

**Supporting Statement for Form SSA-788,
Statement of Care and Responsibility for Beneficiary
20 CFR 404.2020, 404.2025, 408.620, 408.625, 416.620, 416.625
OMB No. 0960-0109**

A. Justification

1. Sections 205(j), 807 and 1631(a)(2) of the *Social Security Act (the Act)* and 20 CFR 404.2020, 408.620 and 416.620 of the *Code of Federal Regulations* specifically provide that the Social Security Administration (SSA) appoints a representative payee on behalf of a beneficiary. SSA can determine that a beneficiary should not receive his/her own benefits because the beneficiary is incapable of managing those benefits. SSA is responsible for finding and appointing the best-qualified payee who is available and willing to serve. Evidence of an applicant's qualifications to serve as a payee is necessary to ensure payment to the proper representative. 20 CFR 404.2025, 408.625 and 416.625 require that a potential representative payee submit convincing evidence (obtained from the beneficiary's custodian) of the applicant's suitability to serve, if the payee applicant does not have custody of the beneficiary.
2. SSA is concerned with selecting the most qualified representative payee who will apply the benefits in the beneficiary's best interests. Factors considered by SSA, which enable the payee to act in the beneficiary's best interest, include the payee applicant's capacity to perform payee duties, awareness of the beneficiary's situation and needs, demonstration of past and current concern for the beneficiary's well-being, etc. If the payee applicant does not have custody of the beneficiary, the custodian must obtain information from the custodian for evaluation against information provided by the applicant. SSA uses the information obtained from form SSA-788 to verify the statements of concern made by the payee applicant and identify other potential payees. Respondents are individuals who have custody of the beneficiary in cases where someone else has filed to be the beneficiary's representative payee.
3. As the SSA-788 is an agency generated form, in which SSA fills out the top portion and sends it to the custodian of the beneficiary in cases where the payee applicant does not have custody of the beneficiary, SSA does not have the means to make this form electronic at this time. In addition, due to high risk of payment error, improved technology, which would reduce the burden, is not available. Therefore, SSA did not schedule this form for electronic implementation.
4. The nature of the information and the manner in which we are collecting it preclude duplication. SSA does not use another collection instrument to collect similar data
5. This collection does not have a significant impact on a substantial number of small businesses or other small entities.

6. The information collection takes place when the applicant files to become a representative payee. If SSA did not collect this information, we could not corroborate the evidence provided by the applicant or fully evaluate the degree of his/her concern for the beneficiary, and SSA may fail to appoint a suitable representative payee. Therefore, SSA cannot collect the information less frequently. There are no technical or legal obstacles to prevent burden reduction.
7. There are no special circumstances that would cause SSA to conduct this information collection to be in a manner inconsistent with 5 CFR 1320.5.
8. The 60-day advance Federal Register Notice published on January 26, 2009, at 74 FR 4498, and SSA received no public comments. The second Notice published on April 07, 2009, at 74 FR 15808. SSA did not consult members of the public in the development of this form.
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. Approximately 130,000 respondents use form SSA-788. The estimated average response time is 10 minutes, for a total of 21,667 burden hours. The total burden represents 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 is approximately \$400,400. 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. SSA will not publish the results of the information collection
17. OMB exempted SSA from the requirement to print the OMB approval expiration date 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). OMB granted this exemption so the agency would not have to discontinue using otherwise useable editions of forms with outdated expiration dates. In addition, SSA avoids 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 is not using statistical methods for this collection.