

ANNUAL PERFORMANCE REPORT 2015-2016

Message from the Advocate for Children and Youth



I am pleased to present the Annual Performance Report for 2015-2016 for the Office of the Advocate for Children and Youth. It reflects the Office's progress towards achievement of the objectives for the second year of the planning cycle.

The past year has been very busy in continuing to provide advocacy services to our children and youth. As well as significant work was completed towards my request for legislative amendments to the *Child and Youth Advocate Act* to include mandatory notification from government departments and agencies when a child receiving government services is involved in a critical incident or when a death of a child or youth occurs. The status of all outstanding and new recommendations made to government departments and agencies were monitored and reported in "The Advocate's Report on the Status of Recommendations 2015", released March 2016. We also had the pleasure of hosting the 2015 Canadian Council of Child and Youth Advocates (CCCYA) Biennial Conference in September 2015. This involved a lot of work for our office but I am happy to say it was a resounding success.

This Annual Performance Report has been prepared in accordance with the *Transparency and Accountability Act* provisions for a Category Two entity. As the Advocate for Children and Youth I recognize my obligation under the Act and I am accountable for the results reported herein.

and a. Chafe Carol A. Chafe

Advocate for Children and Youth



TABLE OF CONTENTS

1.0	Overview	1
	MANDATE	
	LINES OF BUSINESS	
	Vision	
	MISSION	
	Issues	
	HIGHLIGHTS AND ACCOMPLISHMENTS	
	OPPORTUNITIES AND CHALLENGES	
	Financial Statements	
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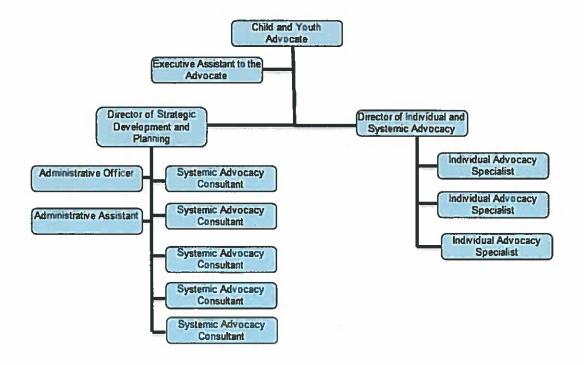
1.0 OVERVIEW

The Office of the Child and Youth Advocate (OCYA) opened on November 18, 2002. The Office was established by statute, *The Child and Youth Advocate Act*, which was proclaimed on May 12, 2002.

The current Advocate for Children and Youth, Carol A. Chafe was appointed to the position of Child and Youth Advocate on September 27, 2010 and confirmed by resolution of the House of Assembly on December 16, 2010.

The Advocate is a Statutory Officer of the House of Assembly and reports directly to the Legislature through the Speaker of the House. The staff of the Advocate for Children and Youth are members of the Public Service of Newfoundland and Labrador.

Advocacy services are provided to children and youth through a central office located in St. John's with outreach to all areas of the province. Services can be accessed by visiting our office and by telephone (toll-free number and telephone for the hearing impaired available), email, fax and the website.



The Office has a total of 13 staff working with the Advocate for Children and Youth; including the Director of Strategic Development and Planning and Director of Individual and Systemic Advocacy; 3 Individual Advocacy Specialists (IAS); 5 Systemic Advocacy Consultants (SAC); 1 Executive Secretary; 1 Administrative Officer; and 1 Administrative Assistant/Receptionist.

