

Medical Malpractice Lawyer: Birth Injuries Arising from Complications

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Birth of a child is a joyous occasion for most people. But the event can be marred by serious complications that can diminish the quality of life of the newborn or the birth-giver or both.

Such injuries are called "[birth injuries.](#)" When birth injuries are found to be caused by the negligence or incompetence of doctors, midwives, nurses or hospital staff, a medical malpractice lawyer can help you file a case in a court of law.

When can you file a medical malpractice case for birth injuries?

It's the duty of obstetrical care providers—that is doctors, midwives, and nurses—to detect warning signs in an unborn baby or pregnant woman and prevent serious or fatal birth injuries. Not all care providers do so and can be sued for medical expenses and loss of quality of life of parents and the affected child.

In fact, almost 90% of gynecologists and obstetricians registered with The American College of Obstetricians and Gynecologists have been sued by medical malpractice lawyers for causing birth injuries.

Reasons for filing medical malpractice lawsuit include the care providers' failure to:

Detect abnormal positioning of a baby, placental insufficiencies, and umbilical cord complications. These are detectable through routine ultrasound tests.

Taking proper care of a mother with abnormally high blood pressure, gestational diabetes (that occurs only during pregnancy), or other medical conditions that can affect her pregnancy or childbirth.

Perform a timely cesarean section.

Use proper birth assistance tools (forceps, vacuum) or use tools correctly.

Administer safe levels of medication (pain relief, labor-inducing, medicines for prenatal conditions, supplements, etc.)

Diagnose complications in a new-born baby, such as high blood pressure, oxygen deprivation, etc.

Treat infections in an infant, such as jaundice.

Prevent conception due to a failure of a birth control procedure or medication and the baby had

abnormalities.

Detect an unwanted pregnancy such that lawful termination is not possible. Parents can sue their obstetrician if the baby has birth complications.

Carry out stillbirth or miscarriages

Caregivers' negligence or incapability can lead to birth injuries such as:

Stillbirth or neonatal birth (within 28 days of birth)

Neonatal encephalopathy (neurological problems in days following birth)

Cerebral palsy (10% are caused by birth injuries)

Shoulder dystocia (dislocation of baby's shoulder during delivery)

Sometimes, results of birth injuries may not be detectable immediately and surface only when the child is unable to meet emotional, social, or intellectual milestones in a timely manner.

Birth injuries can be small (lacerations or wounds during delivery) or severe. They can be prevented by the practitioner by exercising proper caution, medical tools, or professional judgment. A point to note is that while birth injuries are grounds for filing lawsuits, birth defects are not.

Birth defects are conditions for which a child was pre-dispositioned and which cannot be prevented by medical intervention.

How to file a [birth injury lawsuit](#)?

If your child is a victim of birth injury or you know someone who was injured at birth due to a practitioner(s)' negligence, consult with a medical malpractice attorney. He will examine the facts of the case and prepare a strong, persuasive case in your favor.

For filing a birth injury lawsuit, following points need to be observed:

Whether your medical practitioner failed to observe the standard of care required during childbirth

Whether the mother or child suffer injuries during the prenatal, delivery, or postnatal periods

Whether you or your child suffered physical, financial, or emotional problems due to the practitioner's negligence

Whether you have filed a lawsuit for recovery of damages within a time period acceptable by law (statute of limitations). This time period varies by state.

The statute of limitations for birth injuries usually follows a discovery rule, meaning that the time period for filing a lawsuit is applicable from the time when the first warning signs of birth injury-related impairments are noticed. Though your state may give a couple of years to file a birth injury lawsuit, it's advisable to start the proceedings as soon as the first symptoms are noticed.

Consult with an experienced medical malpractice lawyer in PA, to prepare a strong, convincing case to get maximum compensation for your physical, financial and emotional difficulties.

The attorneys at Saffren and Weinberg are always ready to get all your queries answered and for the best outcome, get in touch with one of our medical malpractice attorneys at 215-309-9577

for a free consultation today.

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Ken Saffren, Esq, is a partner of Saffren & Weinberg located in Jenkintown, PA, practicing in workers' compensation, social security, and personal injury litigation. He is a member of both the United States District Court of New Jersey and Eastern District of Pennsylvania Supreme Court, as well as PHN Epsilon Roe.

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