



FILING A COMPLAINT IN MUNICIPAL COURT

What You Should Know and Do

In New Jersey, the police enforce the state and local laws. The police should be involved in the investigation of crimes or offenses. They are best suited for filing complaints against individuals who break the law, and they can provide charging information. Citizens may also choose to file a complaint in the municipal court.

The **defendant** (the person you are charging with a crime or offense) must generally be 18 years of age or older. Complaints against juveniles are typically filed by the police in the Superior Court, Family Division. The court administrator is able to provide you with specific information regarding complaints against juveniles.

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

You (the **complainant**) will be asked to fill out a certification 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 a 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. The court will also determine whether the complaint was filed within the time period required.

If the court determines that there is probable cause and that the complaint was filed timely, 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 and/or the complaint was not filed timely, 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

In the municipal court, the lawyer who represents the State is called the municipal prosecutor. It is the municipal prosecutor's responsibility to review the merits of each case to determine if the case should proceed. The municipal 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**:

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

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 specific lawyer.
- 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.



November 2010



New Jersey Judiciary
Municipal Court of New Jersey
Poder Judicial de Nueva Jersey
Juzgados Municipales de Nueva Jersey



Complaint Information Form Formulario de Información para la Demanda

Complaints, motions and other papers submitted should be in English to enable the court to process your request.
Las demandas, los pedimentos y otros documentos que sean presentados deben estar en inglés para permitir que el tribunal procese su solicitud.

Instructions: Please complete the following information to the best of your ability. This information will help in the preparation of the complaint.

Instrucciones: Por favor llene la siguiente información lo mejor que pueda. Esta información ayudará en la preparación de la demanda.

Your Name (you are the complainant)
Su Nombre y Apellido (Usted es el demandante/la demandante)

Street Address Dirección (Calle y número)	City Ciudad	State Estado	Zip Código Postal
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Telephone Number Número de teléfono	Email Address Dirección del correo electrónico
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Defendant's Name
Nombre(s) y apellido(s) del demandado/de la demandada

Street Address Dirección (Calle y número)	City Ciudad	State Estado	Zip Código Postal
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Telephone Number (if known) Número de teléfono (si lo sabe)	Date of Birth (if known) Fecha de Nacimiento (si la sabe)	Driver's License (if known) Número de la licencia de conducir (si lo sabe)	State Estado
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Is the person you are charging an elected public official or a candidate for elected public office? Yes/Sí No/No
¿Es la persona que acusa un funcionario público electo o un candidato a ser electo para un cargo público?

If yes, provide any information you have on what elected office the person holds or is a candidate for:
Si la respuesta es afirmativa, proporcione cualquier información que tenga sobre el cargo para el que se eligió o para el cual es un candidato:

If this is a motor vehicle complaint list:
Si esta es una demanda por un vehículo motorizado, enumere:

License Plate # of Other Vehicle Número de la Placa del otro Vehículo	State Estado	Description of vehicle (if known) Descripción del vehículo (si la sabe)
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Names and addresses of witnesses (use additional paper if necessary)
Nombres y apellidos y direcciones de los testigos (Si fuera necesario, use hojas adicionales)

Name/Nombre(s) y apellido(s)	Address/Dirección
_____	_____
_____	_____
_____	_____
_____	_____

For Court Use Only/Para el Uso Exclusivo del Tribunal

Court Administrator/Deputy Initials: _____ Date: _____

Corresponding Complaint Numbers: _____

(Every request **requires** the filing of a complaint.)
(Cada solicitud **requiere** la presentación de una demanda)



New Jersey Judiciary
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Certification in Support of Probable Cause
Certificación para Apoyar Motivo Fundado

Complaints, motions and other papers submitted should be in English to enable the court to process your request.
Las demandas, los pedimentos y otros documentos que sean presentados deben estar en inglés para permitir que el tribunal procese su solicitud.

State of New Jersey El estado de Nueva Jersey	Municipal Court Name Nombre del Juzgado Municipal	County of Condado de
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Court Address Dirección del Juzgado	City Ciudad	Zip Código Postal
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Date of Incident Fecha del incidente	Location of Incident Lugar del incidente	Municipality Municipalidad
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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 statutes or Ordinances):
Ofrezco los siguientes hechos e información para establecer un motivo fundado en esta acusación en contra de (Nombre del demandado/de la demandada) _____, a quien deseo acusar de (enumere los estatutos u ordenanzas):

How do you know the identity of the person you are charging?
¿Cómo sabe usted la identidad de la persona a la cual está acusando?

Describe the incident in detail:
Describa detalladamente el incidente:

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 willfully false, I am subject to punishment.
Certificación: Certifico que las declaraciones que anteceden, hechas por mí, son verídicas. Sé que, si cualquiera de las declaraciones anteriores hechas por mí fuera intencionalmente falsa, estaría sujeto/sujeta a un castigo.

Date/Fecha

Signature of Complaining Witness/Firma del testigo acusador