

**Addendum to Supporting Statement for Form SSA-5-BK
Application for Mother’s or Father’s Insurance Benefits
20 CFR 404.339 - 404.342, 20 CFR 404.601 - 404.603
OMB No. 0960-0003**

Revisions to the Collection Instrument – Form SSA-5-BK

- **Change #1:** On page 6, we are revising the Privacy Act Statement on this form.

Justification #1: SSA’s Office of the General Counsel is conducting a systematic review of SSA’s Privacy Act Statements on agency forms. As a result, SSA is updating the Privacy Act Statement on the form.

- **Change #2:** On page 6, we are revising the PRA statement on this form.

Justification #2: We are revising the PRA statement to reflect our current boilerplate language. The current language, which dates back to the last reprint of the form, is now outdated.

- **Change #3:** On page 7, bullet 9, under “Changes To Be Reported and How To Report,” we are updating the bullet:

From:

You have an unsatisfied warrant for more than 30 continuous days for your arrest for a crime or attempted crime that is a felony or flight to avoid prosecution or confinement, escape from custody, and flight-escape. In most jurisdictions that do not classify crimes as felonies, this applies to a crime that is punishable by death or imprisonment for a term exceeding 1 year (regardless of the actual sentence imposed).

To:

You have an unsatisfied felony or arrest warrant for more than 30 continuous days for flight to avoid prosecution or confinement, escape from custody, or flight escape.

Justification #3: We are making these changes because of the Martinez Settlement. The Martinez Settlement is a nationwide class action settlement that caused us to stop suspending benefits for an outstanding felony warrant unless the warrant issued is for a crime, or attempted crime, of flight to avoid prosecution or confinement; escape from custody; and flight-escape. In addition, we now use the term “arrest warrant” to cover jurisdictions that do not classify crimes as felonies.

- **Change #4:** On page 7, bullet 10, under “Changes To Be Reported and How To Report,” we are removing the bullet which states “You violated for more than 30 continuous days a condition of your probation or parole under Federal or State law.”

Justification #4: We are deleting this entire bullet, because our SSA decided we would no longer suspend benefits or stop payments to Title II beneficiaries and Title XVI recipients if the beneficiary or recipient alleged having an unsatisfied violation of probation or parole under Federal or State law. In addition, SSA decided we would no longer enforce the

probation or parole violation non-payment sections of the Social Security Act because the statute, as currently constructed, is flawed and not susceptible to implement given the restrictions placed on the Agency by the *Clark Court Order*.

- **Change #5:** On page 7, bullet 11, under “Changes To Be Reported and How To Report,” we are updating the bullet:

From:

You begin to receive a government pension or annuity (from the Federal government or any State or any political subdivision thereof) or your pension or annuity amount changes.

To:

You begin to receive a retirement or disability government pension or annuity (from the Federal government or any State or any political subdivision thereof) or your pension or annuity amount changes.

Justification #5: Based on an OMB directive, we initiated a corrective action plan to mitigate improper payments. One part of the initiative was to improve public-facing publications to include that claimants or beneficiaries were aware that both a retirement or disability pension/annuity could affect benefits.

Revisions to the Collection Instrument – Form SSA-5-INST

- **Change #1:** On page 1, bullet 8, under “Changes To Be Reported and How To Report,” we are updating the bullet:

From:

You are confined to jail, prison, penal institution or correctional facility for conviction of a crime or you are confined to a public institution by court order in connection with a crime.

To:

You are confined to jail, prison, penal institution or correctional facility for more than 30 continuous days for conviction of a crime or you are confined for more than 30 continuous days to a public institution by court order in connection with a crime.

Justification #1: We are making these changes to conform to the non-payment requirements of the *Social Security Act* in section 202(x)(1).

- **Change #2:** On page 1, bullet 9, under “Changes To Be Reported and How To Report,” we are updating the bullet:

From:

You begin to receive a government pension or annuity (from the Federal government or any State or any political subdivision thereof) or your pension or annuity amount changes.

To:

You begin to receive a retirement or disability government pension or annuity (from the Federal government or any State or any political subdivision thereof) or your pension or annuity amount changes.

Justification #2: Based on an OMB directive, we initiated a corrective action plan to mitigate improper payments. One part of the initiative was to improve public-facing publications to include that claimants or beneficiaries were aware that both a retirement or disability pension/annuity could affect benefits.

- **Change #3:** On page 1, bullet 10, under “Changes To Be Reported and How To Report,” we are updating the bullet:

From:

You have an unsatisfied warrant for your arrest for a crime or attempted crime that is a felony (or, in jurisdictions that do not define crimes as felonies, a crime that is punishable by death or imprisonment for a term exceeding 1 year.)

To:

You have an unsatisfied felony or arrest warrant for more than 30 continuous days for flight to avoid prosecution or confinement, escape from custody, or flight escape.

Justification #3: We are making these changes because of the Martinez Settlement. The Martinez Settlement is a nationwide class action settlement that caused us to stop suspending benefits for an outstanding felony warrant unless the warrant issued is for a crime, or attempted crime, of flight to avoid prosecution or confinement; escape from custody; and flight-escape. In addition, we now use the term “arrest warrant” to cover jurisdictions that do not classify crimes as felonies.

- **Change #4:** On page 1, bullet 11, under Changes To Be Reported and How To Report,” we are deleting the bullet that states “You have an unsatisfied warrant for a violation of probation or parole under Federal or State law.”

Justification #4: We are deleting this entire bullet, because our SSA decided we would no longer suspend benefits or stop payments to Title II beneficiaries and Title XVI recipients if the beneficiary or recipient alleged having an unsatisfied violation of probation or parole under Federal or State law. In addition, SSA decided we would no longer enforce the probation or parole violation non-payment sections of the Social Security Act because the statute, as currently constructed, is flawed and not susceptible to implement given the restrictions placed on the Agency by the *Clark Court Order*.

- **Change #5:** On page 2, we are revising the Privacy Act Statement on this form.

Justification #5: SSA’s Office of the General Counsel is conducting a systematic review of SSA’s Privacy Act Statements on agency forms. As a result, SSA is updating the Privacy Act Statement on the form.

- **Change #6:** On page 2, we are revising the PRA statement on this form.

Justification #6: We are revising the PRA statement to reflect our current boilerplate language. The current language, which dates back to the last reprint of the form, is now outdated.