancies to term solely because they cannot afford an abortion.

I make this declaration subject to the penalties of 18 Pa. C. S. sec. 4904 (unsworn falsification to authorities).

Dated this \_\_11\_\_ of January, 2019.



---

Elicia Gonzales, Executive Director of the Women's Medical Fund.