The House of Assembly Management Commission approved a budget of \$1,407,600.00 for the Advocate for Children and Youth for Fiscal Year 2015-2016

The details are noted below:

Salaries	\$1,147,800
Employee Benefits	\$3,500
Transportation and Communications	\$60,400
Supplies	\$6,000
Professional Services	\$20,000
Purchased Services	\$165,900
Property, Furnishings and Equipment	\$4,000
TOTAL	\$1,407,600

Contact Information:

The Advocate for Children and Youth 193 LeMarchant Road St. John's, NL A1C 2H5

Telephone: 709 753-3888 Toll Free: 1-877-753-3888

TTY: 709 753-4366 Facsimile: 709 753-3988

E-mail: office@ocya.nl.ca

Web Site: www.ChildAndYouthAdvocate.nl.ca

2.0 MANDATE

The Mandate of the ACY is stated in Section 3 of the *Child and Youth Advocate Act.*

The ACY was established with a mandate to:

- Protect and advance the rights and interests of children and youth through the provision of advocacy services.
- Ensure that children and youth have access to services and that their complaints receive appropriate attention.
- Inform the public about the needs and rights of children and youth.
- Provide information and advice to government, agencies of the government and to communities about the availability, effectiveness, responsiveness and relevance of services to children and youth.
- Make recommendations to government regarding legislation, policies, programs and services designed to meet the needs of children and youth.
- Conduct independent reviews and investigations.

In carrying out her duties, the Advocate may:

- Receive and review matters related to individuals or groups of children and youth.
- Advocate or use alternative dispute resolution mechanisms to resolve issues.
- Initiate and participate in case conferences, administrative reviews, mediation or other processes where decisions are being made regarding children and youth either individually or collectively.
- Meet and interview children and youth.
- Engage in public education.
- Make recommendations to government, agencies of government or communities regarding legislation, policies and practices respecting services or the rights of children and youth.
- Where alternative dispute processes are ineffective or inappropriate, conduct an independent investigation.
- Access information respecting a child or youth which is held by a government department or agency which is determined necessary to conduct the work of the Advocate.
- Enter a government or agency premises for the purpose of conducting a review or investigation.

- Publish reports related generally to the exercise and performance of his/her functions under the Act or to a particular case investigation by him/her.
- Submit an Annual Report to the House of Assembly.

Scope of the Office:

Section 2. (g) of the Child and Youth Advocate Act

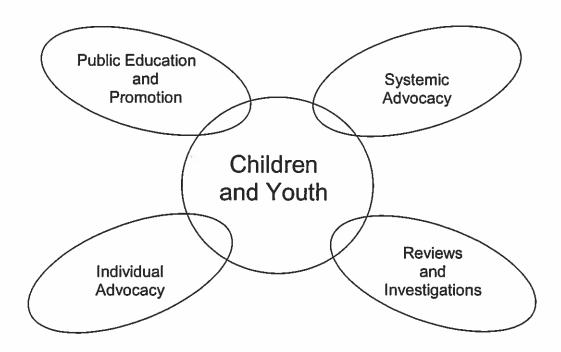
The Office provides services to any child or youth under the age of 19 years old who is entitled to receive services from a department, agency or board of government. The age is extended to youth up to their 21st birthday where they are in a care or custody arrangement. The Advocate engages in both individual and systemic advocacy, public education and reviews and investigations on behalf of children and youth in the Province.

The Office operates from a rights-based perspective and applies the *United Nations Convention on the Rights of the Child* as the basis for its advocacy work. Canada has ratified the Convention and as a result, legislation, policies and procedures that govern services and programs for children and youth should be reflective of those rights.

Principles:

- Children and youth are our primary clients.
- Advocacy services must remain child focused.
- Children and youth must be treated with respect and their inherent dignity as human beings recognized.
- The right of privacy of the child, as well as all parties involved, must be respected in the advocacy process.
- Children and youth have the right to information and access to government services and programs.
- Children and youth have a right to speak, be heard and to participate in decision-making processes.
- Parents, extended family and significant others are natural advocates for children and youth.
- Actions are based on empowerment.
- Information is confidential unless there is risk of harm.
- Interventions are respectful, understanding and compassionate.
- Cultural diversity is recognized and respected.

