



## 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.

Your complaint may be referred to the Municipal Court Mediation Program. This program affords both parties the opportunity to speak to a trained mediator who will assist in the resolution of the complaint in an informal atmosphere.

## 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](http://www.njcourtsonline.com).



## CERTIFICATION IN SUPPORT OF PROBABLE CAUSE

State of New Jersey

Name and  
address of court

County of \_\_\_\_\_

Date of Incident: \_\_\_\_\_

Location of Incident: \_\_\_\_\_ Municipality: \_\_\_\_\_

I offer the following facts and information to establish probable cause in this

complaint against \_\_\_\_\_  
(Defendant's Name)

whom I would like to charge with \_\_\_\_\_  
(List Statute(s) or Ordinance(s))

How do you know the identity of the person you are charging? \_\_\_\_\_

Describe incident in detail:

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**Certification:** I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Signature of complaining witness

Date



## COMPLAINT INFORMATION FORM

Please complete the following information to the best of your ability. If this information is not supplied, the complaint may not go forward or it may affect the defendant's ability to receive proper notice of this complaint.

Defendant's Name: \_\_\_\_\_

Defendant's Address: \_\_\_\_\_

Defendant's Phone # :( if known) \_\_\_\_\_

Defendant's Date of Birth (if known): \_\_\_\_\_

Defendant's Driver's License # (if known): \_\_\_\_\_ State \_\_\_\_\_

If a motor vehicle complaint, list license plate # of other vehicle: \_\_\_\_\_  
\_\_\_\_\_ State \_\_\_\_\_

Description of vehicle (if known): \_\_\_\_\_

What is the relationship of the defendant to you? \_\_\_\_\_

How do you know the identity of the person you are charging? \_\_\_\_\_

Names and addresses of witnesses (use additional paper if necessary):  
\_\_\_\_\_  
\_\_\_\_\_

Your Name: (you are the complainant): \_\_\_\_\_

Your Address: \_\_\_\_\_

Your Telephone #: \_\_\_\_\_

### FOR COURT USE ONLY

Court Administrator/Deputy Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Corresponding complaint #'s: \_\_\_\_\_

(Every request **requires** the filing of a complaint.)