

DOMESTIC VIOLENCE AGENCY

Application for New York State Office of Children and Family Services
Approval Certificate of Incorporation

Cover Page**Contact Information for this Application**

First Name:	Last Name:		
Street Address:			
City:	State:	Zip:	
Telephone #:	Fax #:		
Email Address:			

Corporate Information

Proposed Corporation Name:			
If Amending, Name of Existing Corporation:			
Street Address:			
Mailing address:			
City:	State:	Zip:	
Telephone #:	Fax #:		

Proposed Principal Activity of Corporation

- Fund Raising**
- Residential Domestic Violence Services**
If Domestic Violence Services, please check type of service:
- Domestic Violence Shelter** (10 or more persons exclusively DV victims and their minor children)
- Domestic Violence Program** (10 or more persons, 70 percent of which are DV victims and their minor children. The remaining 30 percent must not disrupt DV services or jeopardize the safety of the DV victims and their minor children)
- Safe Home Network** (organized network of private homes for DV victims and their minor children)
- Domestic Violence Sponsoring Agency** (Safe Dwellings)(Nine or fewer DV victims and their minor children. Under the control and sponsorship of a Domestic Violence Sponsoring Agency)

Location(s) of Principal Activity (List by county) _____

The applicant hereby acknowledges that all other information as required and identified on pages 2 through 4 of this application will be provided to support the request for NYS OCFS Approval of Certificate of Incorporation. Such approval must be issued prior to filing the Certificate of Incorporation with the Department of State.

Applicant Name:	Title:		
Applicant Signature:			Date:

DOMESTIC VIOLENCE AGENCY

Application Requirements for New York State Office of Children and Family Services Approval of Proposed Certificate of Incorporation

The following information is required of an applicant seeking New York State Office of Children and Family Services (NYS OCFS) approval of a proposed Certificate of Incorporation or Amendment. Such certificate may be found under Section 404(b) of the Not-For-Profit Corporation Law (excluding day care purposes). Application requirements are identified pursuant to NYS OCFS Regulations, 18 NYCRR Part 482. It is recommended that application materials be accompanied by a cover letter including items #1 through #5, and clearly identifying the intended purpose of the proposed corporation.

1. (Section 482.1(a)(1)) Name(s) of person or persons submitting the application
(Section 482.1(a)(1)) Address(es) of person or persons submitting the application
2. (Section 482.1(a)(2)) Name of proposed corporation
(Section 482.1(a)(2)) Or, if seeking an amendment, name of existing corporation
(Section 482.1(a)(2)) Mailing address of proposed (or existing) corporation
3. (Section 482.1(a)(3)) The territory in which its activities are principally to be conducted
(list counties in New York state):
4. (Section 482.1(a)(4)) With reference to a not-for-profit corporation, provide or attach the following information regarding members of proposed (or existing) board of directors:
 - For each member of the board, list name, address, and such personal information as may be required in order to determine their character, experience, competency and standing in the community, with reasonable assurance of their ability to conduct the affairs of the corporation in its best interests and the public interest.
 - **Note:** Although the Not-For-Profit Corporation Law requires a minimum of three board members, it is the practice of the New York State Office of Children and Family Services to recommend a minimum of seven. Some members of the board should have management or fiscal training or experience (example, attorney, accountant, businessperson, administrator or other organization). Additionally, at least one member should demonstrate expertise in the proposed program area.

Note: Section 482.2 requires, for not-for-profit corporations, that the no employees of the not-for-profit corporation may be on the board of directors.

5. (Section 482.1(a)(5)) With reference to a business corporation, provide or attach the following information:
 - The names and addresses of the board of directors, officers and stockholders, together with such personal information as may be required in order to determine that they are persons of good moral character who are competent to operate the business.
 - **Note:** The persons submitting this application hereby certify that no member of the board of directors, chief administrative officer, executive director, administrator or an employee of the corporation, or an official of a government agency is in a position to influence contractual, payment or program decisions concerning the corporation.
6. (Section 482.1(a)(6)) In order to determine that there is a public need for the facility or program, provide or attach information and data with reference to the public need for the proposed facilities or programs at the time and place and under the circumstances proposed. This information should include, but is not limited, to the following:
 - a. Has the organization been in operation as an unincorporated association? Yes No
 If "yes," provide or attach the answers to the following questions:
 - How long did the association operate?
 - Under what name?
 - At what location?