3.0 LINES OF BUSINESS



Provision of Services:

The ACY provides advocacy services to children and youth in four main capacities:

- Individual Advocacy
- Systemic Advocacy
- Education and Promotion
- Reviews and Investigations

Individual Advocacy

Individual Advocacy includes the provision of information, self-advocacy, basic and comprehensive advocacy services. Individual Advocacy differs depending upon the type of intervention provided.

 <u>Information -</u> involves the provision of information and/or referral to another government department, board, or agency. These types of calls are usually opened and closed on the same day and involve very little action by the Advocacy Specialist.

- <u>Self-Advocacy Assistance</u> involves the provision of information regarding programs, services, appeal procedures, options, and strategies, and may include coaching. These types of cases are usually very short term and can be opened and closed on the same day. Information may be mailed or e-mailed to assist the caller further, such as a copy of a policy or information regarding services and supports.
- Basic Advocacy Intervention involves the provision of advocacy services
 requiring consultation and/or referral to other agencies and is usually completed
 within a short time frame. Advocacy staff engage in problem-solving strategies;
 make initial calls to service providers; and provide self-advocacy assistance. The
 cases usually require phone contact with service providers, referrals to Child,
 Youth and Family Services and other agencies and are short term in nature.
- Comprehensive Advocacy Intervention involves the provision of intensive advocacy intervention when basic advocacy intervention and/or self-advocacy assistance is not sufficient. Comprehensive Advocacy Intervention may involve in-depth self-advocacy coaching; meetings with multiple service providers; meetings with the child or youth and/or his or her natural advocate; attending/arranging case conferences/ meetings; and engaging in alternate dispute resolution processes.

Systemic Advocacy

The Advocate for Children and Youth regularly monitors issues that appear to be impacting a group(s) of children and youth. These issues may require further research to determine if they are of a systemic nature. Often, individual files highlight issues which require further advocacy work. At the call of the Advocate for Children and Youth, issues that are presently being assessed as possible systemic matters, may require systemic files be opened and assigned to a Systemic Advocacy Consultant for more comprehensive involvement.

Systemic issues files are opened when issues presented to the ACY impact a group or groups of children and youth and, therefore, require advocacy from a systemic perspective. Systemic issues occur when policies and practices of government departments and agencies interfere with the delivery of services and programs intended to support the quality of life for children and youth.

A systemic approach is used to influence programs and services, identify gaps, and determine the impact of the delivery of services and programs on children and youth in the Province. This is accomplished by providing recommendations to government regarding the challenges and changes needed to practices, policies and procedures.

Education and Promotion

Section 3 of the *Act* requires the Advocate to "protect and advance the rights of children and youth." The education and promotion role of the Office is inclusive to all regions of the province through Advocacy Outreach.

Advocacy Outreach provides opportunities for in-person contact with individuals, groups and agencies throughout the province as well as the opportunity to promote the Office and educate the public about the ACY's role, mandate and about children's rights. This is accomplished through outreach, by developing relationships with service providers and engaging children and youth in their environment. This includes proactively finding opportunities to engage individuals at all levels by community capacity building, regional visits, volunteer initiatives and discussions and consultations regarding issues affecting children and youth in Newfoundland and Labrador.

In 2012-2013 the Office implemented its Organizational Liaison program. This program is a proactive program whereby Individual Advocacy Specialists are assigned as liaison to a specific youth serving centre throughout the province. This staff person is dedicated to the facility to ensure consistent communications and advocacy for youth. This program increases the knowledge staff and youth in these homes have of the Office and provides them with a dedicated contact person to connect with if they feel that there is an issue or concern that our Office may be able to assist them to address.

Reviews/Investigations

Reviews and investigations are carried out pursuant to Section 15 (1) sub-section (c) of the *Child and Youth Advocate Act*. The Advocate for Children and Youth may review or investigate a matter on behalf of a child or youth, or group of them, whether or not a complaint has been made and may conduct an investigation if advocacy, mediation, or another dispute resolution process has not resulted in an outcome satisfactory to the Advocate.

