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## NEWSLETTER

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# Understanding Social Security Benefits After Divorce

### You Might Qualify for Benefits Through Your Ex-spouse's Earnings.

More than 4 in 10 Americans nearing retirement age don't know that divorced people can collect Social Security benefits based on their ex-spouse's earnings.<sup>1</sup> Divorced spouses are entitled to the greater of their own benefit or the ex-spouse's benefit. The maximum ex-spousal benefit is up to 50% of the higher earner's benefit and capped at their full retirement age (FRA) amount, also known as the Primary Insurance Amount or PIA.

Most will get a higher benefit based on their own record, rather than an ex-spouse's. But gray divorce has dramatically increased over the past few decades, with the divorce rate among people aged 65 and older nearly tripling since 1990.<sup>2</sup> Many individuals now becoming eligible for Social Security belong to a generation where it was common for women to leave or remain out of the workforce to care for children or elderly family members.<sup>2</sup>

If you were the lower-earning spouse due to a limited work history

or a significant income gap compared to your ex-spouse, collecting benefits based on your ex's record could raise your monthly Social Security check.

### First, The Eligibility Requirements for Divorced Spousal Benefits

To be eligible for divorced spousal benefits, you must meet the following criteria:

- Your ex-spouse must qualify for Social Security retirement benefits. This means they must be at least 62 years old with a minimum of 40 work credits, which is the equivalent of 10 years of full-time work. NOTE: your ex-spouse doesn't need to file for their benefits first.
- Your individual retirement benefit must not be higher than the ex-spouse's benefit.
- You must be unmarried.
- You must be at least 62 years old.
- You and your ex-spouse must have been married for a minimum of 10 consecutive years

and divorced for at least two. (Note: You can file for divorced spousal benefits within the two-year period if your ex-spouse has already begun receiving their benefit.).

To receive the maximum divorced spousal benefit, which is 50% of your ex-spouse's benefit at their full retirement age, you must wait until your own full retirement age to file. Although you can start drawing benefits at age 62, this is considered early filing and will reduce your spousal benefits, similar to how it would reduce your individual benefits—only more. If you file for spousal benefits at 62, you'll only receive 32.5% of your ex-spouse's full retirement-age benefit instead of 50%.

### Second, When It Could Be Advantageous to File for These Benefits

Let's consider Joyce and Dominic. Joyce dedicated her time to raising their three children and caring for her father, who lived with them until he passed away at the age of 90. Once the children were independent and her father passed, Joyce

entered the workforce. She and Dominic divorced a few years later.

Given her shorter work history, Joyce's individual retirement benefit is much lower than her ex-husband's. Figure 1 shows what Joyce is entitled to, and how her individual and spousal benefits compare.

### How can a divorced person find out their ex-spousal's benefit at FRA?

A Social Security representative can provide estimates of the benefit you may receive as a divorced spouse, based on your ex-spouse's earnings record.

Before you inquire, make sure you have two key documents — marriage certificate and divorce decree — on hand. These will enable the Social Security Administration to identify the ex-spouse and determine the spousal-benefit amount based on their earnings record. The divorce decree will also verify that a couple were married for at least 10 consecutive years and how long they've been divorced to ensure eligibility. Call your local Social Security office or the national customer service line (800-772-1213) to make an appointment.

If someone doesn't have their divorce decree, a copy can be obtained by contacting the clerk of the county or city where the couple were divorced. The clerk will explain how to order a copy of the decree, the cost, and any information that's needed.

Occasionally, a divorce decree may state that one spouse is prohibited from getting the other's benefits. If the marriage lasted at least 10 years and the couple has been divorced for two, the clauses are "worthless and never enforced," according to the Social Security Administration.<sup>3</sup>

The application process for divorced spousal benefits is basically the same as filing for individual Social Security.

### Third, How Do You File for Divorced Spousal Benefits?

You can do this in a few ways:

- Through an application form online at the Social Security website: <https://www.ssa.gov/apply>
- By calling the Social Security Administration at 800.772.1213 between 8:00 a.m. – 7:00 p.m. local time, Monday through Friday

- By making an appointment at your local Social Security office

When you file, you've essentially filed for all Social Security benefits you're eligible for. This means the Social Security Administration will calculate both your individual and spousal benefits, and pay you whichever amount is higher.

### "My Ex-Spouse and I Aren't on Good Terms. Will They Know if I File for Divorced Spousal Benefits?"

No. It's confidential information and the ex-spouse will not be notified.

Also, claiming based on your ex's record has absolutely no effect on their benefits. If they remarry, your spousal benefit won't be affected, nor will their current spouse's benefits be affected.

### Divorce Doesn't Mean Spousal Benefits Are Off Limits

Many Americans nearing retirement aren't aware that divorced individuals can collect Social Security benefits based on their ex-spouse's earnings, provided they meet the eligibility requirements.



While most will receive higher benefits based on their own record, the rise in gray divorce has made this option more relevant. For those with wide income gaps or limited work history, benefits based on an ex-spouse's record can give their monthly payments a substantial boost—but even a modest increase can make a difference over time.

### Next Steps

If you're divorced and believe you might qualify for these spousal benefits:

1. Review the requirements list
2. Gather the necessary documents
3. Contact the Social Security Administration. They can confirm your eligibility and calculate your benefit.

**Please remember to notify us if you have had any material changes in your financial circumstances.**

Figure 1	Benefit at FRA	Joyce is entitled to the greater of:
<b>Dominic, 70</b> 	<b>\$2,939</b>	Up to 50% of Dominic's FRA benefit
<b>Joyce, 67</b> 	<b>\$1,029</b>	Her own benefit \$1,029

The cumulative advantages of filing for spousal benefits at Joyce's FRA:

- Based on Dominic's earning, the spousal benefit of \$1,470 is \$441/month more than Joyce's individual benefit.
- Joyce could receive \$5,292 more in benefits annually or \$79,380 over 15 years.

### What if Joyce waited until after her FRA to file for her individual benefit?

Individual benefits increase if filing is delayed beyond full retirement age up to age 70. However, even at age 70, Joyce's individual benefit would be less than her divorced spousal benefit, making the divorced spousal benefit the better option.

Remember, delaying spousal benefits beyond your full retirement age does not increase the spousal benefit.

<sup>1</sup> What Divorced People Need to Know About Social Security, [aarp.org](http://aarp.org), 3/23.  
<sup>2</sup> Seniors Who Split: Rates of 'Gray Divorce' Have Tripled Since 1990, [usnews.com](http://usnews.com), 10/24.  
<sup>3</sup> Social Security and divorce: 7 myths about claiming your ex's benefits, [usatoday.com](http://usatoday.com), 2/21.