

# BIRTH INJURIES

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## PROTECTING THE **SMALLEST** VICTIMS



*Chelsie King Garza, Esq.*

# What Are Birth Injuries?

Pregnancy and childbirth are some of the most hopeful and wondrous times of many people's lives. As a woman sees her doctor for prenatal care, and the family prepares for the arrival, the expectation is they will soon be leaving the hospital with a healthy baby.



Unfortunately, sometimes mothers and infants experience trauma and injuries during the birth process, leading to very difficult and unexpected outcomes.

# Birth Injuries Can Cause Significant Harm and Trauma

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The long-term consequences can be devastating

A birth trauma can lead to a wide range of injuries, from brain injury to permanent disabilities. These damages and their long-term consequences can be overwhelming for both parents and children.

In the United States,  
there are 28,000  
birth injuries every year

This means that each month, about 2,350 families are faced with the unexpected challenges and expense of caring for a newborn who needs additional medical attention. The additional medical attention may be short term or the child may require life-long care.

Approximately 1 in every 9,714  
people in the United States are  
born with a birth injury

# Types of Birth Injuries

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## What are the most common injuries suffered by babies at birth?

### Erb's Palsy

Brachial plexus injuries, including Erb's palsy happen when the nerves that move the arms and hands (brachial plexus) are injured. This can happen when a baby's shoulder is caught in the birth canal; if a physician uses too much force or pulls incorrectly while trying to deliver the baby, the brachial plexus can be damaged, causing permanent damage to the arm, shoulder and hand.

### Shoulder Dystocia

This injury happens when a baby's shoulder is caught in the birth canal; if a physician uses too much force or pulls incorrectly while trying to deliver the baby, fractures can occur. The risks of this injury are higher for women with a small pelvis, large babies, or when the baby is not properly positioned as the birth process continues, causing the baby to get stuck in the birth canal.

### Facial Paralysis

Too much pressure on the infant's face during birth may result in nerve damage. This occurs more frequently in assisted births, when doctors use forceps or vacuum extraction to get the baby out of the birth canal. Excessive pressure on the infant's face during birth may result in paralysis of the face. The condition may be resolved within a week or less in milder cases; however, in more serious cases, the paralysis may be permanent on the affected side of the face.

# Types of Birth Injuries

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## Brain Injuries

During delivery the baby may be deprived of oxygen, which can cause brain damage. The effects may not be apparent immediately, but may lead to serious medical conditions including cerebral palsy and seizure disorders.

Oxygen deprivation can occur if the mother and baby are not carefully monitored during the delivery, to detect signs of distress and ensure the infant is not in the birth canal too long. Any amount of oxygen deprivation can result in life long consequences including mental and physical delays and disabilities.

## Cephalohematoma

The use of forceps and vacuum extractions can cause Bleeding under one of the cranial bones. Signs of this injury are visible a few hours after birth, with a raised bump on the crown of the infant's head. Normally the bump will disappear after a few months; however, the injury increases the risks of jaundice, anemia, hypertension, or meningitis.

## Subgaleal Hematoma

Usually caused by vacuum extraction, this injury is a hemorrhage or hematoma between the infant's skin and skull, causing swelling and visible bruising 12-72 hours after birth.

In severe cases, as much as 50% of the infant's blood can accumulate in this area, requiring careful monitoring and treatment to ensure the infant recovers. Subgaleal hematomas can cause infant death.

# Types of Birth Injuries

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## Cerebral Palsy

Cerebral palsy affects an individual's ability to control their body's movement and posture. The condition is a result of abnormal development or damage to the "motor" areas of the brain, which control the body's movement. Cerebral palsy may be accompanied by other symptoms of brain injuries, including:

- Seizures
- Intellectual impairment
- Behavioral problems
- Hearing deficits
- Vision disorders
- Speech impairment

## What Causes Cerebral Palsy?

There are many possible causes of cerebral palsy, including:

- ❖ Birth injuries
- ❖ Pregnancy complications
- ❖ Labor and delivery related trauma
- ❖ Bacterial meningitis
- ❖ Viral encephalitis, inflammation of the brain
- ❖ Hypoxia, oxygen deprivation
- ❖ Failure to treat respiratory deficiencies after birth
- ❖ Brain trauma and injuries

# Prevention of Birth Injuries

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## Prevention begins in the womb

The importance of prenatal care cannot be stressed enough. Some birth injuries can be prevented by sound prenatal care.

It is recommended that women begin prenatal care as soon as possible, and attend all of their scheduled visits. Regular screenings can detect issues such as gestational diabetes and enable the doctor to schedule the appropriate method for delivery to avoid birth injuries caused during labor & delivery.

