

**SUPPORTING STATEMENT FOR
QUESTIONNAIRE FOR CHILDREN CLAIMING SSI BENEFITS**

20 CFR 416.912(a)

OMB No. 0960-0499

A. Justification

1. When 1) child claimants for Supplemental Security Income (SSI) benefits receive an unfavorable disability eligibility decision, and the people applying on their behalf want to appeal the decision, or 2) when children are currently receiving Disabled Child (DC) benefits and the Social Security Administration (SSA) is reviewing their continued benefits eligibility, these disability applicants and recipients need a mechanism to submit relevant evidence about the child's functioning. SSA uses Form SSA-3881, the Questionnaire for Children Claiming SSI benefits, for that purpose.

Section 1631(d)(2) of the Social Security Act gives the Agency the authority to collect information needed to determine the validity of an applicant's claim for SSI benefits. P.L. 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, gives the definitions and eligibility rules for disabled children. Section 20 CFR 416.912(a) of the Code of Federal Regulations states that an applicant must furnish medical and other evidence that SSA can use to reach conclusions about a child's medical condition.

2. The applicants who usually complete this form are typically parents or legal guardians of children seeking to obtain or retain SSI benefits. These applicants provide information about the child's school history, testing/evaluation history, any type of therapy received, vocational rehabilitation, medical conditions, and names/addresses of other people or organizations (such as schools, counselors, agencies, organizations, and therapists) who are familiar with the child and could provide useful information to SSA. SSA will include this information in the child applicant's disability claims file. In turn, SSA shares this information with the State Disability Determination Services, who can use the sources provided as a resource for collecting more information about the child. Overall, SSA uses the information to determine if 1) its initial rejection of a child SSI applicant was incorrect or 2) if a current recipient of child DC benefits should continue to receive them.
3. Currently, the Agency does not have an Internet version of form SSA-3881 under its Government Paperwork Elimination Act plan. However, form SSA-3881 is available electronically to the public on SSA's website (www.ssa.gov) as a print and fill PDF, which saves time for respondents. For those individuals who appeal childhood disability decisions online, we have provided a link directly from the appeals form to the SSA-

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3881. Internally, SSA interviewers can easily access a fill and print PDF through various electronic processes, including the electronic disability collect system (EDCS). In addition, we are currently taking the first of several steps required to develop the electronic information collection tools necessary to implement an Internet electronic continuing disability review (eCDR) process. We expect various aspects of the eCDR process to be phased in beginning in 2009 and to continue until 2012. The eCDR collection tool will encompass the questions on the current form SSA-3881, and is expected to extend eventually to appeals.

4. The nature of the information we are collecting and the manner in which we are collecting it preclude duplication. SSA does not use any other collection instrument to collect the data gathered by form SSA-3881.
5. This collection does not significantly impact small businesses or other small entities.
6. If SSA did not conduct this information collection, we would have no means of ensuring that 1) our initial denials of child applicants for SSI were correct or 2) that our determinations for continuing eligibility for child SSI benefits were accurate. Since respondents only complete this form when one of these situations arises, we cannot collect the information less frequently.

There are no technical or legal obstacles to burden reduction.

7. There are no special circumstances that would cause SSA to conduct this information collection in a manner inconsistent with 5 CFR 1320.5.
8. SSA published the Advance 60-day Federal Register Notice on April 28, 2008, at 73 FR 22989, and we did not receive any public comments. We published the 30-day Federal Register Notice on July 1, 2008, at 73 FR 37524. If SSA receives any public comments in response to the 30-day Notice, we will forward them to OMB.

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.

9. SSA provides no payment or gifts to the respondents (except SSI payments, if eligibility is determined).
10. SSA protects and holds confidential the information it is requesting in form SSA-3881 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.

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12. Annually, approximately 253,000 respondents (60,000 appeals cases and 193,000 disability reviews) take 30 minutes each to complete form SSA-3881. The resulting total burden of 126,500 hours is reflected as burden hours, and SSA did not calculate a separate cost burden.
13. There is no known cost burden to the respondents.
14. The annual cost to the Federal Government for form SSA-3881 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. There are no changes to the public reporting burden.
16. SSA will not publish the results of this information collection.
17. OMB granted SSA an exemption from the requirement that we print the expiration date for OMB approval 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). OMB granted this exemption so that otherwise useable editions of forms would not be taken out of circulation because the expiration date had been reached. In addition, we are avoiding Government waste because we will not have to destroy and reprint stocks of forms.
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**

SSA does not use statistical methods for this information collection.