



## Social Security and Divorce: What You Need to Know

Although more and more women are in the workforce, many can receive a larger Social Security benefit based on their ex-spouse's work record than they would on their own. The Social Security Administration will calculate each benefit for you, and you will receive whichever is the higher amount. You do not receive both benefits.

**A divorced person must meet certain criteria to collect benefits based on their ex-spouse's work record:**

- You must have been married for 10 years or longer.
- You must not be currently married.
  - If you remarry before age 60, you generally cannot collect benefits on your former spouse's record unless your later marriage ends (whether by death, divorce or annulment).
  - If you re-married and your second spouse is deceased, you qualify to claim benefits from either your first spouse if that marriage lasted at least 10 years, or your second spouse if you were married at least 9 months before they died.
- You must be age 62 or older.
  - If your ex is deceased, you can collect at age 60 as a surviving divorced spouse.
  - If your ex is deceased and you are disabled, you can collect at age 50.

### **Do I have to wait for my ex-spouse to start collecting benefits?**

You can start collecting benefits if your ex-spouse is 62 or older and you have been divorced for two or more years.

### **How much of the benefit will I receive?**

You are eligible to receive one-half (50%) of your ex-spouse's retirement benefit. If your ex-spouse should die before you, you can receive their full retirement benefit. The benefit does not include any delayed retirement credits your ex-spouse may receive. You can only receive a benefit amount based on the value of the benefit at their full retirement age. If you claim this benefit before your own full retirement age, the benefit amount will also be reduced.

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**If my ex-spouse remarried and the new spouse is collecting benefits based on their record, will that reduce my benefits?**

No, your benefits will not be reduced, and it will not affect the second spouse's benefit or your ex's benefit.

**Did I have to file special papers at the time of my divorce?**

No, you did not have to file any special documents when you divorced.

**Will my ex-spouse be notified in any way that I am receiving benefits based on their work record?**

No, the Social Security Administration will not notify your ex-spouse that you are receiving the benefit.

**How do I apply for benefits on my ex-spouse's record?**

To apply for benefits on your ex-spouse's record, you will need to know their Social Security number. If you don't know it, you can provide their date and place of birth and parents' names.

**Can my ex-spouse collect benefits based on my work record?**

Yes. All of this information applies to both ex-spouses from the marriage.

**Can I collect benefits for our children if my ex-spouse dies?**

Yes, if you are raising your ex-spouse's child or children, they can receive benefits based on your ex-spouse's work record while they are under 18, or under 19 and still in high school full-time. Older children can receive benefits if they are disabled. While you are raising the children, you may also be entitled to receive a benefit for the children while they are under age 16.

**Can I collect first based on my ex-spouse's record and then on my own later?**

A person born before January 2, 1954, may still collect on an ex-spouse's record first while allowing their own benefits to grow and then taking their own benefits at age 70. Changes to Social Security several years ago impacted the rules regarding spousal benefits. Now, anyone who turned 62 on January 2, 2016 or later who applies for their benefit at full retirement age can no longer restrict their application to spousal (or ex-spousal) benefits only. This means, when someone who was born after January 1, 1954 applies for a benefit at any age, the Social Security Administration will automatically give the beneficiary the highest benefit for which they are eligible. This may be the spousal benefit, or it may be the benefit based on an individual's own work record. You can still choose to delay claiming your own benefit to earn delayed credits, but you cannot receive a spousal benefit in the meantime.

**Can I work and receive Social Security benefits?**

You can get Social Security retirement or survivor benefits and work at the same time. If you claim your benefit at full retirement age or later and you are still earning income, your benefit will not be impacted no matter how much you earn. However, if you claim your benefit before full retirement age and make more than the Social Security yearly earnings limit, Social Security will reduce your benefit.

For example, if you are under full retirement age for the entire year, Social Security will withhold \$1 from your benefit payments for every \$2 you earn above the annual limit. For 2024, the annual earnings limit is \$22,320. If you reach full retirement age in 2024, you can earn up to \$59,520 before Social Security will withhold \$1 in benefits for every \$3 you earn over the limit. But these are only benefit reductions in the short run; your benefit will be recalculated and adjusted upward at your full retirement age to account for benefits withheld or reduced due to earlier earnings.

**Important Notes about Your Benefit:**

Social Security benefits are **not** sent automatically. You must apply for your benefit. The easiest way to apply is online at **ssa.gov**. You can also call the Social Security Administration at **1-800-772-1213**. (TTY **1-800-325-0778**) or make an appointment at your local Social Security office.

You can also get an estimate of your benefit by signing up for an online Social Security account at [ssa.gov/myaccount](https://ssa.gov/myaccount). The Social Security Administration only mails benefit statements only to those individuals age 60 and over who do not have a Social Security online account and are not currently receiving Social Security benefits. You can also calculate your benefit using the Social Security Administration's Retirement Planner, available at [ssa.gov/planners](https://ssa.gov/planners).