The process for reviews and investigations is based on a comprehensive framework that may include review of documents, interviews of individuals, analysis of facts, and release of findings and recommendations to government and agencies and follow up respecting the recommendations. As necessary, the Advocate can subpoena individuals to be interviewed.

4.0 Vision

Our vision is that the rights and interests of every child and youth are protected and respected and each child and youth has access to all the government services they require in Newfoundland and Labrador.

5.0 MISSION

Mission:

The Mission of the Advocate for Children and Youth is to protect and advance the rights and interests of children and youth through the provision of advocacy services.

By March 31, 2017 the Advocate for Children and Youth will have enhanced the ability of the office to ensure that the advocacy needs of children and youth of the Province are consistently met.

6.0 ISSUES

Issue 1: Public Education and Promotion

While public education and promotion and communication have been ongoing initiatives of the office, there is a recognized need to enhance these areas of our mandate. Currently the office has minimal initiatives to engage youth in the work of the office. We seek to find new initiatives to enhance the level of youth participation and raise the profile of the office with this population.

Goal:

By March 31, 2017, the Advocate for Children and Youth will have enhanced public education, promotion and communication.

Objective 2:

By March 31, 2016 the Advocate for Children and Youth will have reviewed and researched new communication initiatives including the application of social media.

Measure:

Reviewed and researched new communication initiatives including the application of social media.

Indicators	Accomplishments		
New communication initiatives researched including the application of social media	 In November 2015 a systemic advocacy consultant completed research in the area of youth engagement. This included cross jurisdictional research to identify different communication initiatives used by other advocacy offices to engage youth in the work we do. Application of social media, including Facebook and Twitter, were included in this research. In November 2015, the Quality Assurance (QA) committee researched the use of client satisfaction surveys as a potential communication tool with clients. The QA committee is responsible for ensuring that services provided by the ACY are in-line with national advocacy standards. Research involved review of sample client surveys used throughout the service industry. 		

New communication initiatives evaluated including the application of social media	 Evaluation of communication tools was completed by the systemic advocacy consultant and summarized in a report for the Advocate in March 2016. Evaluation included cross jurisdictional research via review of websites, literature and telephone conversations with advocacy staff in other provinces. The report included recommendations for specific youth engagement initiatives, including usage of social media tools. Report also identified the need to consult with youth regarding this initiative prior to implementation Sample client satisfaction surveys were developed in February 2016.
New communication initiatives implemented	 New communication initiatives have not yet been implemented. The research and evaluation stages identified the need for consultation processes to be undertaken prior to implementation to ensure that any new tools implemented would be the most appropriate and most effective measures. Next steps: Staff consultations regarding youth engagement options Determine initiatives to consult with youth to determine the most relevant and effective communication tools, including social media applications Cost analysis required of client satisfaction surveys (cost of pre-paid postage) and a trial run of surveys to sample population prior to

Discussion of Results:

Significant work was undertaken towards this objective in 2015-2016. The research and evaluation completed identified the need for more detailed research via consultation process with key stakeholders prior to implementation of any new communication initiatives. This work will continue in 2016-2017.

Objective 3:

By March 31, 2017 the Advocate for Children and Youth will have developed initiatives and strategies to promote youth engagement with the Office.

Measure:

Developed initiatives and strategies to promote youth engagement with the Office.

Indicators:

- Youth engagement initiatives and strategies researched
- Youth engagement initiatives and strategies evaluated

Issue 2: Enhanced Reviews/Investigation Protocol and Process

While the ACY has a policy and procedure manual that guides the operations of the office, it is recognized that ongoing review and enhancement of policies and procedures is required.

Goal:

By March 31, 2017 the Advocate for Children and Youth will have further enhanced the reviews/investigation protocol and processes.

Objective 2

By March 31, 2016 the Advocate for Children and Youth will have reviewed and revised its investigation protocol and process, including further development of its investigative report template.

Measure:

Reviewed and revised its investigation protocol and process, including further development of its investigative report template.

