

Divorce and Social Security



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How does divorce affect Social Security retirement benefits?

After a divorce, you can claim retirement benefits based on your own earnings record (if you have been employed and have accumulated enough credits over the years), or you can claim benefits based on your ex-spouse's earnings record (whether or not you ever worked), provided that certain requirements are met.

What requirements must be met?

You may qualify for benefits based on your ex-spouse's earnings record if all of the following conditions are met:

- Your ex-spouse is currently entitled to receive Social Security retirement or disability benefits
- You and your ex-spouse were married for at least 10 years before the divorce became final
- You are not currently married
- You are age 62 or older, and
- You aren't entitled to collect a retirement or disability benefit based on your own earnings record that equals (or exceeds) one-half of your ex-spouse's PIA

If you are age 62 or older and you've been divorced for at least two years, you can receive Social Security benefits based on your former spouse's earnings regardless of whether that spouse is already receiving benefits. This, of course, is assuming that the other four requirements listed above have been satisfied.

How much can you receive?

If you begin receiving benefits at your full retirement age (66 to 67, depending on your year of birth), your spousal benefit is equal to 50% of your ex-spouse's full retirement benefit (or disability benefit). For example, if your ex-spouse's benefit at full retirement age is \$1,500, then your spousal benefit is \$750. However, there are several factors that may affect how much you ultimately receive.

For example, if you're eligible for benefits based on your own earnings record then the Social Security Administration (SSA) will pay that amount first. But if you can receive a higher benefit based on your ex-spouse's record, then you'll receive a combination of benefits that equals the higher amount.

When you begin receiving benefits will also affect the amount you receive. You can receive benefits as early as age 62, but your monthly benefit will be reduced (reduction applies whether the benefit is based on your own earnings record or on your ex-spouse's.) This reduction is permanent. In other words, if you choose to receive reduced benefits at age 62, you will not be entitled to collect full benefits when you reach your full retirement age. If you decide to receive benefits later than your full retirement age, your benefit will increase by 8% for each year you wait past your full retirement age, up until age 70 (increase applies only if benefit is based on your own earnings record).

In addition, if you work after you begin receiving benefits (before you reach your full retirement age) and your earnings exceed the annual earnings limit that applies, your Social Security benefit may be reduced. Receiving a pension based on work not covered by Social Security may also result in a benefit reduction.

Note: If you decide not to collect retirement benefits until full retirement age, you may be able to maximize your Social Security income by claiming your spousal benefit first. The option to file a restricted application for spousal benefits may be available to you if you were born on January 1, 1954 or earlier. By opting to receive your spousal benefit at full retirement age, you can delay claiming benefits based on your own earnings record (up until age 70) in order to earn delayed retirement credits. This can boost your benefit by as much as 32%. Because deciding when to begin receiving Social Security benefits is a complicated decision and may have tax consequences, consult a professional for help with your individual situation.

How does remarriage affect Social Security benefits?

If your ex-spouse gets remarried and you don't, your Social Security entitlement will be unaffected.



If you remarry, you generally can't collect benefits based on your ex-spouse's record unless your current marriage ends. Any spousal benefits you receive will instead be based on your current spouse's earnings record.

What if your ex-spouse has died?

You may also qualify for Social Security survivors benefits based on your ex-spouse's earnings record if your former spouse has died. You may qualify if:

- Your ex-spouse was entitled to Social Security benefits
- You and your ex-spouse had been married to each other for at least 10 years before the divorce was finalized
- You are age 60 or over (or are between ages 50 and 60 and are disabled)
- You aren't currently married, and
- You aren't entitled to a retirement benefit that is equal to or greater than 100 percent of your deceased spouse's benefit

Note that if you meet the above conditions, you will be entitled to full survivors benefits; that is, you will collect an amount equal to 100 percent of your former spouse's PIA, not merely one-half. However, if you're under full retirement age, your benefits will be reduced for each month you receive benefits under your full retirement age. Benefits at age 60 will be 71.5 percent of your former spouse's PIA. It's also important to note that a divorced spouse may be entitled to a mother's or father's benefit if caring for the dependent child (under age 16 or disabled) of his or her deceased former spouse. Typically, the amount of a mother or father's benefit is equal to 75 percent of the deceased spouse's PIA. Unlike a spousal benefit, it isn't necessary for the marriage to have lasted 10 years.

For more information on how divorce may affect your Social Security benefits, contact the SSA at (800) 772-1213 or visit [socialsecurity.gov](https://www.socialsecurity.gov).



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