

NEW YORK STATE
OFFICE OF CHILDREN AND FAMILY SERVICES
VOLUNTARY AGENCY LICENSING

APPLICATION FOR OCFS APPROVAL OF CERTIFICATE OF INCORPORATION (OCFS- 4722) *(Please Type or Print)*

COVER PAGE

Contact Information for this Application

FIRST NAME:	LAST NAME:	
STREET ADDRESS:		
CITY:	STATE:	ZIP CODE:
TELEPHONE NUMBER: ()	FAX NUMBER: ()	
E-MAIL ADDRESS:		

Corporate Information

PROPOSED CORPORATION NAME:		
IF AMENDING, NAME OF EXISTING CORPORATION:		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY:	STATE:	ZIP:
TELEPHONE NUMBER: ()	FAX NUMBER: ()	

Proposed Principal Activity of Corporation

- Fund Raising
- Foster Home Recruitment and Certification
- Residential Child Care

If Residential Child Care, please check type of service

- Institution
- Group Residence
- Group Home
- Agency Boarding Home
- Supervised Independent Living

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

The applicant hereby acknowledges that all other information as required and identified on pages 2 through 5 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. *(Please Type or Print)*

Applicant Name: _____ Title: _____

Applicant Signature: _____ Date: / / _____

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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 (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 New York State Office of Children and Family Services 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. [Part 482.1(a)(1)] Name(s) of person or persons submitting the application
[Part 482.1(a)(1)] Address(es) of person or persons submitting the application
2. [Part 482.1(a)(2)] Name of proposed corporation
[Part 482.1(a)(2)] Or, if seeking an amendment, name of existing corporation
[Part 482.1(a)(2)] Mailing address of proposed (or existing) corporation
3. [Part 482.1(a)(3)] The territory in which its activities are principally to be conducted (list counties in New York State):
4. [Part 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, business person, administrator, or other organization). Additionally, at least one member should demonstrate expertise in the proposed program area.
5. [Part 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. [Part 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?

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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 the children to be served
 - Description of how children are to be educated
 - Description of how the medical needs of the children are to be met
- 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 children to the specific program
 - A commitment that the district will pay the established rate for the specific program.
- 7.** [Part 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 New York State 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.** [Part 482.1(a)(8)] 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
 - Personnel information including qualifications, safety measures, hiring practices, policy manual
 - Services information including admissions, treatment and discharge criteria, procedures and plans
 - Health services information
 - Educational services information
 - Residential program information including all policies and procedures
 - Nutritional services information
 - Discipline policies including specific references to use of restraint

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9. [Part 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. [Part 482.1(a)(10)] Provide the policies to be followed by the proposed corporation in its facilities or programs. This must include but may not be limited to the following:
 - All personnel policies
 - All operational policies
11. [Part 482.1(a)(11)] Any other pertinent information as may be required by the New York State OCFS in order to fully evaluate the request of the proposed agency/corporation.
12. [Part 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.
13. [Part 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

The following is an example of the preferred format for the certificate of incorporation.

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Preferred Format

CERTIFICATE OF INCORPORATION OF

NAME OF CORPORATION

Under Section 402 of the Not-for-Profit Corporation Law

1. The name of the corporation shall be _____
2. The corporation is a corporation as defined in subparagraph (a)(5) of Section 602 of the Not-For-Profit Corporation Law; the purposes for which it is formed are as follows: _____
_____ the corporation shall be a Type B corporation.

The office of the corporation is to be located in the *(city) (town) (incorporated village)* of,

and county of _____ The activities of the corporation are principally to be conducted in _____

The names and addresses of the initial directors are: *(Note: The minimum legal requirements are for three directors; however, if Office of Children and Family Services' approval is necessary, Office of Children and Family Services policy recommends a minimum of seven directors.)*

Name	Address/City/State/Zip
1.	
2.	
3.	
4.	
5.	
6.	
7.	

(If Office of Children and Family Services' approval is necessary, a clause should be included that limits the initial duration of the corporation for a period of five years.)

The Secretary of State is designated as the agent of the corporation for service of process. The post office address to which the Secretary of State shall mail a copy of any notice required by law is:

Address _____
City _____ State _____ Zip _____

Prior to delivery to the Department of State for filing, all approvals or consents required by law will be endorsed upon or annexed to the certificate.

Incorporators: (Please Type or Print) **(Acknowledgment)**

Name:	Signature: X
Address:	
City/ State/ Zip:	