

Supporting Statement for Form SSA-753
Statement Regarding Marriage
20 CFR 404.726
OMB # 0960-0017

A. **Justification**

1. *Section 216(h)(1)(A)* of the *Social Security Act (the Act)* directs the Social Security Administration (SSA) to first apply State law to determine an individual's marital relationship. Marriages entered into without a ceremony (common-law marriages) are recognized under some State laws. In such cases, the Social Security Administration (SSA) provides the same spouse/widow(er) benefits to the common-law spouses as it does to regular married spouses.

The procedures and policies for determining whether a common-law marriage exists for purposes of the Act are set forth in *20 CFR 404.726* of the *Code of Federal Regulations*. These procedures direct SSA to elicit information from blood relatives or other persons who have knowledge about the alleged common-law relationship. SSA uses form SSA-753, the Statement Regarding Marriage, to make this determination.

2. Form SSA-753 elicits information from third parties to verify the applicant's statements about intent, cohabitation, and holding out to the public as married, which are the basic tenets of a common-law marriage. SSA then uses the information provided by third parties on the form to determine if a valid marital relationship exists. Ultimately, SSA needs this information to determine if the common-law spouse is entitled to Social Security spouse/widow(er) benefits.
3. Form SSA-753 is not currently scheduled for electronic implementation due to 1) the low volume of respondents and 2) the regulatory requirement at *20 CFR 404.726* for the respondents who are completing the forms to provide a wet signature.
4. The nature of the information being collected and the manner in which it is collected preclude duplication. There is no other collection instrument used by SSA that collects data similar to that collected here.
5. This collection does not impact small businesses or other small entities.
6. The rules cited in question #1 mandate that applicants for spouse/widow(er) benefits must have the necessary relationship to the number holder to be entitled to spouse/widow(er) benefits. The information collected on Form SSA-753 enables SSA to determine if the applicant's alleged common-law marriage meets State law requirements. If this information were not collected, SSA would be in violation of a Federal statute; therefore, in order to comply with both Federal and State law, the information cannot be collected less frequently. There are no technical or legal obstacles which prevent burden reduction.

7. There are no special circumstances that would cause this information collection to be conducted in a manner that is not consistent with 5 CFR 1320.5.
8. The 60-day advance Federal Register Notice published on April 28, 2008, at 73 FR 22989, and SSA received no public comments. The second Notice published on July 1, 2008, at 73 FR 37524. There have been no outside consultations with members of the public.
9. SSA provides no payment or gifts to the respondents.
10. 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.
11. The information collection does not contain any questions of a sensitive nature.
12. Form SSA-753 will be used by approximately 40,000 respondents annually. The estimated average response time is 9 minutes, for a total of 6,000 burden hours. The total burden is reflected as burden hours, and no separate cost burden has been calculated.
13. There is no known cost burden to the respondents.
14. The annual cost to the Federal Government is approximately \$61,600. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information.
15. There are no changes in the public reporting burden.
16. The results of the information collection will not be published.
17. 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 approval. 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. 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.