

## IMPORTANT TERMS

**Probable cause** – reasonable grounds for belief that an accused person may have committed an illegal act.

**Complaint** – an official court document in which either the victim or a police officer accuses a person of committing a crime or offense.

**Complainant** – the person who signs the complaint and swears that the information in the complaint is the truth.

**Bail** – money or a bond used to serve as a promise by the defendant that he or she will come to court on a specific date rather than remain in the county jail until that date.

**First appearance**– At this first hearing, the defendant will be asked to enter a plea of “guilty” or “not guilty”. If the defendant pleads “not guilty”, the matter will be scheduled for a trial, usually within 60 days. A defendant who pleads “not guilty” may plead or be found guilty at a later time. The issue of legal representation is also addressed.

**Plea negotiation** – a process where the Municipal Prosecutor and the defendant try to reach an agreement in which the defendant agrees to plead guilty to a charge in return for some consideration granted by the prosecutor.

**Restraining order** – a civil document obtained by victims of domestic violence which prohibits contact between the parties for the purpose of protecting the victim from further abuse.

**Restitution** – money paid by the defendant to reimburse the victim for lost wages, stolen or damaged property or medical and counseling expenses. The Judge can order restitution at sentencing.

## How to Obtain a Temporary Restraining Order (TRO)

A domestic violence complaint can be filed at the Domestic Violence Unit of the Superior Court/Family Division Monday-Friday between the hours of 8:30am- 3:30pm. On weekends, holidays and weekdays after 3:30pm and all other times when the Superior Court is closed, you may file a complaint at the local police department. You may file for a TRO where the domestic violence occurred, where your abuser resides, where you reside, or where you are sheltered/temporarily staying.

If a judge determines there is evidence of domestic violence, a TRO is issued ordering the defendant (your abuser) to avoid any contact with you. You will be given a date to return for a final restraining order (FRO) hearing within 10 days. The police will serve the TRO on the defendant. Both the plaintiff (you) and defendant need to appear on the scheduled day for the final hearing at the Superior Court/Family Part.

### Somerset County Resources:

Resource Center of Somerset	908-359-0003	Office
24-hour hotline	866-685-1122	
Prosecutor's Office		
Office of Victim Witness Advocacy	908-575-3359	
Family Case Management	908-231-7600	
Legal Services of Northwest NJ	908-231-0840	
Sexual Assault		
Support Services (SASS) Hotline	908-526-7444	
Family Crisis Intervention Unit	908-704-6330	
Psychiatric Emergency		
Screening Services (PESS)	908-526-4100	

### Statewide Resources:

Statewide Domestic Violence		
Hotline	1- 800-572-7233	
Victims of Crime		
Compensation Office (statewide)	1-877-658-2221	
Child Abuse Hotline (DYFS)	1-866-NJABUSE	
Victim Notification		
Information Everyday	877-VINE4NJ	
www.vinelink.com		
Legal Services of New Jersey	888-LSNJLAW	
www.LSNJLAW.org		

# Information for Domestic Violence Victims in Municipal Court



**Geoffrey D. Soriano**  
*Prosecutor*

**Somerset County  
Prosecutor's Office**  
40 North Bridge Street  
P.O. Box 3000  
Somerville, New Jersey  
908-231-7100  
www.scpo.net

## A Message to the Citizens of Somerset County

Domestic violence is a serious crime, which affects individuals, families and communities. When an individual is assaulted, threatened or harassed by a current or former intimate partner or household member, it is as serious a crime as when the perpetrator is a stranger. Perpetrators of domestic violence (batterers) rarely stop their abusive behavior without some type of intervention. This can include participation in specialized batterer's intervention or substance abuse programs, as well as being held legally accountable for their crime. If a batterer is not held responsible for his/her actions, he or she often feels empowered to continue or escalate the abuse. Your cooperation through the criminal justice process is essential to the successful prosecution of criminal cases and is sincerely appreciated.

## WHAT IS THE MUNICIPAL COURT PROCESS?

You may become a victim/witness in a domestic violence municipal court case in one of two ways. The first way is when the accused is arrested by a police officer who has **probable cause** to believe the defendant has committed an act of domestic violence. This typically happens when police are called to the scene and see visible signs of injury or damaged property. The police officer is obligated to sign a **complaint** as well as arrest the accused. The officer, on behalf of the State, is the **complainant** and you, as the victim, become the State's witness. A second way is when the victim tells the police what happened and the victim or the police officer files a complaint. The complaint is either a warrant complaint for a person's arrest, which is served directly on the defendant, or a summons complaint, which is usually mailed to the defendant, telling him or her to come to court on a specified date for a **first appearance**. Shortly after, a trial date will be set.

## WHAT HAPPENS NEXT?

As the trial date approaches, you will be notified, usually by mail, of the time and date of the hearing. Should the case go to trial, your testimony will be needed. It is also important for the municipal prosecutor to have your input should the case be dismissed or if the defendant enters into a **plea negotiation**. Your presence in court is vital.

Domestic violence victims often feel very uncomfortable or even unsafe testifying against their abusers. This is understandable for many reasons. However, it is important to keep in mind that when a complaint is signed by a police officer, only the judge has the authority to dismiss the charges and it is within his or her discretion to continue the case without your cooperation. This happens most often when there have been repeat offenses or when there are no steps being

taken to prevent another incident (i.e. counseling, **restraining order**). If you are fearful for your safety at any time during the proceedings, please alert a court officer. An officer can help you take steps to ensure your continued safety.

You may be concerned that if found guilty, the defendant may be subject to loss of income due to incarceration or heavy fines. A defendant who pleads to or is found guilty of a first disorderly persons offense (the type of charge heard in municipal court) is not typically subject to such a sentence. Before sentencing, you have the right to make a statement about the impact this crime has had on you. This would be the appropriate time to express your feelings about the defendant being heavily fined or imprisoned. Often, at the victim's request, the sentence can be limited to **restitution**, community service and/or a small fine.

### The Path of Municipal Court Domestic Violence Cases

