

Giving birth to a child can be a joyous occasion that is simultaneously overwhelming. For new parents, especially mothers, the following weeks and months entail sleepless nights, stress, and anxiety even if your baby is healthy. It can, therefore, be devastating if you also have to deal with a birth injury. While some birth injuries are purely accidental, some are the result of medical malpractice. If your child has suffered a birth injury, a [birth injury attorney](#) can review your case and determine whether you have a claim.

Birth Injuries Can Be Difficult to Identify

The first challenge you can encounter in a birth injury case is simply diagnosing the injury. In most medical malpractice cases, the patient who has been harmed can advocate for themselves - they can tell someone that they are in pain or that something is wrong. With birth injuries, a child is unable to speak for themselves. As a result, the parents must be able to identify the injury. While some injuries may be obvious, this is not always the case. [Mental disabilities](#) and neurological injuries can be subtle and difficult to identify, particularly in infants. As a result, a considerable amount of time may have passed before it is apparent that your child has suffered a birth injury.

If you believe that your child is showing signs of developmental delays or experiencing other issues, you must advocate for your child's well-being. Schedule a thorough medical exam as soon as possible, and do not let someone dismiss your own observations. You may need to get a second opinion. If you need help, contact a birth injury attorney who can help guide you through the process.

You Must Connect Your Child's Birth Injury to Medical Malpractice

Childbirth can be a traumatic experience that involves unexpected complications, and unavoidable injuries can occur in difficult births. To pursue a birth injury claim, you will have to prove that the birth injury was caused by the medical provider's failure to meet the standard of care. In other words, you will have to prove that the medical care you received was less than what a provider with the same training, experience, and education would have done in the same situation. The fact that your child suffered a birth injury will not be enough to prove your claim. For non-lawyers, identifying whether they received substandard care is nearly impossible. An experienced birth injury attorney will be

able to review your case and determine whether you have a claim.

A Complicated Statute of Limitations

The statute of limitations for [personal injury cases](#) is three years from the date of the accident, including [medical malpractice](#) and birth injury claims. However, there is a “discovery rule” that will allow you to use the date when the injury was discovered or should have reasonably been discovered as when the statute of limitations begins. This is helpful in birth injury cases where the injuries are not always immediately apparent. However, parents should expect healthcare providers to argue that the injury should have been discovered sooner.

More specifically, however, North Carolina has complex laws involving medical malpractice claims brought on behalf of a minor. In a birth injury case, the parents may have up to their child’s 10th birthday to pursue a case.

However, we caution parents to wait that long to consider pursuing their claim. One reason is the risk that you may run out of time to file suit. Another reason is that your case will be harder to prove the longer you wait, as evidence may be difficult to obtain. Lastly, the sooner you take action, the sooner you can get the compensation your child needs. Therefore, we recommend that you contact a birth injury attorney as soon as you suspect your child may have suffered a birth injury.

Getting the Compensation Your Child Deserves Can Be Difficult

Some experts estimate that some birth injuries can result in over \$1 million in costs over the course of the child’s life. Your child may require extensive medical care, in-home care, occupational therapy, and physical rehabilitation. They may also have specialized educational needs and require home modifications and various assistive devices.

Their birth injury may also result in permanent disabilities that make it impossible for them to earn a viable living. You may also lose income as a result of having to care for your child.

Lastly, there is the emotional and mental anguish and distress that both you and your child may suffer. It is not uncommon for parents of disabled children to experience depression, anxiety, and other mental health issues that require treatment.

Altogether, these costs can be considerable. If you do not pursue compensation, you may not be able to get the care and resources that you and your child need. An experienced birth injury attorney can review your case and determine what it may be worth based on the following elements:

- Your child's current and future medical bills
- Current and future expenses necessary to care for your child
- Current and future educational expenses
- Current and future lost income for both you and your child
- Your child's pain and suffering as a result of their injury
- Your emotional distress as a result of the stress caused by your child's injury

Some of these components, such as future lost income, may require an expert opinion and testimony. Your lawyer will know what evidence you need so that you can get the compensation your child deserves.

Talk to a Birth Injury Attorney at Martin & Jones Today

Birth injury claims are challenging, but a birth injury attorney from Martin & Jones will know how to fight for fair compensation for your claim. Do not delay and jeopardize your child's future - [contact us](#) today at 800-662-1234 to schedule a free consultation.