

HOW TO FILE A TORT CLAIMS NOTICE IF YOU WANT TO SUE A GOVERNMENTAL ENTITY

If you feel that a governmental entity has injured you and you want to file a lawsuit, you must let the governmental entity know that you may have a legal claim by sending a **formal notice** (also known as a tort claims notice). **The notice must be filed within 6 months of the incident.** *This may be shorter depending on the governmental entity.*

This notice **must be in writing** and include a sufficient description of:

- The damage or injury being claimed;
- The time and place of the incident; AND
- What happened during the incident.

You may also fulfill the notice requirement by **filing a lawsuit** if:

- The lawsuit is filed within 6 months of the incident; AND
- The lawsuit includes all of the information required for the notice.

In Texas, a governmental entity may be liable for personal injury and death in *very limited* circumstances, involving the condition or use of a tangible personal or real property. This means that the injury must have been caused by the use or condition of a physical object, such as a taser, or the use or condition of land such as the negligent maintenance of the grounds of a hospital.

What is a **governmental entity**?

- The State of Texas, as well as agencies that make up the government of Texas such as departments, bureaus, boards, commissions, offices, agencies, councils, etc.
- Political subdivisions of the State of Texas such as cities, counties, school districts, junior college districts, public health districts, etc.

Where to file: The formal notice will vary by the specific governmental entity being sued, the type of claim, and the amount involved. Therefore, it is best to ask the relevant governmental entity where to file the notice.

- Send formal notice to the director of the facility or agency that you feel has injured you.
- Send the notice by certified mail, return receipt requested and save the receipt for proof.
- Ask that they forward the letter on to the appropriate person if he/she is not the right person.
- If you need the assistance of a lawyer, contact the State Bar of Texas's Lawyer Referral Information Service at (800) 252-9690.

Important: *This document is meant to serve only as a guide. The law changes frequently and is subject to various interpretations by different courts. Future changes in the law may make some information in this handout inaccurate. Disability Rights Texas highly encourages you to consult with an attorney about any legal claims you may have and the filing of a tort claims notice. This handout is not intended to and does not replace an attorney's advice or assistance based on your particular situation.*