

14-year-old gets wish, never must see parents

□ Florida judge affirms last week that man that raised her since birth is her legal father



SARASOTA, Fla. (AP) — Kimberly Mays got her wish. The 14-year-old who was switched at birth in a hospital never has to see her biological parents again, a judge ruled last week, siding with nurture over nature.

Though he sidestepped the girl's request for a "divorce"

from her birth parents, Circuit Judge Stephen Dakan affirmed Robert Mays, the man who raised her since birth, as her legal father.

The judge said it would be harmful to Kimberly if she were forced to visit birth parents Ernest and Regina Twigg. "The Twiggs have no legal interest in, or right to, Kimberly Mays," Dakan ruled.

The decision, eight days after a civil trial in which Kimberly sought to sever all ties to the Twiggs, left the teen-ager "yipping and yelping" for joy, one of her lawyers said.

"Kimberly finally feels she's got her life back," said attorney Arthur Ginsburg, who phoned the girl as she vacationed at an undisclosed spot. "She said she wanted to kiss the judge."

George Russ, another of Kimberly's attorneys, said, "It was a pure situation of psychology versus biology, and the court

made it clear where it comes down."

The Twiggs sought visitation rights at the trial, and they had promised to appeal any decision that went against them to the U.S. Supreme Court if necessary. Their attorney, John Blakeley, was out of town and didn't return phone calls.

Kimberly's future could remain in the courts until she turns 18, when she is legally old enough to decide what she wants.

Even through genetic tests showed the Twiggs to be her biological parents, the judge said it would be detrimental to Kimberly to give them that standing legally. He declared her "divorce" request moot.

The case began in rural Wauchula when delivery room identification tags at Hardee Memorial Hospital were switched, sending Kimberly and another baby girl home with the wrong parents.

The swap came to light in 1988, when the girl the Twiggs took home and named Arlena died of a heart defect. Genetic tests showed Arlena wasn't related to the Twiggs and that Kimberly was their biological daughter. The two families have been fighting over the girl ever since.

What turned the blond, bespectacled ninth-grader so adamantly against her blood relatives were Mrs. Twigg's unproven suspicions — repeated on television tabloid and talk shows — that Mays was somehow involved in the hospital baby switch and was an abusive father.

The judge noted how Mrs. Twigg repeated those accusations in letters to the editor of Kimberly's hometown newspaper — and even signed other

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— Arthur Ginsburg, attorney

people's names to them.

"It would be difficult to conclude that this conduct showed substantial concern for the welfare of Kimberly," the judge said, adding that the Twiggs' position is "that their interests, whatever they might be, are paramount."

The judge also said that conduct created a "chasm" between Kimberly and the Twiggs and a 1989 visitation agreement between the two families is now meaningless.

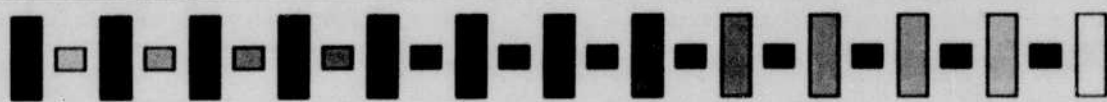
Kimberly appeared happy in videos of her visits with the Twiggs and their seven other children in 1990, but Mays cut the visits off after five sessions, saying they were disrupting Kimberly's attitude and schoolwork.

The Twiggs retaliated by seeking custody — an effort that failed last year when a judge refused to take Kimberly away from Mays.

Mays' first wife died of cancer in 1981. Kimberly considers his second wife, Darlena, her psychological mother.

The ruling could mark increasing recognition in the courts of a child's preferences and emotional bonds, said Elizabeth Bartholet, a Harvard law school professor who specializes in adoption issues.

"It's time we move beyond the notion that just because you are the birth parents, you automatically have parental rights," Bartholet said. "In terms of the psychological and emotional reality, it just doesn't make a lot of sense."



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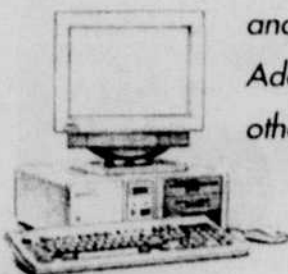
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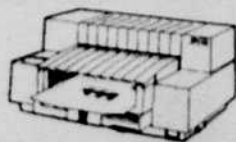
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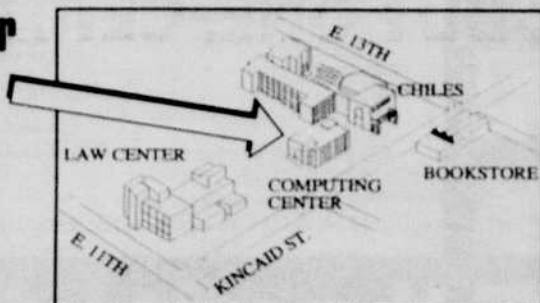


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