

Social Security for Divorced Couples

A divorce can raise many financial uncertainties, and Social Security benefits offer stability for many. Social Security benefits are provided to ex-spouses, regardless of their work record, as long as they meet a few rules.

If you collect benefits based on your ex-spouse's work record, it will not reduce or affect your ex-spouse's benefit in any way.

Rules of Eligibility

You can receive Social Security benefits based on your ex-spouse's work record, even if he or she remarried, if all of the following rules are met:

- Your ex-spouse is entitled to Social Security benefits.** If your ex-spouse worked for 10 years or more, then he or she is eligible to receive retirement benefits as early as age 62. If your ex-spouse is receiving Social Security disability benefits, you may also qualify for benefits.
- Your marriage lasted at least 10 years.**
- You are age 62 or older.**
- You are not married.**
- Your own Social Security retirement benefits are lower.** The benefit you are entitled to receive based on your own work record is less than the benefit you would receive based on your ex-spouse's work record.

You can receive divorced spouse benefits before your ex-spouse applies for Social Security. Both you and your ex-spouse have to meet the outlined rules and have been divorced for at least two years.

Exceptions to the Rules:

The Social Security Administration recognizes that there are special circumstances in which the rules may not apply. Here are some exceptions to the rules:

- Your marriage didn't last for at least 10 years.** The 10-year rule doesn't apply if you are caring for a child under the age of 16 or a disabled child who is receiving benefits based on your former spouse's work record. However, the child has to be your ex-spouse's natural or legally adopted child.
- You are under age 62.** If you are not working and are caring for your ex-spouse's child (who also is your natural or legally adopted child and who is younger than 16 or disabled and entitled to benefits), then you may claim at any age. Your benefits will continue until the child reaches age 16 or is no longer disabled.
- You have remarried.** If you remarry you generally can't collect your ex-spouse's Social Security benefits unless your current marriage ends as a result of death, divorce or annulment. If your ex-spouse is deceased and you remarry after age 60 (or age 50 if you're disabled), you may still be eligible for a benefit under your ex-spouse's work record.

If your ex-spouse had numerous marriages, any of his ex-spouses who had been married to him for at least 10 years is entitled to receive benefits based on his work record. This will not affect your ex-spouse's benefits.

Ex-Spousal Benefits

If divorced, you may be able to claim Social Security benefits based on your own work record, or collect a “spousal benefit” that may provide you up to 50 percent of your ex-spouse’s Social Security benefit. If you are eligible for both benefits you will receive whichever is higher. You will receive the maximum spousal benefit, 50 percent of your ex-spouse’s benefit, if you wait until you reach your full retirement age.

Survivor Benefits

If your ex-spouse is deceased, you may still be able to collect benefits based on your ex-spouse’s work record under the following rules:

- ❑ You must be age 60 (age 50 if you’re disabled).
- ❑ If you remarry before you reach age 60 (or age 50 if disabled), you cannot receive survivor benefits as long as that marriage remains in effect.
- ❑ If you remarry after you reach age 60 (or age 50 if disabled), you will continue to receive benefits on your deceased ex-spouse’s work record. However, if

your current spouse is a Social Security beneficiary, you should apply for a spousal benefit on his or her record if it would be larger than your survivor’s benefit. You can get the higher of the benefits but you cannot get both.

Make the Most of Your Benefits

Since Social Security is a guaranteed, life-long source of retirement security income, maximizing the amount you receive is important, especially if you are divorced. While it is tempting to start collecting benefits as soon as you can, delaying claiming will mean more money for you each month when you eventually start collecting.

Applying for Benefits Early

If you decide to claim benefits on your ex-spouse’s record before you reach full retirement age, your monthly benefit amount will be permanently reduced. If you wait until you reach full retirement age, you will receive the maximum benefit, which is either 50 percent of the amount your ex-spouse is entitled to receive at his or her full retirement age or 100 percent of your own benefit.

