

**Supporting Statement for Form SSA-753**  
**Statement Regarding Marriage**  
**20 CFR 404.726**  
**OMB # 0960-0017**

**A. Justification**

**1. Introduction/Authoring Laws and Regulations**

Section 216(h)(1)(A) of the *Social Security Act (Act)* directs the Social Security Administration (SSA) to apply State law to determine an individual's marital relationship. Some State laws recognize marriages entered into without a ceremony (i.e., common-law marriages). In such cases, SSA provides the same spouse or widow(er) benefits to common-law spouses as it does to ceremonially married spouses. 20 CFR 404.726 of the *Code of Federal Regulations* sets forth the procedures and policies for determining whether a common-law marriage exists for purposes of the *Act*. These procedures direct SSA to collect information from blood relatives or other people who have knowledge about the alleged common-law relationship.

**2. Description of Collection**

At times, a claimant may apply for Title II benefits based on a common-law (or non-ceremonial) marriage to an SSA worker. In these cases, the SSA employee must develop evidence to determine that the common-law marriage exists or existed. In cases where both spouses are living, we obtain an SSA-753, Statement Regarding Marriage, from a blood relative (a person related by blood, not by marriage or adopted) of each spouse. In cases where one spouse is deceased, we obtain an SSA-753 from a blood relative of the surviving spouse, and an SSA-753 from two blood relatives of the deceased spouse.

In all cases, a SSA technician determines when an claimant needs to submit form SSA-753 to SSA, and in most cases, SSA mails the form with instructions and a pre-paid envelope for returning it. The forms collect information from third parties, primarily blood relatives, to verify the claimant's statements about the intent to marry, an agreement to marry, cohabitation, and holding out to the public as married. SSA uses the information to determine if a valid marital relationship exists or existed, and if the common-law spouse is entitled to Social Security spouse's or widow(er)'s benefits. We receive this form via mail or electronically via Uploads Document. Upon receipt, field offices are responsible for receiving and processing this form.

We require a signature on the SSA-753 because there is a need to bind a party to the document to prove the existence of a marriage. Per 20 C.F.R. § 404.726(b)(2), preferred evidence of a common-law marriage requires signed statements to show why the signer believes there was a marriage between the two persons.

We identified the following psychological cost based on the requirements for this information collection:

- **Psychological Cost #1:**
  - **Requirement for the Program:** The SSA-753 asks blood relatives of the worker or claimant to provide personal information about their relative so SSA can determine whether the claimant for spouse's or widow(er)'s benefits is eligible for benefits based on a common-law marriage.
  - **Psychological Cost:** The respondent may perceive these questions as unduly invasive, and these factors can lead to individuals choosing to delay or abandon completing this form.

We understand these psychological costs may cause respondents to delay their completion of the information collection or cause them to abandon the information collection entirely. However, preferred evidence of a common-law marriage includes statements from blood relatives. Therefore, we have taken this potential psychological cost into account when calculating our burden in #12 below.

The respondents are third parties who are blood relatives of the worker or claimant for spouse's or widow(er)'s benefits who can confirm or deny an alleged common-law marriage.

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

SSA created a fillable PDF version of this form for respondents to download, complete, print, and submit to SSA.

This collection has a public-facing fillable and submittable version which the respondent can submit using SSA's Upload Documents Portal (OMB No. 0960-0830). Upload Documents allows the respondent to complete the fillable PDF, electronically sign it, and submit the information through the Upload Documents Portal. The submittable version mirrors the paper version and provides respondents with an online service option as an alternative to mailing, faxing, or bringing the form to an SSA field office. Use of the Upload Documents Portal does not require respondents to download and install the application locally on their device or pay any subscription or licensing fees, and we account for the burden for using Upload Documents under OMB No. 0960-0830.

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

The nature of the information we collect and the manner in which we collect it preclude 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-753, SSA would have no way to determine if a claimant’s alleged common-law marriage meets State law requirements. Because we only 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 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 29, 2025, at 90 FR 42294, and we received no public comments. The 30-day FRN published on – March 23, 2026, at 91 FR 13915. 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. We did not consult with the public in the revision/maintenance of this form.

**Correction Notice:** The first Federal Register Notice shows incorrect burden information for the SSA-753. 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**

<b>Modality of Completion</b>	<b>Number of Respondents</b>	<b>Frequenc y of Response</b>	<b>Average Burden Per Response (minutes)</b>	<b>Estimate d Total Annual Burden (hours)</b>	<b>Average Theoretical Hourly Cost Amount (dollars)*</b>	<b>Total Annual Opportunity Cost (dollars)**</b>
SSA-753 (paper)	179,804	1	9	26,971	\$32.66*	\$880,873**
SSA-753 Submittable PDF Version via Upload	165	1	9	25	\$32.66*	817**

Documents (0960-0830)						
<b>Totals</b>	<b>179,969</b>	<b>1</b>	<b>18</b>	<b>56,990</b>	<b>\$7.25*</b>	<b>\$881,690**</b>

\* We based this figure on average U.S. citizen's hourly salary, as reported by Bureau of Labor Statistics data ([Occupational Employment and Wage Statistics](#)).

\*\* 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.**

We base our burden estimates on current management information data, which includes data from actual interviews, as well as from years of conducting this information collection. Per our management information data, we believe that 19 minutes above accurately shows the average burden per response for learning about the program; receiving notices as needed; reading and understanding instructions; gathering the data and documents needed; answering the questions and completing the information collection instrument; scheduling any necessary appointment or required phone call; consulting with any third parties (as needed); and waiting to speak with SSA employees (as needed). Based on our current management information data, the current burden information we provided is accurate. The total burden for this ICR is **56,990** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$881.690**. 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 \$1,304,236. This estimate accounts for costs from the following areas:

Description of Cost Factor	Methodology for Estimating Cost	Cost in Dollars*
Designing, Printing, and Distributing the Form	Design Cost + Printing Cost + Distribution Cost	\$606
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	GS-9 employee x # of responses x processing time	\$900,210
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	403,420
Quantifiable IT Costs	Any additional IT costs	0*
<b>Total</b>		<b>\$1,304,236</b>

\* 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. We do not track design costs or upkeep costs (as these are based on employee time and may vary from collection to collection). 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. Finally, SSA prefers not to provide breakdowns of estimated payment to employees who process these items for a variety of reasons (only one of which is that it is not possible to do this entirely accurately).

**15. Program Changes or Adjustments to the Information Collection Request**

When we last cleared this IC in 2024, the burden was 6,000 hours. However, we are currently reporting a burden of 56,990 hours. This change stems an increase in the number of responses from 40,000 to 179,969. 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.

