TABLE OF CONTENTS

ARTICLE
Special Education Attorney’s Fees: of Buckhannon, the IDEA Reauthorization Bills, and the IDEA as Civil Rights Statute
Professor Lynn M. Daggett ........................................ 1

STUDY
Delays in the Interstate Foster and Adoption Home Study Process
Ursula Gilmore, Elizabeth Oppenheim, and Daniel Pollack ........................................ 55

PRACTITIONER’S NOTE
Delivery of Legal Services to Children in the Boston Area
Tamar Ezer .......................................................... 95

STUDENT NOTE
An Illegitimate Use of Legislative Power: Mississippi’s Inappropriate Child Surname Law in Paternity Proceedings
Jessica R. Powers ............................................... 153

CHILDREN’S SECTION
Giving Youth a Voice: the Reciprocal Motivations of Service Providers and Youth they Serve ......................... 199

RECENT COURT DECISIONS IMPACTING JUVENILES ...217
SUBSCRIPTION INFORMATION

The UC Davis Journal of Juvenile Law and Policy is published twice each year. The subscription price is $40 per year for $20 per year for current students. Please send your request to the address listed below.

Domestic claims for non-receipt of issues should be made within 90 days of the date of publication. Foreign claims for non-receipt should be made within 180 days of the date of publication.

CALL FOR PAPERS

The UC Davis Journal of Juvenile Law and Policy is seeking articles for publication. We are interested in academic, professional and student-written articles that address the concerns of children in the American legal system. We accept a broad range of topics including family law, education law and juvenile criminal law.

Manuscripts should be double-spaced and in footnote format. Please direct submissions by U.S. mail or e-mail (Microsoft Word preferred) to the following addresses:

UC Davis Journal of Juvenile Law & Policy
UC Davis School of Law
400 Mrak Hall Drive
Davis, CA  95616

E-mail: jjlp@ucdavis.edu
ADMINISTRATIVE OFFICERS

RICHARD C. ATKINSON, PH.D., President of the University
LARRY N. VANDERHOEF, B.S., PH.D. Chancellor
VIRGINIA S. HINSHAW, B.S., M.S., PH.D., Provost and Executive Vice Chancellor
REX R. PERSCHBACHER, A.B., J.D., Dean
KEVIN R. JOHNSON, A.B., J.D., Associate Dean for Academic Affairs
HOLLIS L. KULWIN, B.A., J.D., Assistant Dean for Student Affairs
MARY A. GRIVNA, B.A., Assistant Dean for Administration

SCHOOL OF LAW FACULTY

Professor of Law
DIANE MARIE AMANN, B.S., M.A., J.D.
ALAN E. BROWNSTEIN, B.A., J.D.
ANUPAM CHANDER, A.B., J.D.
JOEL C. DOBIES, B.A., LL.B.
HOLLY D. DOREMUS, B.S., J.D., PH.D.
FLOYD F. FEENEY, B.S., LL.B.
ARTURO GÁNDARA, B.S., M.S., M.B.A., J.D.
MICHAEL J. GLENNON, B.A., J.D.
GEORGE S. GROSSMAN, B.A., LL.B., M.S.L.S., Law Librarian
ROBERT W. HILLMAN, B.A., J.D.
BILL ONG HING, A.B., J.D., Director of Clinical Education
EDWARD J. IWINKSKE LD, B.A., J.D., Director of Trial Advocacy Program
KEVIN R. JOHNSON, A.B., J.D., Associate Dean for Academic Affairs
THOMAS W. JOO, A.B., J.D.
LESLIE A. KURTZ, B.A., M.A., J.D.
ROBERT P. MERGES, B.S., J.D., L.L.M., J.S.D.
JOHN W. POULOS, A.B., J.D.
CRUZ REYNOSO, A.B., LL.B., Boochever and Bird Chair for the Study and Teaching of Freedom and Equality
DANIEL L. SIMMONS, B.A., J.D.
MARTHA S. WEST, B.A., J.D.
BRUCE A. WOLK, B.S., M.S., J.D.
RICHARD C. WYDRICK, B.A., LL.B.

