

Facing a possible birth injury can be overwhelming. To help you find a way forward, we have compiled some of our clients' most common questions they have when they first sit down with us. Whatever questions you have, a birth injury lawyer can provide answers at a free consultation.

## How Do I Know My Child Has Suffered a Birth Injury?

One of the challenges of birth injury cases is that the victim - your child - cannot speak for themselves. Furthermore, the symptoms can vary according to the injury itself and are not always apparent. For example:

- A child who is suffering from Erb's Palsy may have an arm that appears to be paralyzed or limp
- A child with [cerebral palsy](#) may have abnormal reflexes or uncontrollable movements
- Physical or mental developmental delays
- Signs that your child is in pain or distress

As a result, it is critical that parents trust their instincts and seek medical treatment for their children if they believe that something is wrong. If your child is then diagnosed with a birth injury, you should consider contacting a birth injury lawyer as soon as possible.

## Can The Mother Suffer a Birth Injury?

Mothers can also suffer serious injuries during the labor and delivery process. Some of the more common injuries suffered by mothers include the following:

- **Perineal tears** caused by negligent episiotomy. A perineal tear can result in nerve and muscle damage, sexual dysfunction, pain, numbness, and incontinence.
- **Pelvic floor damage** caused by the doctor's failure to perform a C-section. This can result in urinary incontinence and prolapse of the uterus.

- **Femoral nerve dysfunction** caused by pressure on the femoral artery during labor and delivery. Women suffering from this injury can experience difficulty in walking and may need to use a walker or wheelchair for weeks or months following delivery.
- **Lumbosacral plexus injuries** caused by improper insertion of the epidural resulting in damage to the nerves that control the legs. Women suffering from this type of injury may experience weakness, loss of sensation, or shooting pains in their legs.

You should seek immediate medical attention if you are experiencing an unexpectedly difficult recovery following the birth of your child. The sooner your injury is treated, the less likely you are to experience permanent damage.

## Are Birth Injuries Caused by Medical Malpractice?

The fact that you or your child suffered a birth injury is not enough by itself to prove that there was [medical malpractice](#). Instead, you must show that the birth injury was caused by the doctor, nurse, or other healthcare provider's failure to meet the standard of care. Generally speaking, the standard of care is determined by what another healthcare provider with the same education, training, and experience would do in the same situation. This can be nearly impossible for non-lawyers to prove. If you suspect your child's injury was the result of medical malpractice, we recommend that you contact a birth injury lawyer as soon as possible.

## Common Causes of Birth Injuries

Birth injuries can be caused in numerous ways. Some of the most common causes of birth injuries include the following:

- Failure to adequately monitor the baby's vital signs
- Failure to promptly and appropriately respond to signs of fetal distress
- Failure to provide adequate supervision and care during labor and delivery
- Failure to identify potential risks
- Use of excessive force in delivering the baby
- Incorrect diagnosis
- Allowing labor to carry on for too long
- Failure to perform a C-section
- High birth weight

- Abnormal presentation
- Prematurity
- The size and shape of the mother's birth canal makes it difficult to deliver the baby vaginally

Some of these causes may be considered medical malpractice, while others may not. A birth injury lawyer can assess your case and determine whether you may have a medical malpractice claim.

## What Are the Most Common Birth Injuries?

Some of the most common birth injuries include the following:

- Cephalohematoma
- Birth asphyxia
- Spinal cord injuries
- Bone fractures
- Facial paralysis
- Brachial plexus injuries
- Shoulder dystocia
- Hypoxia
- Cerebral palsy
- Erb's palsy
- Klumpke's paralysis

If your child has been diagnosed with any of these injuries, you may be entitled to compensation. A birth injury lawyer can review your case and provide an estimate of what it may be worth.

## How Long Do I Have to Pursue a Birth Injury Claim?

Generally speaking, the statute of limitations in birth injury cases is three years from the date the injury occurred. However, birth injuries are not always obvious. In that situation, North Carolina follows the "discovery rule" that allows the statute of limitations to run from the date the injury was or should have been discovered. This generally gives families additional time to pursue legal action, but be mindful of the phrase "should have been discovered." If you ignored symptoms or other indications that your child suffered a birth injury, the statute of limitations may have

begun running earlier than you think.

We also note that there are exceptions to the discovery rule and that the statute of limitations is complicated in birth injury claims. Do not risk your ability to pursue compensation. Seek immediate medical attention if you believe your child has suffered a birth injury and then consult with a birth injury lawyer if they are diagnosed with a birth injury.

## What Compensation Can You Recover in a Birth Injury Case?

If your child has suffered a birth injury as a result of medical malpractice, the compensation you are entitled to could be significant. You may be entitled to compensation for the following:

- Your child's current and future medical bills arising from the birth injury
- Any special education or therapy that your child will require
- The cost of any in-home care or daycare facilities
- Adaptive devices
- Your lost future income if you must take care of your child and are unable to work
- Your child's lost future income if their injury will make it impossible for them to work
- Your mental anguish as a result of your child's injury

## Talk to a Birth Injury Lawyer at Martin & Jones Today

If your child has suffered a birth injury, call us at 800-662-1234 or [send us an email](#) to schedule a free consultation.