Indicators	Accomplishments
Investigative protocol and process reviewed, including review of current ACY policies	 All ACY policies and procedures were reviewed throughout spring, summer and fall 2015. Several meetings with the systemic advocacy team occurred to discuss the investigative protocol and process and changes to the process. Purpose of meetings to determine how to develop a more efficient process.
Investigation and review policies amended as necessary	 Some significant changes made to the investigative protocol and process, including: Pre-scheduling of interviews for concurrent investigations to increase completion sooner. Revision of documentation requested to be reviewed. Review and revision of report writing style and format. This continues to be an ongoing evolving process. Once the first report under the new process is completed the investigative and review policies will be amended to reflect the new process.

Investigative report template further
developed, including refinement of
design/layout and content

 Based on significant investigative process and report writing changes, an Investigative report outline template was completed in March 2016 to ensure consistently in the process and this tool will be incorporated into the revised policy when completed.

Discussion of Results:

A significant amount of work has taken place over the past fiscal year towards reviewing and amending all ACY polices and procedures including investigative process. Refinement of the investigative process continues and the final investigative and review policy will be completed once all changes have been implemented.

Objective 3:

By March 31, 2017 the Advocate for Children and Youth will have increased resources to meet increasing demands of systemic advocacy and investigations.

Measure:

Increased resources to meet increasing demands of systemic advocacy and investigations.

- Reviewed existing policies and procedures and internal human resources to identify potential reorganization and restructuring opportunities that could enable the office to better meet the demands of systemic advocacy and investigations.
- Assessed options for practicality of implementation.
- Implemented changes determined to be appropriate to the investigative process and systemic advocacy work.

Issue 3: Systemic Advocacy Protocol and Processes

The overall focus of the systemic work of the office has been mainly on reactive investigation of cases and systemic issues. There is also a need to enhance the systemic advocacy to include more proactive work. This would allow the office to fulfill the mandate of being the voice for children and youth to ensure their anticipated needs are met with a goal to decrease poor outcomes. Proactive work includes the monitoring of systemic issues related to children and youth, position statements and reports.

Goal:

By March 31, 2017 the Advocate for Children and Youth will have further enhanced overall systemic advocacy.

Objective 2:

By March 31, 2016 the Advocate for Children and Youth will have implemented initiatives for proactive systemic advocacy.

Measure:

Implemented initiatives for proactive systemic advocacy.

Indicators	Accomplishments
Reviewed proactive systemic advocacy initiatives identified as a result of research	 The Advocate reviewed the systemic advocacy initiatives during the fiscal year and 15 were identified for implementation.

Determined which proactive initiatives to be implemented

- The Advocate considered the best utilization of existing resources, ongoing investigative work and utilization of available funds due to vacant positions to hire contracted employees and determined that the following proactive systemic advocacy initiatives would be implemented:
 - o Review of the *Truth and Reconciliation* Commission of Canada's final report.
 - Protecting children from bullying –
 Submission to United Nations.
 - Foster home retention and youth running from residential care.
 - Review of NL sex trade and sexual exploitation report.
 - o Sudden Infant Death Syndrome (SIDS).
 - o Comprehensive Assessments NLESD.
 - Waitlist times Speech Language services in both the health and school system.
 - Change in practice in pre-adoptions medical records management.
 - Hunting rights/restrictions for youth in Canada.
 - Capacity and consent for youth.
 - When youth may withdraw from parental care.
 - o Rights/funding for on-reserve children.
 - Restraints on youth in courtrooms.
 - Youth engagement.
 - LEARN program Transportation issues

Planned and developed timelines for implementation of identified proactive systemic initiatives.

