

RULES GOVERNING THE COURTS OF THE STATE OF NEW JERSEY
RULE 3:1. GENERAL PROVISIONS

Rule: 3:1-1. Scope

The rules in Part III govern the practice and procedure in all indictable and non-indictable proceedings in the Superior Court Law Division and, insofar as they are applicable, the practice and procedure on indictable offenses in all other courts, including the municipal courts, and the practice and procedure in juvenile delinquency proceedings in the Chancery Division, Family Part except as otherwise provided for in Part V.

Note: Source -- R.R. 3:1-1. Amended December 20, 1983 to be effective December 31, 1983; amended January 5, 1998 to be effective February 1, 1998.

Rule 3:1-2. Territorial Limits

The writs and processes of the Superior Court may be directed anywhere within the jurisdiction of this State.

Note: Source -- R.R. 3:11-4(e). Amended December 20, 1983 to be effective December 31, 1983.

Rule 3:1-3. Effect of Prosecutor's Election to Waive Death Penalty [Deleted]

Note: Source -- R.R. 3:1-3A; deleted September 28, 1982 to be effective immediately.

Rule 3:1-4. Orders; Form; Entry

(a) Time. Except for judgments to be prepared by the court and entered pursuant to R. 3:21-5 or pretrial release orders entered pursuant to R. 3:26-2, formal written orders shall be presented to the court in accordance with R. 4:42-1(e) except that only the original of the signed order shall be filed. The court may also issue and transmit to the Department of Corrections electronic Orders to Produce inmates, with those orders or writs containing an electronically affixed signature of a Superior Court judge. Such orders shall have the same authority as orders that contain a judge's original signature.

(b) Settlement by Motion or Consent. Except as otherwise provided by paragraph (c) of this rule, by other rule or by law, and except for ex parte matters and for judgments entered pursuant to R. 3:21-5, no judgment or order shall be signed by the court unless the form thereof has been settled on motion on notice to all parties affected thereby or unless the written approval of such attorneys or parties to the form thereof is endorsed thereon.

(c) Settlement on Notice. In lieu of settlement by motion or consent, the party proposing the form of judgment or order may forward the original thereof to the judge who heard the matter and shall serve a copy thereof on every other party not in default together with a notice that unless the judge and the proponent of the judgment or order are notified in writing of specific objections thereto within 5 days after such service, the judgment or order may be signed in the judge's discretion. If no such objection is timely made, the judge may forthwith sign the judgment or order. If objection is made, the matter may be listed for hearing in the discretion of the court.

Note: Adopted July 29, 1977 to be effective September 6, 1977. Paragraph (c) amended July 24, 1978 to be effective September 11, 1978; paragraph (a) amended July 16, 1981 to be effective September 14, 1981; paragraph (a) amended November 7, 1988 to be effective January 2, 1989; paragraph (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 28, 2004 to be effective September 1, 2004; paragraph (a) amended August 30, 2016 to be effective January 1, 2017.

Rule 3:1-5. Indictable Offenses in the Superior Court; Transfer

(a) Generally. All indictable offenses shall be prosecuted in the Superior Court, Law Division, except that an action brought pursuant to N.J.S. 2C:24-5 (Willful Nonsupport) shall be prosecuted in the Superior Court, Chancery Division, Family Part.

(b) Transfer From Family Part to Law Division. An action initially prosecuted in the Family Part pursuant to paragraph (a) of this rule shall be transferred to the Law Division for trial if the defendant is entitled to and demands trial by jury.

(c) Transfer From Law Division to Family Part. Upon defendant's waiver of trial by jury pursuant to R. 1:8-1 and upon the written consent of the defendant and prosecutor, the Assignment Judge may, on motion of any party, transfer any indictable offense pending in the Superior Court to the Family Part for trial and disposition provided that the gravamen of the offense charged arises out of a family or a family type relationship between the defendant and the victim.

Note: Former rule redesignated as R. 3:1-6(a) December 20, 1983, to be effective December 31, 1983. Source -- new. Paragraph (a) amended July 14, 1992 to be effective September 1, 1992.

Rule 3:1-6. Trial of Non-Indictables in Superior Court

(a) Generally. Proceedings involving charges constituting disorderly persons offense or a petty disorderly persons offense shall be heard in Superior Court as required by law, and shall be governed by the rules in Part III insofar as applicable.

(b) Transfer From the Municipal Court to the Superior Court, Chancery Division, Family Part. An offense or violation pending in municipal court may be transferred for trial and disposition to the Chancery Division, Family Part pursuant to R. 5:1-3.

Note: Source -- Adopted August 28, 1979 to be effective September 1, 1979. Formerly designated as R. 3:1-5(a), redesignated and new paragraph (b) added December 20, 1983, to be effective December 31, 1983; paragraph (a) amended July 28, 2004 to be effective September 1, 2004.