- Why was this organization started?
- What have been its major activities?
- What is the program to be conducted now?

If “no,” the organization has not been in operation, provide or attach the answers to the following questions:

- Why is it being started?
- What will be its major activities?
- Where will the program be located?

- b.** Provide a comprehensive summary of the program and activities to be carried out by this proposed corporation. This section may also be referred to as the Program Narrative and must include:
- A general program description
 - A staffing description
 - Description of how victims of domestic violence are to be served, in accordance with the regulations at 18 NYCRR 452 et. seq.
 - Description of how children are to be served
- c.** Identify and describe any other organizations conducting similar activities in the community you intend to serve.
- d.** Provide documentation of public need for the proposed activities. This must include a current letter of support from all relevant local departments of social services including:
- A statement that there is a need for the specific program to be provided
 - A commitment that the district will refer victims of domestic violence to the specific program
 - A commitment that the district will pay the established rate for the specific program

Subsequent to this application, proposed agency must complete Form DV 2600: Preliminary Approval for New or Expanding DV Programs and obtain preliminary approval before any construction or renovations occur.

- 7.** (Section 482.1(a)(7)) In order to determine that there are adequate finances to properly establish and conduct the proposed program activities, provide information and data with reference to the financial resources and sources of future revenue of facilities or programs to be operated by the proposed corporation. This must include but may not be limited to:
- a.** If a new program, submit the following:
- Program Narrative as described in item 6b. above
 - A Current CPA Report or a Copy of the most recent Federal Tax Return
 - A Projected Program Budget to be completed on forms provided by the NYS OCFS Regional Office
 - Letters of support from all relevant local districts as described in item 6d. above
- b.** If amending an existing corporation, attach financial statements for the last fiscal year, including a statement of actual income, expenditures and balance sheet.
- 8.** (Section 482.1(a)(8)and (10)) Provide such data and information as may be required in order to establish the fitness and adequacy of any proposed facility or program to be operated or conducted by the proposed corporation. This must include but may not be limited to all agency policies, procedures and plans demonstrating the agency’s ability to operate in compliance with applicable statutes and regulations governing the following:
- Agency philosophy and mission statement
 - Organizational structure and operational policies
 - Personnel information including qualifications, safety measures, hiring practices, policy manual

- Services information including all required services and how they will be provided.
 - Health services information
 - Residential program information including all policies and procedures
 - Residential program information regarding how the agency will maintain the safety and confidentiality of the residential program.
- 9.** (Section 482.1(a) (9)) Provide such data and information as may be required in order to determine the fitness and adequacy of the personnel to be engaged in the facilities or programs. This must include but may not be limited to the following:
- List all personnel by title, qualifications, daily hours of work, total weekly hours for each staff member
 - Indication of whether volunteers are to be used and, if so, in what capacity?
- 10.** (Section 482.1(a)(11)) Any other pertinent information as may be required by the NYS OCFS in order to fully evaluate the request of the proposed agency/corporation.
- 11.** (Section 482.1(b)) In the event that one or more of the purposes of the proposed corporation is to solicit contributions for any purpose that requires NYS OCFS approval, the application submission shall also contain such data and information as may be required to determine that it would be successful in raising funds necessary to establish the proposed facility or program within the time period planned but no more than five years from the date of the NYS OCFS approval.
- 12.** (Section 482.1(c)) Accompanying the full program submission, the applicant must submit the original and two copies of the proposed certificate of incorporation.
- Draft Certificate of Incorporation Document

For guidance on the Preferred Format for a certificate of incorporation, please visit the website for the New York State Department of State at <http://www.dos.state.ny.us/corps/index.html>.