

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, and 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*, and 20 CFR 404.2020, 408.620 and 416.620 of the *Code of Federal Regulations (Code)* specifically state that the Social Security Administration (SSA) can appoint a representative payee on behalf of a beneficiary. We determine that a beneficiary should not receive their own benefits when they are incapable of managing them. 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 of the *Code* require a potential representative payee to 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

In certain situations when a beneficiary requires a representative payee, an individual may apply to serve as the representative payee even though they are not the beneficiary's custodian. Particularly in these circumstances, it is essential for SSA to ensure the applicant has concern and responsibility for the beneficiary. SSA is concerned with selecting the most qualified representative payee who will use Social Security benefits in the beneficiary's best interest. Examples of typical situations when a representative payee applicant is different than the custodian include: adult child payee applicants where the beneficiary resides in a nursing home, and a legal guardian payee applicant where the beneficiary resides in a group home.

In these circumstances, SSA uses the information from Form SSA-788 to verify payee applicants' statements of concern, and to identify other potential payees. 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 obtains information from the custodian for evaluation against information the applicant provides.

To actually conduct the information collection, SSA will mail a partially-completed SSA-788 to the beneficiary's custodian, asking them to complete all information beginning at "Your Help is Needed." These mailers include a self-addressed envelope, allowing custodians the ability to send

responses back to SSA.

Respondents are individuals who have custody of the beneficiary in cases where someone else filed to be the beneficiary's representative payee.

3. **Use of Information Technology to Collect the Information**

The SSA-788 is available as a printable and fillable PDF on our website, although in nearly all instances SSA proactively mails the form to respondents it wishes to complete the form.

SSA did not create an electronic version of Form SSA-788 under the agency's Government Paperwork Elimination Act (GPEA) plan, because this collection does not currently have a fully public-facing Internet version, as we prioritized other information collections for full electronic conversions. Given that IT Mod programming is an ongoing, dynamic project, we cannot provide specific timelines for when we will be able to make any particular ICR available via Internet web-based application. We will ultimately convert most existing ICRs to full electronic versions depending on how they fall within our overall IT Mod schema, but this may be unconnected to the PRA approval lifecycle.

In the interim, we have evaluated this collection for conversion to a digitally submittable PDF. Given the low volume of respondents to this form and the more urgent nature of some of other submittable PDF conversions, we ultimately decided not to prioritize this ICR for conversion to a fully digitally submittable PDF at this time. When we are able to schedule this form for conversion to a submittable PDF, we will submit a Change Request to OMB to request prior approval.

4. **Why We Cannot Use Duplicate Information**

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

5. **Minimizing Burden on Small Respondents**

This collection does not 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. As a result, SSA may be unable to appoint a suitable representative payee. Because we collect this 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 to be 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 July 2, 2021, at 86 FR 35371, and we received no public comments. The 30-day FRN published on September 2, 2021 at 86 FR 49403. If we receive any comments in response to this Notice, we will forward them to OMB.

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

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Estimated Total Annual Burden (hours)	Average Theoretical Hourly Cost Amount (dollars)*	Total Annual Opportunity Cost (dollars)**
SSA-788	134,000	1	10	22,333	\$31.48*	\$703,043**

* We based this figures on average U.S. citizen’s hourly salary, as reported by Bureau of Labor Statistics data (https://www.bls.gov/oes/current/oes_nat.htm#00-00000).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. **There is no actual charge to respondents to complete the application**

The total burden for this ICR is **22,333** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$703,043**. SSA does not charge respondents to complete our applications.

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 **\$494,620**. This estimate accounts for costs from the following areas:

Description of Cost Factor	Methodology for Estimating Cost	Cost in Dollars*
Designing and Printing the Form	Design Cost + Printing Cost	\$1,500
Distributing, Shipping, and Material Costs for the Form	Distribution + Shipping + Material Cost	\$0*
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	GS-9 employee x # of responses x processing time	\$493,120
Full-Time Equivalent Costs	Out of pocket costs + Other expenses for providing this service	\$0*
Systems Development, Updating, and Maintenance	GS-9 employee x man hours for development, updating, maintenance	\$0*
Quantifiable IT Costs	Any additional IT costs	\$0*
Total		\$494,620

* We have inserted a \$0 amount for cost factors that do not apply to this collection.

SSA is unable to break down the costs to the Federal government further than we already have. First, since we work with almost every US citizen, we often do bulk mailings, and cannot track the cost for a single mailing. In addition, it is difficult for us to break down the cost for processing a single form, as field office and State Disability Determination Services staff often help respondents fill out several forms at once, and the time it takes to do so can vary greatly per respondent. As well, because so many employees have a hand in each aspect of our forms, we use an estimated average hourly wage, based on the wage of our average field office employee (GS-9) for these calculations. However, we have calculated these costs as accurately as possible based on the information we collect for creating, updating, and maintaining these information collections.

15. **Program Changes or Adjustments to the Information Collection Request**
When we last cleared this IC in 2018, the burden was 21,667 hours. However, we are currently reporting a burden of 22,333 hours. This change stems an increase in the number of responses from 130,000 to 134,000. There is no change to the burden time per response. Although the number of responses changed, SSA did not take any actions to cause this change. These figures represent current Management Information data.
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 does not use statistical methods for this information collection.