



FILING A COMPLAINT IN MUNICIPAL COURT

WHAT YOU SHOULD KNOW AND DO

In New Jersey, the police enforce 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 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 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.