Inform your doctor if you are sick or have symptoms of an infection. Untreated infections can harm your baby. For example, untreated infections can lead to a birth injury called chorioamnionitis.

### Prenatal Care can prevent the Birth Injury Chorioamnionitis

Maternal infection is the primary reason for the infant developing chorioamnionitis. The bacteria that causes this maternal infection includes anaerobic bacteria, E. coli, and group B streptococci.

If the infection is not treated promptly, the baby could suffer from sepsis, meningitis, and severe respiratory problems.

Babies may also develop pneumonia and brain complications. The key to preventing permanent injury to the baby is comprehensive prenatal care, including screenings and treatments for infection.





# Medications Can Cause Birth Injuries

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Check with your doctor before taking any medication, even over the counter

Women should discuss all of their medications and supplements with their doctor if they are pregnant or planning to become pregnant.

- ❖ Most women take over the counter medications during pregnancy
- ❖ Over the last 30 years, there has been a 60% increase in the number of pregnant women using prescription medications during the first trimester
- ❖ Approximately 30% of pregnant women have taken antibiotics in the 3 months before or during the pregnancy



Potentially harmful medications not suitable during pregnancy include:

- ✓ SSRI Medications, typically for depression
- ✓ Benzodiazepines, prescribed for anxiety or sleep disorders
- ✓ Antibiotics, commonly prescribed for infections
- ✓ Accutane, prescribed for acne
- ✓ NSAID, available over the counter and by prescription for pain



# Birth Injuries Can Occur during Delivery

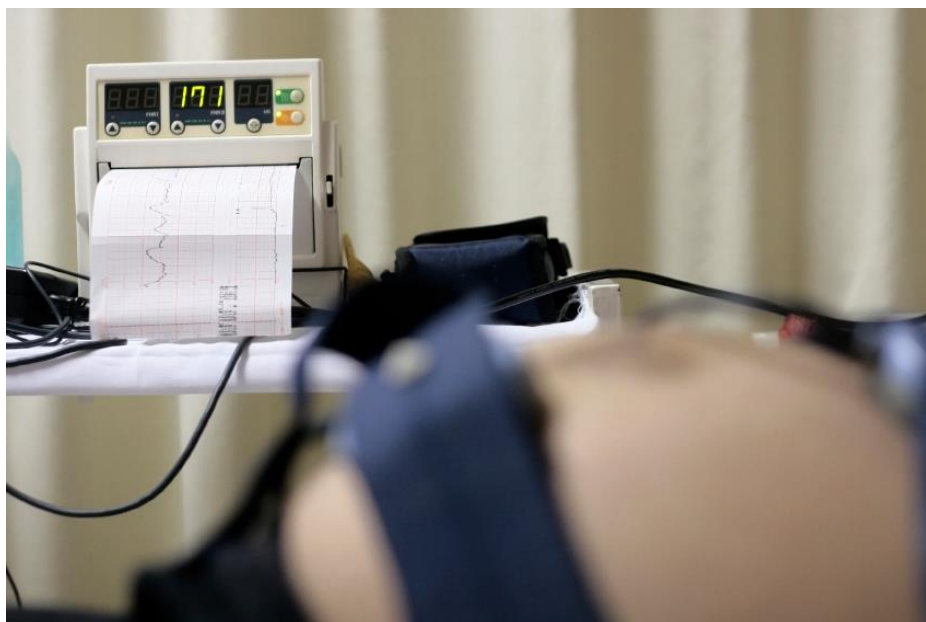
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## What can go wrong during labor & delivery?

Doctors, nurses, and hospital staff must keep a close eye on both mom and baby during labor. Before the birth, the doctor must do a thorough assessment of the potential risks for mom and baby to develop the most appropriate birthing plan.

Many newborns experience minor injuries in the delivery process, most occur in the birth canal, and the majority of injuries heal without treatment. Infrequently, the injuries are more serious and may result in lifelong complications.

A difficult delivery, putting the fetus at higher risk of injury, may occur when the birth canal is too small or the infant is too large. Injury is also more likely when the fetus is in an abnormal position in the uterus before birth.



# Birth Injuries Can Occur during Delivery

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## What can go wrong during labor & delivery?

The stress of labor can be too much for mom and baby. Doctors, nurses, and hospital staff must step in, when necessary, to protect the health of both. When they fail to do so, catastrophic injuries can result.

### Potential issues during the birth include:

- ❖ Oxygen deprivation
- ❖ Maternal diabetes, high blood pressure, or infections
- ❖ Fetal distress and inadequate monitoring
- ❖ Improper use of forceps or vacuums during birth
- ❖ Fractures
- ❖ Nerve damage

### Possible Effects of Oxygen Deprivation

- ❖ Infant may need intensive care, including a respirator
- ❖ Seizures
- ❖ Developmental delays, the severity of which may not be known until after the child's 1<sup>st</sup> birthday

# Long Term Consequences of Birth Injuries

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## What do families need to plan for?

