

# METRO/STATE

## Twiggs File Suit Against Hospital

From Staff and Wire Reports



Ariens

An attorney for a Pennsylvania couple filed a new federal suit against a Florida hospital Friday alleging employees swapped their newborn for a sickly infant nearly 11 years ago.

Ernest and Regina Twiggs of Langhorne, Pa., maintain that the switch at Hardee Memorial Hospital occurred through negligence, medical malpractice or deliberate acts.

### *Couple Still Claims Babies Were Swapped*

Their attorney, John Blakely of Clearwater, said it would be up to a jury to decide how the mistake was made.

The Twiggs had filed a \$100 million suit against the Wauchula hospital in September 1988, claiming that three doctors and a nurse switched their baby for one

with a heart defect in order to use the healthy child in an adoption scheme.

That suit later was withdrawn. One of the attorneys representing the Twiggs, William Post of Seminole, said the initial claim was withdrawn because the hospital had not been notified of the Twiggs' plan to file a suit against the facility at least six months before it was filed.

The new suit, filed in U.S. District Court in Tampa, does not set a dollar amount for damages, nor does it mention adoption or make accusations against doctors or specific personnel.

"We know a lot more facts now," said Blakely.



**Arlena Twigg:**  
Shown here at 7,  
she died of heart  
disease in 1988 at  
the age of 9.



**In the middle:**  
A young Kim Mays  
became the center  
of media attention in  
1988.



**Barbara Mays:** Died of  
cancer in 1981, seven  
years before the swap  
was made public.

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AUG 19 1990



File photos

Kimberly Mays quietly met her biological parents, Ernest and Regina Twigg, in Sarasota.

# Girl in baby swap case meets biological parents

The Associated Press

SARASOTA — Kimberly Mays, 11, at the center of a two-year baby-swap controversy, has finally met the couple who proved she was switched with another baby in a maternity ward.

But a relative says the girl is still confused by the legal tug of war and all the attention from a family she never knew.

Meanwhile, the man who raised the girl has joined the girl's natural parents in a lawsuit against the hospital where the switch apparently occurred.

The long-awaited meeting between the Sarasota girl and her biological parents, Ernest and Regina Twigg, took place quietly this spring at a miniature golf course in Sarasota.

The couple and Robert Mays, who raised Kimberly as his only

daughter, agreed to keep the visit secret to avoid the crush of reporters and photographers who have followed the case through the courts.

During an initial rendezvous and two subsequent meetings, Kimberly also was introduced to her seven brothers and sisters.

"Apparently with the kids, it went very good. But when you ask about the parents, she just puts her hands up in the air and shakes them," said Velma Coker, one of Kimberly's grandmothers.

"She's still mixed up," Coker said.

Kimberly, born at a tiny rural hospital in Central Florida, went home with the wrong parents — Mays and his late wife, Barbara, who died of cancer in 1981.

Barbara Mays and Regina Twigg both delivered blond-haired girls within a couple of days of each other in late 1978 at

Hardee Memorial Hospital in Wauchula. The Mays baby and the Twigg baby were the only two white girls born about the same time at the hospital. Both mothers went home on Dec. 5, 1978.

It was not until genetic tests a decade later that the families learned they had raised each other's daughter.

The girl the Twiggs named Arlena and raised as their own died of a heart defect two years ago.

The Twiggs set out to find their natural daughter. The path led to Sarasota. Mays and the Twiggs feuded in court over genetic testing and custody rights. Mays won a promise from the Twiggs that they would not seek custody no matter what the tests showed.

Genetic testing confirmed last fall that Kimberly was born to the Twiggs, who live in Sebring.

# Kimberly Mays Moves in With Birth Parents

■ **Family:** Teen-ager switched as newborn asks to stay with couple she told court she never wanted to see again. 'Personal difficulties' cited.

By MIKE CLARY  
SPECIAL TO THE TIMES

**M**IAMI—Kimberly Mays, the girl who was switched at birth and became the center of one of the nation's most celebrated custody fights, has moved in with her biological parents—the same couple she once told a court she never wanted to see again.

The surprise move follows weeks of turmoil in the life of the 15-year-old, who for the past several days had been living in a Sarasota YMCA shelter for troubled teens.

An attorney for the girl's court-appointed guardian confirmed Wednesday that Robert Mays, the only father Kimberly has ever known, approached Ernest and Regina Twigg about taking her into their home on a "temporary and informal" placement.

"Kimberly Mays has been experiencing certain unique personal difficulties in trying to deal with certain teen-age issues that face all teens," said attorney David L. Denkin in a statement.

"Mr. and Mrs. Mays will maintain parental control and open communications with Mr. and Mrs. Twigg. . .," said Denkin. "It is hoped by both families that as a result of the two families' communication and joint efforts toward Kim's best interests that Kim will pass through this difficult time and once again be able to direct her efforts to her education and growth."

Kimberly has moved into the



Associated Press

Kimberly Mays is shown last July with Robert Mays, the only man she had known as her father. A court allowed her to stay with him, rather than her biological parents. They had been separated at birth.

