

**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. Introduction/Authoring Laws and Regulations

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. We can determine that beneficiaries should not receive their own benefits if the beneficiary is incapable of managing those benefits. We are 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. Description of Collection

SSA uses the information from Form SSA-788 to verify payee applicants' statements of concern and to identify other potential payees. SSA is concerned with selecting the most qualified representative payee who will use Social Security benefits in the beneficiary's best interest. SSA considers factors such as 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, SSA will obtain information from the custodian for evaluation against information provided by the applicant. Respondents are individuals who have custody of the beneficiary in cases where someone else has filed to be the beneficiary's representative payee. Form SSA-788 is an agency-generated form, which SSA completes the top portion of Form SSA-788, sends to the custodians of the beneficiaries, and they complete the rest of the form and gives back to us.

3. Use of Information Technology to Collect the Information

Form SSA-788 is an agency generated form available as a print-only PDF on SSA's internal website.

SSA did not create an electronic version of Form SSA-788 under the agency's Government Paperwork Elimination Act (GPEA) plan, due to high risk of payment error.

4. Why We Cannot Use Duplicate Information

The nature of the information we are collecting and the manner in which we are collecting it preclude duplication. SSA does not use another collection instrument to obtain similar data.

5. Minimizing Burden on Small Respondents

This collection does not significantly affect small businesses or other small entities.

6. Consequence of Not Collecting Information or Collecting it Less Frequently

If we did not use Form SSA-788, we would be unable to verify the evidence the applicants provide to become a representative payee, or to fully evaluate the degree of their concerns for the beneficiary, which would result in SSA not being able to appoint a suitable representative payee. Because we collect the information on an as needed basis, we cannot collect it less frequently.

There are no technical or legal obstacles to burden reduction.

7. Special Circumstances

There are no special circumstances that would cause SSA to conduct this information collection in a manner inconsistent with 5 CFR 1320.5.

8. Solicitation of Public Comment and Other Consultations with the Public

The 60-day advance Federal Register Notice published on August 09, 2012, at 77 FR 47688, and we received no public comments. The 30-day FRN published on September 24, 2012 at 77 FR 58903. If we receive any comments in response to this Notice, we will forward them to OMB. We did not consult with the public in the revision of this form.

The first Federal Register Notice shows incorrect burden information for the SSA-788. We have corrected for this in the second Notice, in #12 below and on ROCIS.

9. Payment or Gifts to Respondents

SSA does not provide payments or gifts to the respondents.

10. Assurances of Confidentiality

SSA protects and holds confidential the information it collects 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. Justification for Sensitive Questions

The information collection does not contain any questions of a sensitive nature.

12. Estimates of Public Reporting Burden

| Collection Instrument | Number of Respondents | Frequency of Response | Average Burden Per Response (minutes) | Estimated Total Annual Burden (hours) |
|------------------------------|------------------------------|------------------------------|--|--|
| SSA-788 | 130,000 | 1 | 10 | 21,667 |

The total burden for this ICR is 21,667 hours. This figure represents burden hours, and

we did not calculate a separate cost burden.

13. Annual Cost to the Respondents (Other)

This collection does not impose a known cost burden on the respondents.

14. Annual Cost to Federal Government

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. Program Changes or Adjustments to the Information Collection Request

There are no changes to the public reporting burden.

16. Plans for Publication Information Collection Results

SSA will not publish the results of the information collection

17. Displaying the OMB Approval Expiration Date

OMB granted SSA an exemption from the requirement to print the OMB expiration date on its program forms. SSA produces millions of public-use forms with life cycles exceeding those of an OMB approval. Since SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis), OMB granted this exemption so SSA would not have to destroy stocks of otherwise useable forms with expired OMB approval dates, avoiding Government waste.

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

SSA is not using statistical methods for this collection.