### High medical expenses

- Children diagnosed with cerebral palsy will need 1 million dollars' worth of care over their lifetime.
- The child will need to see specialists, and receive various types of therapy such as speech and physical.
- Adaptive and special medical equipment, such as wheel chairs, and aides for bathing and feeding will be necessary for use at home and school.
- Home health care and/or transportation may be necessary depending on the child's medical needs.

### Economic and lifestyle limitations

- One parent may need to give up their job, to care for the child, adding to the financial stress for the family
- The family may not have financial resources for vacations or other non-essentials, and there may be limits to being away from home because of possible medical issues
- The child may have physical limitations that challenge them at home and at school
- 80% of marriages where a special needs child is in the family, end in divorce

# The Emotional Impact

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## Birth injuries are hard on both the child and the family

Families do the best they can to cope with the changing circumstances and the often unforeseen trauma. Despite their best efforts, parents often feel they fall short in providing the love and care all of their children need.

Know that you are not alone and that your best efforts are good enough.

- ❖ Other children in the family may not get the attention they need
- ❖ Parents and extended family will have a lot of extra stress and concerns about the present and future challenges for their child
- ❖ The child's medical condition will have lifelong impacts on their options and opportunities; their health issues may make "normal life" impossible
- ❖ The family may experience feelings of regret and the loss of raising a healthy child



# Planning for the Future

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## What will a child with a significant birth injury need as they grow older?

As parents we want to ensure that our children are taken care of and have what they need. For a parent of a child with a significant birth injury, this means planning well into the future.

- ✓ Learn about community and government resources and programs and enroll as soon as possible
- ✓ Enroll the child in interactive and social programs in the community as much as possible
- ✓ The child may never have the potential to be an independent adult
- ✓ Financial and caretaking plans need to be in place in case parents are no longer able to care for their adult child
- ✓ The future may be uncertain if doctors cannot pinpoint the child's physical and/or cognitive potential

### Future Assistance As the Child Enters Adulthood

- ❖ Enroll in available assistance programs offered by the local and federal government
- ❖ Seek out counseling if necessary to develop plans and options to optimize quality of life
- ❖ Services for adults with special needs range from housing to transportation to counseling and training programs – seek these out early as there may be a waiting list for adult housing
- ❖ Encourage opportunities to build social skills and develop friends and a community as much as possible
- ❖ Advocate for ongoing participation in activities that promote skill building, social and recreational outlets

# Resources for Parents

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## Where can you turn for help?

### United Cerebral Palsy

UCP educates, advocates and provides support services to ensure a life without limits for people with a spectrum of disabilities. UCP works to advance the independence, productivity and full citizenship of people with disabilities through an affiliate network that has helped millions.

<http://ucp.org/>

### United Brachial Plexus Network, Inc.

The United Brachial Plexus Network strives to inform, support, and unite families and those concerned with brachial plexus injuries and their prevention worldwide.

<http://www.ubpn.org/>

### Birth Injury Guide

A comprehensive resource for families coping with birth trauma

<http://www.birthinjuryguide.org/>

### Center for Parent Information and Resources

Resource center for parents of children with disabilities. This site provides help to parents in all areas including education and parent support.

<http://www.parentcenterhub.org/>





# Chelsie King Garza

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## Medical Malpractice Attorney

Chelsie King Garza has worked for larger firms including, Riker, Danzig, Scherrer, Hyland & Peretti in New Jersey, and Porter & Hedges, in Houston. Chelsie spent the majority of her career as the only female attorney working with Abraham, Watkins,

Nichols, Sorrels, Agosto & Friend, the oldest plaintiffs firm in Texas. She has since started her own firm handling a variety of matters.

Devotion is the consistent theme that transcends every aspect of her life. Outside of the office, Chelsie Garza's life is dedicated to her husband and two children.

Not only does Chelsie have an extensive background in helping those who have suffered horrible injuries; she has also worked on pro bono cases and dedicated her time to humanitarian causes. One such pro bono matter positively changed the rules benefiting police officers with regard to workers' compensation for the entire State of Texas. Chelsie's efforts to improve the community include her fundraising work for the Tahirih Justice Center. This organization was founded in 1997 to provide legal assistance to immigrant women and girls.

Chelsie practices personal injury law on behalf of plaintiff's who have been injured. Her practice includes medical malpractice cases, including those involving birth injuries. Chelsie's personal injury background includes handling workplace and vehicular accidents, among others.



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