

## **Ten Facts about Social Security after Divorce**

**By Sheila May, CPA**

1. Regardless of what you do, sign up for Medicare at age 65. In some circumstances, medical insurance costs more if you delay applying for it.
2. The only exception to the ten-year length-of-marriage rule (discussed in number 3) occurs if your ex-spouse is deceased, and you are caring for a disabled child, or child under the age of 16, who is also a child of theirs, who is receiving social security benefits based on their record.
3. If you are divorced, but your marriage lasted 10 years or longer, you can receive benefits\* on your ex-spouse's record (even if he or she has remarried) if:
  - you are unmarried,
  - you are age 62 or older,
  - your ex-spouse is entitled to Social Security retirement or disability benefits, and
  - the benefit you are entitled to receive based on your own work is less than the benefit you would receive based on your ex-spouse's work.
4. What if your former spouse isn't collecting their benefits?

If your ex is not yet receiving retirement benefits but does qualify, you must have been divorced for at least two years before you can begin collecting benefits based on his earnings. In most cases, the earliest you can start receiving Social Security retirement benefits is age 62.
5. What if your ex-husband dies?

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You receive 50 percent of your ex's benefits while he's alive and 100 percent of his benefits when he dies. If he remarries, you and his second wife will receive benefits. Should your ex-husband die, you can begin collecting benefits at age 60, or 50, if you are disabled. If your ex-husband dies you are still able to receive retirement benefits based on his earnings. Upon his death, you (as well as his surviving wife) can claim up to 100 percent of the amount he'd be receiving if he were still alive.

### 6. What if your ex-husband dies and you remarry?

If you remarry after age 60, and your ex-spouse is deceased, you may still be eligible for a benefit under their record.

You must be married for at least one year to a new spouse before you can file an application for spousal benefits based on their record.

You do not give up the right to base your retirement benefits on your own earnings by having collected on your former spouse.

### 7. What if you get divorced a second time?

You are entitled to benefits from only one ex-husband. (See the rules to receive an ex-spouse benefits above in number 3.) You may select to receive benefits from the one with the largest Social Security account.

8. If you collect benefits on your ex-spouse it does not in any way reduce their or their current family's benefits.

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9. You also can begin by collecting Social Security through a divorced spouse benefit first and delay receiving your own retirement benefits until a later date. This could mean a higher benefit for you down the road by qualifying for delayed retirement credits that accumulate up until age 70.

10. Normal retirement age or Full retirement age is:

1937 or earlier - 65

1938 - 65 and 2 months

1939 - 65 and 4 months

1940 - 65 and 6 months

1941 - 65 and 8 months

1942 - 65 and 10 months

1943--1954 - 66

1955 - 66 and 2 months

1956 - 66 and 4 months

1957 - 66 and 6 months

1958 - 66 and 8 months

1959 - 66 and 10 months

1960 and later - 67

\* A spousal benefit is reduced  $\frac{25}{36}$  of one percent for each month before normal retirement age, up to 36 months. If the number of months exceeds 36, then the benefit is further reduced  $\frac{5}{12}$  of one percent per month. This reduction

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factor is applied to the base spousal benefit, which is 50 percent of the worker's primary insurance amount. These benefits are based on the former spouse's total contributions, not just those made during the years of the marriage. However, the benefits for you do not include any delayed retirement credits your former spouse may receive. If your former spouse will also receive a pension based on work not covered by Social Security, such as government or foreign work, his or her Social Security benefit on your record may be affected. If your former spouse continues to work while receiving benefits, the same earnings limits apply to him or her as apply to you. If he or she is eligible for benefits this year and is also working, you can use our earnings test calculator to see how those earnings would affect those benefit payments.

If you've been contributing to Social Security and need to find out which is greater, your own benefit or a portion of your ex-spouse's, order and complete Form 7004: "Request for Earnings and Benefits Estimate Statement." This will explain what you're entitled to receive. Then call the agency, prove your relationship and get an idea of what you would be entitled to if you opted instead for your ex-spouse's account. You will need to give his/her Social Security number. If you do not know his/her his number, you will need to provide his/her his date and place of birth and his/her his parents' names.)