

# Birth Trauma and Birth Injuries

## Has your child been injured before, during or after delivery?

Bringing a baby into the world is a time that should be exciting, joyful and empowering. However, that is not the case for all new parents. While most babies are born without serious complications, some babies and mothers are injured in the birth process.

Birth injuries can be caused by a number of different factors, including the baby's size and/or position at the time of delivery. The specific cause of a birth injuries can lead to different and distinct birth injuries. The most common injuries that occur include head trauma and brain bleeds. Some birth injuries are unavoidable, caused by chance or happenstance; however, some injuries are preventable, caused by mistakes made by the health professionals involved. When injuries are the result of negligence of health care providers, such as the obstetricians, nurses, midwives or other practitioners involved in your care, you, your child and your family may be entitled to compensation.

## Do you need a birth injury or



# birth trauma lawyer?

You should always consult a lawyer after a birth injury or trauma to either the birthing person or baby. A lawyer will be able to advise you on your legal rights and on any limitation periods that may apply to your situation.

Birth injury and trauma can occur to both mothers and babies and can occur at any stage of a pregnancy, during labour, or after birth.

In some circumstances, injury or trauma is immediately obvious, while other times the full extent of the injury or trauma cannot be known for months or even years following birth. Similarly, sometimes it is obvious that negligence has occurred, causing the injury or trauma, while other times there is uncertainty as to the cause of the birth injury or trauma.

An unexpected birth injury or trauma can evoke devastation and fear in new parents, as well as their friends and family. The focus following birth should be on the wellbeing of both mother and child. Recovery should be the primary concern. McKenzie Lake Lawyers is here to help.

If you or someone you know has experienced a birth injury and trauma, the experienced personal injury lawyers at McKenzie Lake Lawyers LLP in Guelph and London, Ontario, can assist. We will help ensure access to the appropriate care while both mother and baby recover and will advocate for you to receive fair compensation for your injuries.

## Common Errors During Labour

Common errors that occur during the labour and delivery process include:

- improper monitoring of fetal heart rates or misinterpreting fetal heart monitoring strips;
- inappropriate labour induction techniques;



- failure to stop pre-term labour;
- failure to recognize signs of uterine rupture;
- Failure to identify jaundice leading to kernicterus;
- insufficient oxygen to the baby's brain (hypoxia);
- delayed C-sections or improperly performed medical procedures;
- improper use of forceps or vacuum or other delivery room equipment;
- negligent resuscitation of a newborn.

Birth injuries can occur to a child before, during, or after the delivery process and include injuries caused by trauma. They can range from minor to severe. Many birth injuries are minor and correct themselves within days or weeks without the need for extensive treatment. More significant injuries, however, can result in lifelong disability and the need for associated lifelong care. Such impairments can take an emotional and financial toll not only on the family of the injured child, but on the child as he or she grows into adulthood.

## Types of Birth Injuries

- Cerebral Palsy
- Brachial Plexus & Erb's Palsy Injury
- Hypoxic Ischemic Encephalopathy
- Shoulder Dystocia
- Fractures, including skull fractures
- Fetal and neonatal strokes
- Meconium Aspiration Syndrome
- Newborn Jaundice and Kernicterus

Injuries can also occur to the mother during childbirth, including severe



perineal injuries which can result in pain, scarring, incontinence, along with psychological and emotional trauma. In some situations, uterine rupture can occur which can result in severe internal bleeding, and in the worst cases, death to the mother, baby or both.

Birth injury litigation is one of the most complex types of medical malpractice cases. If you are a parent and suspect that your child suffered a birth injury because of a medical professional's negligence, it is important that you consult a lawyer who is experienced in cases involving birth injuries. We offer a free consultation with one of our experienced team of medical malpractice lawyers to review your case and to discuss your options.

## **How much will a consultation with a birth trauma lawyer cost?**

A consultation with one of our birth injury or birth trauma lawyers is free. This consultation will provide you with information on your rights and will help you to determine if starting a lawsuit is right for you and your family.

## **When should I consult a lawyer? Are there any time limits?**

You should consult a birth injury lawyer as soon as possible after the event. This helps to ensure memories are fresh and evidence is easily collected. However, you have up to 2 years after the initial incident to bring a claim on your behalf and up to 2 years after your child's 18<sup>th</sup>



birthday to start a claim. The sooner you contact a lawyer and learn more about your specific case and legal rights the better.

When you have a legal matter and need to hire a lawyer, you may be able to pay for these services on a contingency basis. That means you only pay legal fees if you receive money because your case wins or you get a negotiated settlement. Please see our [Contingency Fee section](#) for answers to frequently asked questions and see each lawyer's individual biography for their maximum contingency fee rates.

## Contact Us

Please contact a personal injury lawyer today for a free initial consultation by [email](#) or by phone at (519) 672-5666. In many cases, your legal fees are deferred until a settlement is reached.

Contact us for a FREE consultation

