

Social Security Benefits for Divorced Spouses



Deciding when to begin receiving Social Security is one of several important decisions you need to make when planning your retirement. If you are or were previously divorced, understanding what your options are can get more complex.

Both spousal retirement benefits and survivor benefits are available to divorced spouses if certain conditions are met. When it comes to Social Security, you may want to keep track of your exes. Your future Social Security benefits could depend on it!

Like all spousal benefits, divorced spouse benefits follow the same general rules.

- You must be at least age 62 to claim spousal retirement benefits.
- For survivor benefits, you must be at least age 60 (or age 50 if disabled).

- Early reduction penalties apply based on your age when you receive Social Security before full retirement age (FRA).
- The earnings limit also applies when you receive benefits early if you are still working which can further reduce or eliminate your benefits, depending on the amount of your income.
- There are no delayed retirement credits that apply if you wait until after your FRA to claim the spousal retirement benefit or survivor benefit.

Divorced Spouse Retirement Benefits

In addition to the above general rules, to qualify for spousal benefits as a divorced spouse, you also must be unmarried when you file for Social Security and your previous marriage must have lasted at least 10 years before your divorce. Even though your ex-spouse must also be at least age 62 and entitled to benefits, he or she does not have to be receiving Social Security at the time you file for and receive spousal benefits, as long as you divorced at least two years before applying.

The maximum you are entitled to receive at FRA is 50% of your ex-spouse's primary insurance amount (PIA). PIA is the unreduced benefit amount that is available at FRA. Your ability to receive Social Security retirement benefits as a divorced spouse is not impacted by your ex-spouse's current spouse if he or she remarried.



Retirement Planning

There is no limit to the number of divorced spouses that can receive Social Security from the same worker's earnings!

Restricted Application Rules for Spousal Benefits Also Apply

If you were born on or before January 1, 1954, you are at least FRA, and your spouse is eligible for Social Security benefits (even if he or she has not filed for them), you can choose to file a restricted application for spousal benefits. The benefits of a restricted application are it allows your own retirement benefit to earn the 8% yearly delayed retirement credits until age 70, and it allows you to switch later from the spousal benefit to your own retirement benefit if it is larger.

Divorced Spouse Survivor Benefits

If your ex-spouse is deceased, you may also be eligible to receive survivor benefits if your marriage lasted at least 10 years and you are not entitled to a higher retirement benefit amount based on your own work history. If filing for survivor benefits at FRA, the maximum amount you can receive is 100% of your deceased ex-spouse's PIA or the amount the deceased ex-spouse was receiving at the time of death.

Impact of Remarriage

If your ex-spouse remarries, it will have no impact on your ability to receive a spousal or survivor benefit; however, your remarriage could. If you remarry before age 60, you forfeit any spousal benefit and survivor benefit from your ex-spouse while you are married. If you remarry after age 60, you forfeit any spousal benefit you would have otherwise been entitled to, but you retain the ability to elect a survivor option from that ex. If your second or subsequent marriage also ends in divorce, you can requalify for benefits from the ex-spouse of your first marriage.

Social Security will not pay you benefits from multiple spouses, but you are able to choose the spouse or ex-spouse that would provide the highest benefit amount to you.

Benjamin F. Edwards can help you navigate through the sometimes complex and confusing Social Security rules. If you would like additional information about Social Security or need assistance analyzing the claiming strategies you are entitled to, contact your Benjamin F. Edwards Financial Advisor.

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