Twiggs' home in Sebring, Fla., and is expected to enter high school there immediately.

The move by the slight, blond teen-ager adds another remarkable chapter to a wholly improbable saga, and represents a complete turnabout for a girl who last August tearfully recounted for a judge and a national audience watching on cable TV how she begged Robert Mays, "Please, don't let them take me away."

The Twiggs, who have seven other children, have been fighting to win parental custody and visitation rights since 1988. That year a blood test following the death of their daughter Arlena revealed that she could not have been their child.

Detective work along trails of medical records eventually established that Arlena and Kimberly had been switched in December, 1978, in a Wauchula, Fla., hospital, where both were born three days apart.

The Twiggs sued for custody of Kimberly, even suggesting that Robert Mays and his late wife may have orchestrated the switch of infants after discovering that their daughter had a congenital defect that would eventually kill her.

Mays denied any role in the switch, and while conceding that Kimberly is not his biological child, argued that Kimberly should be

free to stay with the father she had known from infancy. In a landmark ruling hailed by proponents of rights of minors, Circuit Judge Stephen Daken agreed.

"The evidence is clear that Robert Mays is her psychological parent and that the plaintiffs are seen by her as a constant source of danger to her father and to her family relationship," Daken wrote in his opinion.

Furthermore, the judge criticized the behavior of the Twiggs, saying their earlier efforts to forge a relationship with the girl had "created a chasm . . . that may never be bridged."

Both the Mays and Twigg families have become millionaires as a result of the infant switch and its emotional aftermath. In September, 1992, Robert and Kimberly Mays accepted \$6.6 million in a settlement of their suit against the hospital. The Twiggs had earlier settled for \$3.5 million.

**W**ord that Kimberly Mays had left the Sarasota shelter and moved in with the Twiggs in Sebring set off a news media free-for-all in the Central Florida town of 8,700. Ernest Twigg wrestled briefly with a news photographer Wednesday afternoon as other family members screamed at reporters to stay away.

Anticipating a continuing media onslaught, however, the Highlands County Sheriff's Department designated as a staging area a field across from the high school.

"It's sad that she got gypped out of life like that," Sebring High student Shannon Brown told one reporter. "But I'm glad she's coming here."

Researcher Anna Virtue contributed to this story.

## Most Typical Health Plans Found to Cover Abortion

# What if Bob Mays were in the Twiggs' situation?

**K**imberly Mays wants her life to go back to the way it was when she appeared to be an ordinary child growing up in an ordinary family. Who can blame her?

It's tough to lose your mother, gain a step-mother, lose her through divorce, then discover that the one constant — the man you believe to be your father — is not your biological father after all. You have another set of parents entirely, parents who are understandably upset and angry that they have missed precious years with you.

Kimberly now wants to divorce herself from her biological parents, just as Shawn Russ did. But this is not the same type of case.

Shawn's case was clearly one of neglect, abuse and abandonment by his biological mother. Kimberly's case is far more complex. She was not relinquished for adoption, nor put in foster care, nor abandoned by her parents. She was taken from one set of parents and given to another. This has been proved through genetic testing.

We probably will never know who switched Kimberly and Arlena, who were born three days apart, but a switch was made. The Twiggs took a critically ill baby home from the hospital and reared her as their own. That couldn't have been easy. Doctors, hospitals and medicines are all expensive, not to mention a funeral and the heart-break of watching a child you love die.



## My Word

CYNTHIA McCLENDON

Then to find out that this child was not your biological child after all — that your healthy child is, in fact, growing up with total strangers, and you are now regarded as an intruder in her life — has to be devastating news.

In this live-in-the-moment society, it's easy to say: "Tough luck, biological parents. Kimberly has spent her life with Bob Mays. She doesn't want you now. Go away."

But that stance suggests that you can get away with swapping babies as long as 1) you keep anyone from finding out about it until well after the fact and 2) once discovered, you keep it tied up in courts for so long that the child finds it difficult, if not impossible, to ever be a part of his or her original family.

Is it fair that Kimberly missed growing up with her siblings? Is it fair that she had to go through the death of one mother and adjust to Bob Mays' second marriage and subsequent divorce, when she would have lived with one set of parents her whole life? Is it fair that the Twiggs went through the stressful, expensive years of caring for Bob Mays' critically ill child and have now missed rearing their own biological daughter, simply because they took the wrong baby home?

If the shoe were on the other foot and Bob Mays had discovered his biological daughter living with the Twiggs, would he walk away from her or would he fight to maintain contact, particularly now that his wife has died?

If the switch had been discovered when the babies were infants, would it have been fair to switch them back? If so, when's the cutoff?

Is it fair that the originators of the baby swap (whether by accident or by design) have never truly been held accountable for the trauma they have caused to all concerned? An out-of-court settlement doesn't bring the truth to light, and money doesn't replace years of heartache.

Kimberly clearly doesn't understand why the Twiggs won't leave her alone. Maybe that will have to wait until she has children of her own.

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*Cynthia McClendon is an Orlando secretary.*

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