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New York Divorce and Family Law Blog

[Couple Forced to Divorce For Financial Survival](#)

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The Huffington Post reported on a sad and frightening phenomenon- [elderly couples forced to divorce](#) to obtain relief from medical bills and to qualify for social security benefits.

The article details the plight of Mary McCurnin and her husband Ron Bednar. In 2003, the couple declared bankruptcy after their insurance covered only 10 percent of treatment costs for her breast cancer and his intestinal bleeding. In 2004, McCurnin's breast cancer returned, and Bednar underwent open heart surgery.

The couple is broke and unemployed. Mary, however, was previously married. Her first husband pre-deceased her and, but for the fact that she is now married to Ron, Mary would be entitled to receive her social security survivor's benefit from her previous marriage. The Social Security Administration told her, she cannot have the survivor benefit if she's married to someone else.

So, in order to qualify for the survivor's benefit, she is divorcing Ron.

She could divorce him now to collect short-term benefits on her earlier husband, and then at some later point after age 60 remarry him without it affecting her widow's benefits," said Lowell Kepke, a spokesman for the San Francisco regional office of the Social Security Administration. "Congress put that in precisely to stop encouraging elderly couples from not getting married."

But the widow's benefits aren't the only reasons for the divorce. McCurnin and Bednar could see a tax advantage. A married couple filing joint tax returns can earn less before their Social Security benefits are taxed than two people filing separately.

To me, it is absurd that a committed and happily married couple must divorce for their financial survival. As the population ages and in the absence of some type of health care reform, will couples be forced divorce as a means of medical expense planning in order to protect their jointly

accumulated savings? If so, the sad case of Mary McCurnin and Ron Bednar will be the tip of the iceberg.