Example: Mary is 62 and has been divorced for three years. She knows that her ex-husband is receiving \$1,000 a month in Social Security benefits. Mary estimates that even half of his benefit is significantly greater than retirement benefits based on her own work record. To help her decide when to claim benefits on her ex-spouse’s record, she compared what her benefits would be the longer she waited.

Mary’s Age	Percent of ex-spouse’s benefit	Mary’s monthly ex-spouse benefit
66	50%	\$500
65	46%	\$460
64	42%	\$420
63	37.5%	\$375
62	35%	\$350

Mary, who is in good health and has saved well, decided not to claim at age 62. She will reevaluate her situation each year and aim to wait until age 66.

Waiting to Claim Can Offer You a Choice

If you are eligible for benefits on your own work record and **you have reached full retirement age**, you have an **important choice to make!**

You can choose to either claim your own benefit or delay taking yours and claim half of your ex-spouse's benefit. Choosing to collect half of your ex-spouse's benefit first, while delaying claiming your own until age 70, will increase the amount of benefits you will eventually receive. It will allow you to continue to earn delayed retirement credits and at the same time collect Social Security based on your ex-spouse's work record. At age 70, when you have earned the maximum benefit based on your work record (assuming it will be higher than the benefit you are receiving based on your ex-spouse's work record) you can switch to your own benefit.

Example: Karen is 66 years old and has been divorced for five years. She is eligible for \$1,000 a month in Social Security benefits based on her work record. Karen is also eligible to get \$900 a month from her ex-husband's benefits, which is half of his \$1,800 monthly benefit. Now, Karen has to decide which option will provide her with the highest monthly benefit for the rest of her life.

Karen knows that if she is able to delay taking her individual benefit, it will continue to grow. Therefore, Karen elects to claim only her spousal benefit on her ex-husband's record - \$900 - even though it's slightly less than her own benefit. She will then allow her own benefit to grow until age 70 and switch to her own benefit at that time, which will have increased from \$1,000 to \$1,320.

If you were born in 1943 or later, your benefits will increase 8 percent for each year you delay collecting beyond your full retirement age, up until age 70. That's an excellent guaranteed return that may bring additional financial peace of mind.

Check the Facts

Getting information on how much your Social Security benefits will be is as simple as making a phone call to the Social Security Administration at **1-800-772-1213** or visiting one of the local offices. Check **www.ssa.gov/locator** for a list of offices near you. The Social Security Administration will be able to give you an estimate on the benefits you may receive as a divorced spouse or a surviving divorced spouse, as well as on your own earned benefit. If you don't have a good relationship with your ex-spouse, don't worry. You don't have to get his or her permission or approval to collect benefits. Nor will Social Security inform your ex-spouse that you are getting the benefit, as it does not impact his or her own monthly benefits.

When applying for Social Security benefits as a divorced spouse, you may be asked to submit copies of identifying documents. Here's a list of what you may need:

- Birth certificate or other proof of birth;
- Naturalization papers;
- U.S. military discharge papers;
- W-2 forms(s) and/or self-employment tax returns for last year;
- Final divorce decree, if applying as a divorced spouse; and
- Marriage certificate.

Your To Do List:

- ❑ Gather documents, including your Social Security card, marriage certificate and divorce decree.
- ❑ Contact the Social Security Administration at **1-800-772-1213** to determine how much in benefits you are eligible for on your own record and on your ex-spouse's record.
- ❑ Calculate how much you'll get by claiming based on your ex-spouse's work record and delaying collecting your own. AARP's Social Security Benefits Calculator can help you look at the numbers: **www.aarp.org/socialsecuritybenefits**.
- ❑ Create a plan to reach your retirement goals, whether it means learning new skills to stay employed longer, saving more money for retirement or possibly downsizing. AARP's *Ready for Retirement? Tools to Achieve Peace of MindSM* can help you get started: **www.aarp.org/readyforretirement**.
- ❑ Contact the Social Security Administration at **1-800-772-1213** or **www.ssa.gov** when you decide to claim or for additional questions.



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