Social Security Considerations for Divorce

In general, a married individual is eligible for Social Security benefits based on their spouse's earnings. In the case of divorce, you may still be eligible for benefits based on a former spouse's earnings, as detailed below. The amount of benefits you receive has no effect on the amount of benefits your ex-spouse or their current spouse may receive.

Details for Divorced Individuals

- You must have been married 10 years or more.
- You can't be remarried, unless you remarried at age 60 or later and are collecting survivor benefits on your deceased ex-spouse. (*Note: It does NOT matter whether your former spouse has remarried*.)
- You and your former spouse must both be over age 62.
- The divorce must have been finalized more than two years ago or your former spouse must currently be collecting benefits.

Benefit Amount

- If benefits are initiated prior to FRA (age 62 at the earliest) and you are eligible for benefits based on your ex-spouse's record, you will automatically receive the higher amount (either 50% of your spouse's benefit or your own benefit, reduced for age).
- If the former spouse dies, you are eligible for full survivor benefits (100% rather than just 50%).

IF YOU TURNED 62 BEFORE JANUARY 1, 2016 -Restricted Application Strategy

If benefits are initiated at or post-FRA, you have more flexibility to claim either your own benefit or the benefit based on your ex-spouse's work record. Thus, at FRA, you can elect to receive only spousal benefits and delay your own benefits, essentially receiving "free income" while taking advantage of delayed retirement credits on your own work record.

EXAMPLE -The wife delays her higher benefit until age 70 and files a Restricted Application at FRA:

Julie and Bill were married for 13 years before finalizing their divorce in the year in which they both were age 45. At retirement, Julie is still unmarried and eligible for a benefit of $1,800/month at her FRA of 66 based upon her work record and she discovers through the Social Security Administration that Bill is eligible for a benefit of $2,000/month at his FRA of 66. Julie decides she wants to delay her benefit as long as possible since her family has a history of living long, healthy lives. At her age 66 (and not a day earlier!), she can choose to begin receiving benefits based on Bill's work record (i.e. "free income" - 50% x $2,000 = $1,000/month) while her benefit grows with the addition of delayed retirement credits. Once Julie turns 70, she applies to receive her increased benefit ($1,800 x 1.32, 8% annual growth for 4 years = $2,376/month) -more than her maximum 100% survivor benefits ($2,000/month) if Bill dies prior to Julie.

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