

Form SSA-1372-BK and SSA-1372-BK-FC
Advance Notice of Termination of Child's Benefits and
Student's Statement Regarding School Attendance
20 CFR 404.350-404.352, 404.367-404.368

OMB No. 0960-0105

Justification for Non-Substantive Change

Background

The Social Security Act provides, under certain conditions, for payment of monthly benefits to students who are children of entitled workers. The Social Security Administration collects the following information on Forms SSA-1372-BK and SSA-1372-BK-FC: (1) information from the students regarding their attendance at an educational institution and (2) verification of students' allegations about school attendance from a school official. The respondents are both students and school officials.

Justification:

We are requesting non-substantive changes to the forms as outlined below at the recommendation of SSA's Office of the General Counsel (OGC). The questions ask title II claimants whether they have an unsatisfied felony, probation or parole violator warrant. OGC has advised us that due to litigation against SSA involving asking these questions, (i.e., *Martinez vs. Astrue, Commissioner of Social Security* and *Clark vs. Astrue, Commissioner of Social Security*) we should revise them to not ask title II claimants whether they have an unsatisfied felony, probation or parole violator warrant. Instead, the agency will continue to enforce the fugitive felon non-payment provisions of the Social Security Act via the fugitive felon suspension-matching program. These changes will relieve the agency of any further potential litigation related to asking these questions.

We plan to destroy the stock of the old versions so we can begin using the new versions of the forms immediately upon receiving OMB approval.

Revision to the Collection Instrument

Change:

On Form SSA-1372-BK (Advance Notice of Termination of Child's Benefits), we are revising the language in question 8 on page 2 to read:

From: Do you have any unsatisfied felony warrants for your arrest? __Yes __No

To : Do you have an unsatisfied warrant for your arrest for a crime or attempted crime of flight to avoid prosecution or confinement or escape from custody? __Yes __No

We are removing question 9 on page 2:

Remove: Do you have any unsatisfied Federal or State warrants for your arrest for violating the conditions of your probation or parole?

On page 6 we are revising the language in the sixth bullet and removing the seventh bullet under the heading “Important Responsibilities.”

From: You have any unsatisfied felony warrants for your arrest

To : You have an unsatisfied warrant for your arrest for a crime or an attempted crime for flight to avoid prosecution or confinement or escape from custody

Remove: You have any unsatisfied Federal or State warrants for your arrest for violating the conditions of your probation or parole

On Form SSA-1372-BK-FC, we are revising the language in question 8 on page 3, and the sixth bullet on page 7 under the heading “Important Responsibilities.”

From: Do you have an unsatisfied warrant, over 30 days old, issued for your arrest because you were charged with a crime that carries a penalty of death or confinement of over one year, or because you violated a condition of Federal or State probation or parole? __Yes __No

To : Do you have an unsatisfied warrant for your arrest for a crime or attempted crime of flight to avoid prosecution or confinement or escape from custody? __Yes __No

From: An unsatisfied warrant, over 30 days old, was issued for your arrest because...

To : You have an unsatisfied warrant for your arrest for a crime or an attempted crime for flight to avoid prosecution or confinement or escape from custody