

Your email was forwarded to us for a response. You wrote “I was hoping that you can assist me. I work for the California Department of Education (CDE), and my primary responsibilities is homeless education. California’s schools enrolled many homeless youth that are not in the physical custody of their parent or guardian. Many of these youth want to go to school and work. They cannot work without a work permit. Who can sign these permits, if there isn’t a parent and/or guardian in their lives?”

ANSWER: We apologize for the delay in this response.

The California Department of Education is responsible for issuing the required work permits for minors to work under Education Code Section 49110. The subject of how to deal with homeless minors who wish to work to support themselves is a serious issue. This is not a subject matter in which the Division of Labor Standards Enforcement has the expertise to answer. This question is best posed to the Department of Education, the Department responsible for issuing work permits to minors.

We have included the following legal authority for you to start your own research on this issue and we suggest that you speak with Department of Education legal counsel for an answer to this serious issue as to how and when a homeless minor receives a permit to work and earn money to support him/herself.

Legal Authority:

California law requires permits for nonexempt minors: Any employer wishing to hire a minor who is not exempt from California's child labor laws must obtain from the minor's school authorities and keep on file a permit to employ the minor. [[Ed.C. § 49160](#)]
In addition, minors themselves must obtain work permits from school authorities. [[Ed.C. §§ 49110, 49110.1](#)]

§ 49110

(a) It is the intent of the Legislature that school district, charter school, and private school personnel responsible for issuing work permits to pupils have a working knowledge of California labor laws as they relate to minors and be trained to provide pupils with practical personal guidance in career education.

(c) A work permit shall not be issued until the written request for the permit from the parent, guardian, foster parent, caregiver with whom the minor resides, or residential shelter services provider, has been filed with the issuing authority. “Residential shelter services” refers to residential and other support services provided to minors by a governmental agency, a person or agency under contract with a governmental agency to provide these services, an agency receiving funding from community funds, or a licensed community care facility or crisis resolution center on a temporary or emergency basis in a facility that services only minors. –

§ 49111. Age of minor

A permit to work may be issued to any minor over the age of 12 years and under the age of 18 years to be employed on a regular school holiday, during the regular vacation of the public school, during such time as the minor is exempt from compulsory school attendance pursuant to [Section 48231](#), and during the period of a specified occasional public school vacation in any of the establishments or occupations not otherwise prohibited by law.

§ 49130

A permit to work full time may be issued to a minor under the age of 16 years and over the age of 14 years who holds a diploma of graduation from the prescribed elementary school course under both of the following circumstances:

(a) The permit expires not later than the end of the current school year.

(b) Any of the following conditions:

(1) The parent or guardian of the minor child presents a sworn statement that the parent or guardian of the minor is incapacitated for labor through illness or injury, or that through the death or desertion of the father or mother of the minor, the family is in need of the earnings of the minor and that sufficient aid cannot be secured in any other manner.

(2) The minor is unable to reside with his or her family and the earnings of the minor are necessary for the support of the minor.

(3) The minor is residing with a foster care provider, or guardian receiving foster care funds for the minor, if the provider or guardian obtains written authorization from the minor's social worker, probation officer, or child protective services worker acting as an officer of the court. A permit may be issued to a minor who is subject to this paragraph only if the child's case plan documents that the purpose of the employment is to further the goal of emancipation pursuant to Part 6 (commencing with Section 7000) of Division 11 of the Family Code, or to enable the minor to gain knowledge of necessary work skills and work habits, and of the responsibilities related to maintaining employment.

The person issuing the permit shall sign a statement that he or she, or a competent person designated by him or her, has investigated the conditions under which the application for the permit has been made and has found that, in his or her judgment, the earnings of the minor are necessary for the family to support the minor or that the earnings of the minor are necessary to support the minor and that sufficient aid cannot be secured in any other manner. Before issuing a work permit to a minor who is subject to paragraph (3) of subdivision (b), the person issuing the permit shall sign a statement that he or she has received authorization from the minor's social worker, probation officer, or child protective services worker (emphasis added).

A minor who applies for a work permit pursuant to this section shall be duly enrolled in a work experience education program.

§ 49160. Permit to employ

No person, firm or corporation shall **employ, suffer, or permit** any minor under the age of 18 years to work in or in connection with any establishment or occupation except as provided in [Section 49151](#) without a permit to employ, issued by the proper educational officers in accordance with law.

The California Labor Code:

§ 1290. Employment of minors under 16

No minor under the age of 16 years shall be employed, permitted, or suffered to work in or in connection with any manufacturing establishment or other place of labor or employment at any time except as may be provided in this article or by the provisions of Part 27 (commencing with [Section 48000](#)) of the Education Code.

§ 1299. Permits and certificates for employment of minors

Every person, or agent or officer thereof, employing minors, either directly or indirectly through third persons, shall keep on file all permits and certificates, either to work or to employ, issued under this article or Part 27 (commencing with [Section 48000](#)) of the Education Code. The files

shall be open at all times to the inspection of the school attendance and probation officers, the State Board of Education, and the officers of the Division of Labor Standards Enforcement.