



Jonathan Rosenfeld's Nursing Homes Abuse Blog

Lights, Camera, Baby Delivery! Are Parents Entitled To Film The Birth Of Their Children?

*Posted by **Jonathan Rosenfeld** on March 25, 2011*

For some reason, my wife likes to keep her hand on her cell phone at all times--- mostly to capture every: laugh, cry, tumble, stumble, meal, activity, outfit, ect. of my son.

I've long given up trying to explain to her that there's really no need to document his life in a moment-by-moment progression.

On the other hand, her moment-by-moment photography has captured some pretty cool pictures that we would likely never have-- if it were not for her lightning-quick photography skills.

Apparently my wife isn't the only one intent on preserving most of my son's development though a camera (or cell phone) lens. The New York Times had a

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provoking [article](#), "Camera, and Rules Against Them, Stir Passions in Delivery Rooms" which discusses the frequent desire of parents to capture their child's first moments breathing air versus many medical facilities desire to restrict photography in the delivery rooms over fear of potential litigation.

While I can appreciate the fact that hospitals want to protect the privacy of other patients and staff (most of whom are masked and simply unrecognizable), I feel like the real reason hospitals are restricting the use of cameras, phones and video cameras is to minimize the chance that the video of the birth delivery can be used against them. The Times article discusses several situations where the video of the baby delivery was used as a crucial piece of evidence subsequent [medical malpractice lawsuits](#) against the physician.

As a [medical malpractice lawyer](#), I feel like this is just another attempt by medical facilities and doctors to make the prosecution of legitimate cases of negligence more difficult for families to prove. A photograph or video of a specific situation can be far more probative of the truth than stacks of records that are prepared by physicians and staff without the input of the patients.

Further, while a video of a negligent act may assist in the prosecution of a [birth injury case](#), wouldn't the flip-side be true as well and physicians could use such recordings in their defense?