Mrs. Hazel B. Hill, Director  
Bureau of Women and Children  
Division of Labor  
225 State House  
Indianapolis 4, Indiana

Dear Madam:

I have before me your request for an Official Opinion on the following hypothetical facts which are as follows:

Are minors between 14 and 18 years of age, who are engaged in ice cream vending from motor bikes and bicycles required to have work certificates under the Child Labor Laws? The boys who vend this ice cream buy the ice cream from the employer at the beginning of each day and the employer buys back the unsold ice cream at the end of the day or credits each boy with the items remaining unsold.

The work certificate is not issued under the Child Labor Laws, but is governed by the statute on education and is found in the Acts of 1921, Ch. 132, as amended, and as found in Burns' Indiana Statutes (1948 Repl.), Section 28-519.

The Act in question provides that "It shall be unlawful for any person, firm or corporation to hire or employ or permit any minor between the ages of fourteen [14] and eighteen [18] years to work in any gainful occupation until such person, firm or corporation shall have secured and placed on file in the office of such person, firm or corporation a certificate issued by the issuing officer * * *." The issuing officer shall be the superintendent of the schools of a city or town having a board of school trustees and outside of the cities and towns said issuing officer would be the county superintendent of schools. This Act makes certain exceptions and provides that no certificate shall be required for any such minor if they are engaged in certain occupations. However, the exceptions of the Act do not come within the category of a minor engaged in an occupation of vending ice cream. The certificate, as referred to in this Act, may be issued upon the request of any parent or guardian of
such minor and must be accompanied by certain data as provided for in said Act.

It is my opinion that pursuant to the above Act, it would be necessary that the boys would require a work certificate.

OFFICIAL OPINION NO. 32

July 12, 1955

Mr. R. R. Wickersham
State Examiner
State Board of Accounts
304 State House
Indianapolis, Indiana

Dear Mr. Wickersham:

Your letter has been received requesting an Official Opinion on the following questions:

"1. Does the Marion County Welfare Department have to buy clothing for dependent children under the contract as made by the County Commissioners, or can the Welfare Department disregard the County Commissioners' contract and buy without a contract?

"2. Can the County Auditor pay the welfare claims for clothing for dependent children without the signatures of the County Commissioners?"

It is my understanding that these questions are limited to cases of dependent children made wards of the Marion County Welfare Department by the Marion County Juvenile Court and not living in a county-supported institution.

The authority of the Marion County Juvenile Court to make dependent children wards of the Marion County Department of Public Welfare is found in the Acts of 1945, Ch. 356, Sec. 15, as found in Burns' Indiana Statutes (1942 Repl., 1953 Supp.), Section 9-3215, which provides, in part, as follows:

* * *

"If the court shall find that the child comes within the provisions of this act, it may by order duly entered, proceed as follows:

* * *