

Tort Claims Ordinance Preliminary Filing Instructions

The Tribal Tort Claims Ordinance (Tribal Code § 255.6) has specific requirements that must happen before a claim can be accepted for filing by the Tribal Court. A complaint filed under the Tribal Tort Claims Ordinance must be reviewed by the Chief Judge prior to being accepted as filed. All complaints presented to the Court for filing under the Tort Claims Ordinance will be stamped “received” by Tribal Court personnel. The complaints will then be reviewed by the Chief Judge and if all requirements are met, will be stamped “Filed” as of the date the complaint was received. If the requirements are not met, the plaintiff will be notified that the document was not accepted for filing.

Due to the fact that it may take some time to review the complaint, it is very important the complaint be submitted to the Tribal Court well before any deadline for filing to give the Tribal Court ample time to review the notice.

The following is a checklist of notice requirements under the Tribal Torts Claim Ordinance that the Tribal Court will examine and should serve as a checklist for those who file under the Tribal Tort Claims Ordinance in Tribal Court.

- Written notice of the claim containing the following:
 - Name, current address, and telephone number of claimant
 - Name, current address, and telephone number of claimant’s attorney
 - Statement describing the following
 - Conduct, circumstances or other facts which brought about the injury
 - Description of the injury
 - Time and place of the injury
 - Name(s) of any Tribal employee(s) involved, if known
 - Name, address and telephone number, if known of any other person involved or who has knowledge of the conduct, circumstances, facts or injury
 - The amount of damage claimed

- Proof that the notice of claim was given no later than one-hundred-eighty (180) days after the act or omission giving rise to the injury. This is evident by postmark or other equivalent proof that is dated.

- Proof that at least sixty (60) days have passed since notice was given as outlined above

- Proof that no more than two-hundred-seventy (270) have passed since the act or omission occurred which gave rise to the injury