Proactive systemic initiatives implemented

- Timelines were identified for implementation of proactive systemic initiatives and proactive systemic initiatives were implemented as below:
 - Review of the Truth and Reconciliation
 Commission of Canada's final report June
 2015
 - Protecting children from bullying UN Submission - August 2015.
 - Foster home retention and youth running from residential care - August 2015.
 - Review of NL sex trade and sexual exploitation report - October 2015.
 - LEARN program Transportation issues October 2015
 - Sudden Infant Death Syndrome (SIDS) May 2015.
 - Comprehensive Assessments NLESD November 2015.
 - Waitlist times Speech Language services in both the health and school system – January 2016.
 - Change in practice in pre-adoptions medical records management – August 2015.
 - Hunting rights/restrictions for youth in Canada-May 2015.
 - Capacity and consent for youth (June 2015).
 - When youth may withdraw from parental care –July 2015.
 - Rights/funding for on-reserve children -February 2016.
 - Restraints on youth in courtrooms- March 2016.
 - Youth engagement –November 2015.
- All initiatives were reviewed and researched for the purpose of identifying the status of these issues within Newfoundland and Labrador.

Discussion of Results:

A significant amount of work was completed throughout 2015-2016 in the identification of proactive systemic issues and implementation of these initiatives. Budgetary savings due to a short-term vacant position allowed the Advocate to hire a contractual employee to complete work on one specific proactive systemic issue.

Objective 3:

By March 31, 2017 the Advocate for Children and Youth will have produced position statements/reports(s) on proactive systemic issues as necessary.

Measure:

Produced position statements/reports(s) on proactive systemic issues as necessary.

- Topics for position statements/reports(s) on proactive systemic issues identified.
- Work initiated on identified topics for proactive systemic issues as resources available.
- Position statements/reports on proactive systemic issues completed as a result of the work completed.

7.0 HIGHLIGHTS AND ACCOMPLISHMENTS

During the reporting period of April 1, 2015 to March 31, 2016, the Advocate for Children and Youth continued to provide advocacy services for children and youth in Newfoundland and Labrador. This included the handling of 693 individual advocacy files (568 new requests for advocacy services and 125 requests carried forward from the previous fiscal year), responded to 106 calls for general information and monitoring of 16 systemic files. In addition to on-going work on six (6) outstanding investigations, on January 12, 2016 the Advocate released the investigative report "A Tragedy Waiting to Happen". There are 10 recommendations resulting from the completion of this investigation; three of which are the joint responsibility of more than one department and agency. The "Advocate's Report on Status of Recommendations 2015" was also developed and released in March 2016.

This year, the ACY had the pleasure of hosting the 2015 Canadian Council of Child and Youth Advocates (CCCYA) Biennial Conference. The conference agenda focused on topics at the forefront of our advocacy work, including powerful presentations on mental health, LGBTQ issues, and Aboriginal children and youth. Significant work by all ACY staff went into preparing for the conference, especially in the spring and summer 2015 and feedback from delegates indicated that the conference was a great success.

In August 2014 the Advocate wrote the Department of Child Youth and Family Services (DCYFS) regarding Policy 5.15 of the Protection and In-Care Policy and Procedures Manual (2011) requesting that it be revisited and any necessary changes be made to ensure all youth in care are provided with equal opportunities to pursue post-secondary education regardless of their custodial status on their sixteenth birthday. On July 14, 2015 the DCYFS wrote the Advocate advising that they will be revising policy 5.15 to include post-secondary funding for all youth in the care/custody of a zone manager on his/her sixteenth birthday regardless of the care/custody status. This policy change went into effect in fall 2015 semester. This was wonderful news for youth in care seeking post-secondary education and a clear example of how the monitoring of trends in individual advocacy can lead to systemic change.

Throughout 2015-2016, the Advocate participated in several conferences, mediarelated activities and speaking events. The Advocate:

- Attended meetings of the Canadian Council of Child and Youth Advocates (CCCYA) in September 2015 and January 2016.
- Media interviews in October 2015 regarding the release of recommendations from two Child Death Review Committee Reports and the issue of the Advocate still not being notified of all child deaths.
- Attended CMHO conference and meetings in Ontario in November 2016.
- Media interviews in December 2015 regarding death of infant in Labrador.

