

Claims Against Government Entities

Civil Self-Help Services

Hall of Justice
813 6th Street
Room 117, First Floor
Sacramento, CA 95814



Government Claims Act

In most cases you are required to take certain steps before filing a lawsuit against a government entity. The Government Claims Act ([Government Code sections 810-996.6](#)) outlines what to do *before* you can sue a government entity. Submitting a claim is important because a lawsuit might fail if the claim process is not followed.

The claims procedure is complex. If you are considering filing a claim, seek advice from an attorney with experience in claims against government entities.

Time Limits to Submit Claims

Submit claim within **6 months** of incident for:

- Personal injury
- Personal property damage
- Wrongful death

Submit claim within **1 year** of incident for:

- Breach of contract
- Damage to real property (real estate)
- Equitable estoppel (party cannot go back on their word)

See [Government Code sections 915-915.4](#) for requirements on presenting the claim and giving notice.

Claim Information

[Government Code section 910](#) sets forth the essential contents of a claim. They include:

- The names and addresses of the claimant (you) and where notices are to be sent;
- A statement of the "date, place, and other circumstances of the occurrence or transaction";
- A description of the indebtedness, obligation, injury, damage, or loss incurred, as far as they are known when the claim is presented;
- The name of the public employee who caused the injury, if known.; and
- The amount claimed if under \$10,000, and if over \$10,000 whether it would be a limited civil case.

Check with the entity to determine whether they have a claim form or if you will need to create one yourself.

The claim must be submitted to the clerk, secretary, auditor, or governing body of the entity.

Procedural Steps

Typical Steps for a 6-month claim:

1. You present the claim.
2. The public entity may issue a "Notice of Insufficiency" and give you the chance to amend your claim. (This is optional.)
3. The public entity will accept or reject your timely claim, or return of your late claim.
4. (If applicable) You may ask for late claim relief.
5. If the entity rejected your claim, you can then file a lawsuit.

The procedural steps for 1-year claims are the same, except that late claim relief is unavailable.

Action By Entity

Once you submit a claim, the government entity has 45 days to respond. ([Government Code section 912.4\(a\)](#).) If they do not take action within 45 days, the law considers the claim rejected.

The entity must give written notice of its action or inaction on a claim. The notice will state that (with some exceptions) you only have six months from the date of hand-delivery (or date it was put in the mail) to file a lawsuit with the court. ([Government Code section 913](#).)

If the entity does not comply with Government Code section 913, you have 2 years from the inciting incident, instead of the 6 months from when notice was given.

Liability of Employees

A government entity may be held responsible for the negligent acts of its employees, as long as that person was acting in the scope of their employment. The claim is to be filed against the entity that employs the negligent person, not the employee individually. This rule also applies to independent contractors who are performing work for a governmental entity.

Excluded Claims

Some claims are exempt from the requirements of the Government Claims Act. Here are a few examples:

- Claims against the Regents of the University of California.
- Claims based on a violation of the California Whistleblower Protection Act.
- Inverse condemnation claims.
- Claims under the Revenue and Taxation Code.

This list is not exhaustive. Check the Government Claims Act for all exceptions.

Disclaimer: This Brochure is intended as general information only. Your case may have factors requiring different procedures or forms. If you need further assistance consult a lawyer.

Additional Resources

[Sacramento County Public Law Library](#)

(916) 874-6012

609 9th Street, Sacramento, CA 95814

Civil Self-Help Center

(916) 476-2731

Appointments available by phone only.

[California Bar Association Referral Services Directory](#)

Find legal assistance in the Sacramento Area and Northern California.

tinyurl.com/25us82d5



Hours

Mon	Tue	Wed	Thu	Fri
8:30-12:00	8:30-12:00	8:30-12:00	8:30-12:00	8:30-12:00
1:30-4:00	1:30-4:00	1:30-4:00	CLOSED	1:30-4:00

Hours are subject to change based on staff availability.

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