Professor of Law Emeritus
JOHN D. AYER, A.B., J.D., LL.M.
EDWARD L. BARRETT, JR., B.S., J.D.
FLORIAN BARTOSIC, B.A., B.C.L., LL.M.
CAROL S. BRUCHE, A.B., J.D., Research Professor
HARRISON C. DUNNING, A.B., LL.B., Research Professor
GARY S. GOODPASTER, B.A., J.D.
JAMES E. HOGAN, A.B., LL.B.
RAYMOND J. PARNAS, A.B., J.D., LL.M., S.J.D.
EDWARD H. RABIN, A.B., J.D.
MORTIMER D. SCHWARTZ, J.D., LL.M., M.S.

Acting Professor of Law
ANDREA K. BOORFLUND, B.A., M.A., J.D.
CHRISTOPHER ELMENDORF, B.A., J.D.
ALBERT C. LIN, B.S., M.P.P., J.D.
ROBERT A. MIKOS, A.B., J.D.
ANKA I. ONIWUACHI-WILLIS, B.A., J.D.
LISA R. PRUITT, B.A., J.D., PH.D.
TOBIAS B. WOLFF, B.A., J.D.

Senior Lecturer in Law
MARGARET Z. JOHNS, B.A., J.D.
JAMES F. SMITH, B.A., J.D., Director of Immigration Law Clinic

Lecturer in Law
ANTONIA E. BERNHARD, B.A., J.D.
Director of Legal Writing and Academic Support Program
LESLEY KNIGHT, B.A., J.D., Supervisor of Family Protection and Legal Assistance Clinic
MILLARD MURPHY, B.A., J.D.
AMAGDA PEREZ, B.A., J.D.
CARTER WHITE, A.B., J.D., Director of Civil Rights Clinic

Visiting Professor of Law
RICHARD COHEN, B.A., J.D.
LAURA FARROW, B.A., J.D.
RUSSELL FONG, B.A., J.D.
CARLOS A. MARTINEZ, A.B., J.D.
S. LYNN MARTINEZ, B.A., J.D.
STEPHEN McCAFFREY, B.A., J.D.
COURTNEY McKEON, B.A., J.D.
ROBERT MERGES, B.S., J.D., L.L.M., J.S.D.
LISA A. PONCIA, B.A., J.D.
DAVID PRICE, B.A., J.D.
BEN A. RICH, B.A., J.D., M.A., PH.D.
TIMOTHY SCHOLELEY, B.A., J.D.
GARY F. SMITH, B.A., J.D.
JERRAID TANNENBAUM, A.B., M.A., J.D.
TIMOTHY M. TAYLOR, B.A., M.A., J.D.
DANIEL TORRES, B.A., J.D.
TAMI M. WARWICK, B.A., J.D.
LYNNE K. ZELLHART, B.A., J.D.
EDITOR’S NOTE

At the we Journal are often asked what the term “Juvenile Law” encompasses. Is it limited to matters of juvenile criminality? Does it include family law? Dependency? Direct services? Our standard answer is that there is no answer. The field cuts across many disciplines and practice areas, and the content of this issue demonstrates that breadth. Lynn Daggett explores the world of attorney fee-shifting provisions under the Individuals with Disabilities in Education Act, and discusses how those provisions impact special education disputes. Authors Gilmore, Oppenheim, and Pollack provide us with insight into the adoption home study process. Tamar Ezer has compiled data on the practices of youth services organizations in Boston. Jessica Powers examines the constitutionality of state directed efforts to change a child’s surname. Our Children’s Section contains original work from youth in the delinquency and dependency systems, as well as information on groups which service those communities. In this issue, and in future issues, we hope to explore and expand our definition of juvenile law by continuing to question how the law impacts children, and we invite our readers to do the same.

It would be impossible to produce the Journal without the hard work of our entire staff, and for their work I am eternally grateful. Special thanks to our editors, who have worked tirelessly to ensure the high quality of our publication, and to our advisor, Professor West, and Maureen Gatt for their sound counsel. My personal thanks to Alicia Gossoo and Katie Ford, our Managing Editors, whose dedication made the production of this volume possible, and to Sarah van den Bosch and Myra Villamor for their unflagging moral support.

I look forward to our April 10, 2004, Symposium on Children’s Rights, and to further exploration into the most cutting-edge issues in juvenile law.

Kira L. Klatchko