

Social Security Spousal Benefits

Social Security is a vital source of retirement income for most women. For this reason, it is important to understand how the spousal benefit works and how it can impact the amount of Social Security income you receive.

As a spouse, you can claim a Social Security benefit based on your own earnings record, *or* collect a spousal benefit in the amount of 50% of your spouse's Social Security benefit, but not both. You are automatically entitled to receive whichever benefit provides you the higher monthly amount. In order to qualify for Social Security spousal benefits, you must be at least 62 years old and your spouse must also be collecting his or her own benefits. Additionally, if you are the higher earner, your spouse can apply to collect spousal benefits based on *your* work record. It is important to note that claiming a spousal benefit does *not* impact the benefit amount received by the worker whose earning record is being used.

Taking Benefits Early

The spousal benefit can be worth up to 50% of the working spouse's benefit at their full retirement age. However, if you claim your spousal benefit early, you will be reducing the amount of benefits that may be paid out over your lifetime. This is because the earlier you take your benefits before *your* full retirement age, the more your benefits are reduced. For example, if your full retirement age were 66, then the following reductions to benefits would apply:

- At age 65, you would receive 45.8% of your spouse's benefit.
- At age 64, you would receive 41.7% of your spouse's benefit.
- At age 63, you would receive 37.5% of your spouse's benefit.
- At age 62, you would receive 35% of your spouse's benefit.

Recent Changes to Claiming Strategies that Affect Spousal Benefits

In 2016, changes were made to Social Security that essentially ended the option to “file and suspend”—a strategy that allowed one spouse (the higher earner) to file for a retirement benefit

at full retirement age and suspend (delay) receiving the benefit. By filing for the benefit, the lower-earning spouse could then claim a spousal benefit. The new laws also ended the ability to file a “restricted application” for spouse’s benefits. This strategy applied to workers who reached full retirement age, and whose spouse was already receiving worker benefits. This allowed workers to file only for their spousal benefit while delaying their own retirement benefits to age 70 in order to accrue delayed retirement credits and maximize benefits. This strategy was usually applied if the worker delaying retirement benefits would have a higher benefit based on their own work record. In other words, they could receive their spousal benefit while waiting for their own benefit to grow. These options are no longer available for anyone who turned 66 after May 1, 2016. Also important to note: There were no changes to survivor benefit rules. Widows or widowers can still claim a survivor’s benefit as early as age 60 before they claim their own worker benefit. Learn more about these changes in WISER’s fact sheet, *Changes to Social Security Claiming Strategies*.

Divorced Spouses

You can receive benefits as a divorced spouse on your ex-spouse’s Social Security record, even if they remarried and their current spouse is collecting benefits based on their record. However, there are a few eligibility requirements:

- You must have been married to your ex-spouse for at least 10 years.
- You must be at least 62 years old. However, if your ex-spouse is deceased and you are currently unmarried, you may collect benefits as early as age 60 as a surviving divorced spouse. If he or she is deceased and you are disabled, you can collect benefits as early as age 50.
- Your ex-spouse must be eligible for benefits and currently receiving benefits for you to qualify for spousal benefits. If you were born after January 1st, 1954, you will be required to claim all benefits at one time (both spousal and retirement) and receive whichever is higher.
- If you were born before January 2, 1954, you may still collect on an ex-spouse’s record first while allowing your own benefits to grow and then take your own benefits at age 70.
- If your ex has reached retirement age and is eligible to receive retirement benefits but has not yet applied, you can still apply for ex-spousal benefits if you have been divorced for at least two years.

- You must not be currently married. If you remarried and divorced your second spouse, you can claim benefits from either your first or your second spouse as long as each marriage lasted at least 10 years.

Surviving Spouses

- If your spouse passes away, you can collect survivor's benefits as early as age 60. You are eligible to receive benefits based on his or her full Social Security benefit amount (but note that that amount will still be reduced if you claim the benefits before your own full retirement age.)
- If your ex-spouse is deceased and you remarry before age 60 (or 50 if you are disabled), you cannot receive survivor's benefits unless the latter marriage ends (whether it be through death, divorce, or annulment). If you remarry after age 60, you can continue to receive benefits on your former spouse's Social Security record. However, if your current husband is also a Social Security beneficiary and you would receive a larger benefit from your second spouse's work record than you would from your deceased spouse's record, you should apply for spousal benefits on your current spouse's record. You cannot receive both benefits.
- Regardless of your age or marital status, if you are caring for your deceased spouse's child or children, you would be eligible to receive benefits for raising them until they are 16 years old. These children can then continue to receive benefits based on your spouse's work record until they are 18 or 19, as long as they are unmarried. If a child is still a full-time student (no higher grade than grade 12) when they turn 18, they can continue to receive benefits until 2 months after they turn 19 or until they graduate, whichever comes first. Children who are disabled can also continue to receive benefits after they turn 18 years old.
- For same sex partners and spouses denied Social Security survivor's benefits, the recent court victories in class action lawsuits challenging the use of discriminatory state marriage laws to deny Social Security survivors' benefits mean that people who were previously denied benefits or who never applied should now contact Social Security to ask to reopen their claim or to apply for benefits. Although the cases are being appealed, the Social Security Administration is accepting claims for benefits even while the cases are on appeal.

Applying for Benefits

You can apply for benefits online by going to ssa.gov. You can also apply over the telephone by calling 1-800-772-1213, or apply in person by visiting your local Social Security office.

To make the application process easier, you should know your spouse's (or ex-spouse's) date of birth and Social Security number. You may also be asked to provide certain documents as proof of eligibility, such as your birth certificate or other proof of birth, naturalization papers, W-2 forms, a marriage certificate, or divorce papers if you're applying as a divorced spouse.

Finally, educate yourself about your options and what benefits you are eligible for before you claim. Unfortunately there are cases where applicants receive misinformation from Social Security representatives; it is a complicated system and every person's situation is unique. Learn as much as you can to maximize your benefit.