- Media interviews in January 2016 with OK Society in Nain, Labrador and NTV re death of infant in Labrador.
- Media interview with CBC in January 2016 regarding Child Death Review Committee recommendations.
- Media interviews in January 2016 re: release of "A Tragedy Waiting to Happen".
- Presented to MUN's Interprofessional Education Working Group In Feb 2016.
- Press conference in March 2016 to release "The Advocate's Report on the Status of Recommendations 2015".

The Calendar Project was a great success with 389 children submitting their artwork to the ACY. The top twelve (12) winners were picked and the resulting calendar printed and distributed.

The Outreach Program included two (2) multi-day regional outreach visits, one to Central Newfoundland and one in Eastern Newfoundland. Several different professionals were met with during these visits, including RCMP, Health Authorities, CYFS, School Boards, local schools, and family resource centers. Several education sessions were also held with local schools and various children and youth serving agencies. All outreach visits proved to be very educational and information gathered from these trips continues to be compiled to identify any common issues and/or trends across regions of the province. The Organizational Liaison Program was also revised and re-implemented in November 2015. It now includes 90 homes/organizations and the three (3) individual advocacy specialists (IAS) are assigned to this program.

8.0 OPPORTUNITIES AND CHALLENGES

In November 2014, the House of Assembly passed a motion committing to legislation to respond to the Advocate's request to amend the *Child and Youth Advocate Act* to ensure mandatory reporting by all government departments and agencies of critical incidents and deaths of children and youth receiving services. This proposed amendment, if approved, could result in this Office having one of the most progressive legislations in Canada and allow the Advocate for Children and Youth to further fulfill her mandate. It will further enhance the ability of the office to ensure that the advocacy needs of children and youth are consistently met. Intensive work and collaboration took place from January to June 2015 before the House of Assembly closed.

In December 2015, the newly elected Premier included in his mandate letter to the Minister of Child Youth and Family Services "to work with your colleagues and the Child Youth Advocate to develop legislation for the House of Assembly that will make it mandatory to report deaths and critical incidents to the advocate". In the Speech From the Throne, March 8, 2016, Government recognized "the importance of doing everything we can to protect children and youth and will be moving forward with this initiative". It is almost five years since the Advocate put fort the first recommendation to establish a protocol of reporting.

As we move into the 2016-2017 fiscal year, the goal is that further progress will be made on this important legislative change to ensure the rights of all children and youth are protected and advanced, and their voices heard.

9.0 Financial Statements

Expenditure and revenue figures included in this document are based on information provided in the Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for Fiscal Year Ended 31 March 2016

REPORT ON THE PROGRAM EXPENDITURES AND REVENUES OF THE CONSOLIDATED FUND

LEGISLATURE (CONTINUED)

	-	Estima	Estimates	
	Actual	Amended	Original	
	\$	\$	\$	
OFFICE OF THE CHILD AND YOUTH ADVOCATE				
OFFICE OF THE CHILD AND YOUTH ADVOCATE				
CURRENT				
5.1.01. OFFICE OF THE CHILD AND YOUTH ADVOCATE				
01. Salaries	1,074,200	1,147,800	1,147,800	
Operating Accounts:			7080 75	
Employee Benefits	5,559	5,600	3,500	
Transportation and Communications	33,142	56,800	60,400	
Supplies	5,710	6,000	6,000	
Professional Services	5,858	20,000	20,000	
Purchased Services	158,185	165,900	165,900	
Property, Furnishings and Equipment	5,487	5,500	4,000	
02. Operating Accounts	213,941	259,800	259,800	
Total: Office of the Child and Youth Advocate	1,288,141	1,407,600	1,407,600	
TOTAL: OFFICE OF THE CHILD AND YOUTH ADVOCATE	1,288,141	1,407,600	1,407,600	
TOTAL: OFFICE OF THE CHILD AND YOUTH ADVOCATE	1,288,141	1,407,600	1,407,600	