

**Supporting Statement for
Questionnaire for Children Claiming SSI Benefits (SSA-3881-BK)**

20 CFR section 416.912(a)

OMB #0960-0499

A. Justification

1. **Authoring Laws and Regulations** - Section 1631(d)(2) of the Social Security Act grants the Commissioner of Social Security the authority to gather information in order to make a determination on an applicant's claim for Supplemental Security Income (SSI) benefits. Also, *P.L. 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996* gives the definitions and eligibility rules for disabled children. Since 1974, children have been eligible for disability benefits under Title XVI of the Act, which provides that the Commissioner shall adopt procedures for carrying out its provisions. *20 CFR section 416.912(a)* states that an applicant must furnish medical and other evidence that we can use to reach conclusions about a child's medical condition.
2. **How, by Whom, and for What Purpose the Information is to be Used** - An applicant completes Form SSA-3881-BK (with or without assistance from an SSA interviewer) either in person, over the telephone, or by mail when appealing an unfavorable disability decision on behalf of a child, or when a child's continuing entitlement to SSI disabled child (DC) benefits is being reviewed. In the majority of cases, the applicant will be a parent or legal guardian of the disabled child. The form requests the names and addresses of non-medical sources such as schools, counselors, agencies, organizations, or therapists that would have information about a child's functioning. It is filed in the disability claims folder, which is sent to a State Disability Determination Service (DDS) who may request information from these sources to help decide a child's claim for benefits or continuing benefits.
3. **Use of Information Technology to Collect the Information** - The electronic submission of application/form data is an Agency goal as an alternative means of doing business with SSA, unless face to face contact with the individual is required as part of the intake process or the circumstances are so sensitive or complex that the completer would be better served interacting with a trained SSA employee. Electronic intake can only occur if there is functional equivalency on the backend to receive and process the electronic submission. This expenditure of Systems resources must compete with other priority initiatives for very limited funds. The SSA-3881 cannot compete with the legislative mandates that are driving the use of these funds and, therefore, this collection is currently not scheduled for electronic implementation.

4. **Why Duplicate Information Cannot Be Used** – The SSA-3881 is designed to collect the names and addresses of non-medical sources such as schools, counselors, agencies, organizations, or therapists that would have information about a child's functioning. Therefore, for appeals and for continuing disability reviews (CDRs), there is no other collection instruments used by SSA that collects data similar to that collected here.
5. **How Burden on Small Respondents is Minimized**- This collection does not have a significant impact on a substantial number of small businesses or other small entities.
6. **Consequences of Not Collecting Information or Collecting it Less Frequently** - Form SSA-3881-BK is completed when a reconsideration or subsequent appeal of a claim for SSI DC benefits is made, and when a CDR is conducted. If the information requested on Form SSA-3881-BK is not collected when these interviews are conducted, SSA would be unable to ensure that benefits are paid only to those who meet the qualifications for disability benefits (or continue to meet the qualifications). Therefore, the information requested on this form must be collected in all appeal and CDR cases and could not be collected less frequently. Also, SSA would be in violation of existing regulations and P.L. 104-193, which gives the definitions and eligibility rules for disabled children.
7. **Special Circumstances that Need to be Explained** - There are no special circumstances that would cause this information collection to be conducted in a manner inconsistent with 5 CFR 1320.5.
8. **Solicitation of Public Comment and Other Consultations with the Public** - Form SSA-3881 was originally a direct result of the Zebley court decision in 1990. SSA consulted with plaintiffs' attorneys, Community Legal Services, Inc. (CLS), during the development of the form and CLS provided comments on the questions and the format used. We accommodated many of their recommendations.¹

The 60-day advance Federal Register notice was published on January 4, 2007 at 72 FR 357. SSA received no public comments. The second Notice was published on May 9, 2007 at 72 FR 26443. The burden hours shown on the first notice are incorrect as we used the figures from an out-dated clearance package. The estimate of burden hours made then was never reached. The estimated burden hours shown on the second notice are based on recent experience. There have been no outside consultations with members of the public.
9. **Payment or Gifts to Respondents** - SSA provides no payment or gifts to the respondents.
10. **Assurances of Confidentiality** - The information requested is protected and held confidential in accordance with 42 U.S.C. 1306, 20 CFR 401 and 402, 5 U.S.C. 552 (Freedom of Information Act), 5 U.S.C. 552a (Privacy Act of 1974), and OMB Circular No. A-130.

¹ We inadvertently used incorrect burden estimates on the first FR dated 01/04/07.

11. **Justification for Sensitive Questions** - The information collection does not contain any questions of a sensitive nature.
12. **Estimates of Public Reporting Burden** - The SSA-3881-BK is completed with every SSI childhood reconsideration and subsequent appeal of an initial application. It will also be completed in connection with every SSI childhood CDR. In the majority of cases, the SSA interviewer will complete the form based on information supplied by the applicant during the interview. SSA estimates the total number of reconsiderations and subsequent appeals of initial claims filed annually at 60,000 and the total number of CDR interviews conducted annually at 193,000. Therefore, the SSA-3881 will be used for a total of 253,000 respondents.

The estimated average time for completion of the form is 30 minutes. We expect to use this form for 253,000 respondents per year. Total annual burden hours (253,000 respondents X frequency X 30 minute and \60 minutes) is estimated to be 126,500. The total burden is reflected as burden hours, and no separate cost burden has been calculated.

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13. **Annual Cost to the Respondents (Other)** - There is no known cost burden to the respondents.
14. **Annual Cost to Federal Government** - The annual cost to the Federal Government is approximately \$1,558,480. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information.
15. **Program Changes or Adjustments to the Information Collection Budget** - There are no changes in the public reporting burden.
16. **Plans for Publication of Results of Information Collection** - The results of the information collected on this form will not be published.
17. **Request not to Display OMB Expiration Date** - OMB has granted SSA an exemption from the requirement that the expiration date for OMB approval be printed on its program forms. SSA produces millions of public-use forms, many of which have a life cycle longer than that of an OMB clearance. SSA does not periodically revise and reprint its public-use forms, (e.g., on an annual basis). This exemption was granted so that otherwise useable editions of forms would not be taken out of circulation because the expiration date had been reached. In addition, government waste has been avoided because stocks of forms will not have to be destroyed and reprinted.
18. **Exceptions to Certification Statement** - SSA is not requesting an exception to the certification requirements at 5 CFR 1320.9 and related provisions at 5 CFR 1320.8(b)(3).

B. Collections of Information Employing Statistical Methods

Statistical methods are not used for this information collection.