



FILING A COMPLAINT IN MUNICIPAL COURT

What You Should Know and Do

In New Jersey, the local or state police enforce the state and local laws. The police should be involved in the investigation of crimes or offenses. They are best suited to filing complaints against individuals who break the law and they can provide charging information. If, however, the police do not choose to file a complaint, you may file a complaint directly with the court.

The **defendant** (the person you are charging with a crime or offense) must generally be 18 years of age or older.

The incident must have taken place within the jurisdiction of this municipality, except in certain domestic violence situations.

You (the **complainant**) will be asked to fill out a certification or statement giving details of what happened, when and where.

If you do not know the exact statute or ordinance to charge, you may ask court staff to provide a copy of the relevant statute book or municipal ordinance book for your review; however, they are not permitted to select the charge for you.

What the Court Will Do

Filing a complaint in the municipal court is the first step in a two step process. After you file the complaint, the second step requires the judicial officer and/or municipal court judge to determine that there is a reason to believe, based on the information you supplied, that a crime or offense has been committed and that the person being accused (the defendant) committed the offense. This is known as a finding of probable cause.

If the court determines that there is probable cause, the complaint will be sent to the defendant and the case will be scheduled for court. You will be notified when you are required to appear, so please notify the court of any mailing address changes.

If the judicial officer and/or judge conclude that there is no probable cause, the court will notify you by mail. In that event, the court will dismiss the complaint and take no further action.

If Your Complaint Goes to Court

Serious charges, as required by law, will be reviewed by the county prosecutor. It is in the county prosecutor's discretion to determine if the matter is to be heard in the Superior Court, if it should be dismissed, or if it should be sent back to the municipal court as a less serious charge.

In the municipal court, the lawyer who represents the State is called the municipal prosecutor. It is the prosecutor's responsibility to review the merits of each case to determine if the case should proceed. The prosecutor remains responsible for the case until its conclusion.

Court Staff Assistance

The following is a list of some things the court staff can and cannot do for you. Please read it carefully before asking the court staff for help.

To assist you, court staff **can**:

- explain and answer questions about how the court works
- tell you what the requirements are to have your case considered by the court
- provide you with samples of court forms that are available
- provide you with guidance on how to fill out forms
- usually answer questions about court deadlines

Court staff **cannot**:

- give you legal advice – only your lawyer can give you legal advice
- tell you whether or not you should bring your case to court
- give you an opinion about what will happen if you bring your case to court
- recommend a lawyer, but can provide you with the telephone number of a local lawyer referral service
- talk to the judge for you about what will happen in your case
- let you talk to the judge outside of the courtroom
- change an order issued by the judge



Please notify the court for any accommodations needed. For additional information on the New Jersey Judiciary or the municipal courts, please go to www.njcourtsonline.com.