Social Security Benefits for Divorced Spouses
How to claim, when to claim and how benefits are calculated
Women generally make less money for a shorter period of time and need retirement funds for a time frame that extends further than men. For that reason, historically, benefits for divorced spouses have largely been of interest to the women in the relationship rather than the men. However, benefits for divorced spouses may be for a spouse of either sex and on the record of a spouse of either sex. While divorce can be financially shaky ground for both parties, Social Security adds a measure of stability for an ex-spouse whose work record will provide a very small benefit or for those workers who want to be able to maximize their benefits. Claiming benefits based on the record of a divorced spouse can dramatically improve benefits for a lower earning spouse and often bears many of the same features that married couples enjoy. While divorce can prove financially shaky for both parties, Social Security adds a measure of stability for an ex-spouse whose work record will provide a very small benefit or for those workers who want to be able to maximize their benefits. With the recent Supreme Court ruling in the case of same-sex spouses, benefits may be available to those couples as well if the state they reside in recognizes same-sex marriages.

To be eligible for benefits based on an ex-spouse’s work record several criteria must be met (some exceptions apply-see second list):

- The marriage must have lasted at least 10 years and must have been dissolved at least two years ago;
- You cannot be married;
- You must have reached 62 years of age or older; and
- Your ex-spouse must be eligible for either Social Security benefits or disability benefits.
- Your own benefit must be smaller than your ex-spouse’s benefit unless you are using his or her benefit as part of a strategy to grow your own benefit.

They wouldn’t be rules if there were any exceptions.

Exceptions to the rules above:

- The marriage must have lasted 10 years unless you are caring for a child under the age of 16 or a child with disabilities who is receiving benefits.

2. Social Security. Social Security Is Important to Women. [Link]
6. AARP. Social Security for Divorced Couples. [Link]
7. Social Security Administration. Qualifying for divorced spouse benefits. [Link]
The child must be the ex-spouse’s natural or legally adopted child.

You cannot be married unless that marriage has been dissolved through an annulment or divorce or through death OR the current marriage occurred after age 60 or age 50 if you can claim benefits for disability.

Similar to exception number one, you can be under 62 years of age if also caring for a child under the age of 16 or a child with a disability who is entitled to benefits.

If the ex-spouse had numerous marriages of ten years or longer, any of those ex-spouses may claim benefits based on his or her work record without impacting the benefit of any of the others.

The percentage of the benefit is based upon the age of the person claiming rather than the age of the individual whose benefit is being claimed. The highest percentage of benefit you can receive from a divorced spouse is 50 percent. To see how your benefits will be impacted by claiming early (less than full retirement age), go to http://www.socialsecurity.gov/retire2/agereduction.htm. Claiming earlier than full retirement age usually eliminates opportunities for maximizing benefits later on and leaves benefits permanently reduced.

Just as married individuals can claim benefits on their spouse’s benefits in order to grow their own benefit and claim that benefit later, divorced spouses can wait until their full retirement age, claim divorced spousal benefits and allow their own benefit to grow until age 70, at which point their own benefit will have grown to roughly 132 percent (the percent changes with the age of the individual, older individuals see a bigger percent increase in their full benefit).

---

**Note:** Claiming benefits under divorced spouse’s benefits is between you and the Social Security office. Your ex-spouse’s benefits are not impacted nor does the Social Security office require him or her to be filing for their own benefit before you are eligible for claiming benefits so long as the divorce was at least two years ago.

---


If a person qualifies for their own benefit or for any other retirement benefit other than divorced spouses benefit, he or she can switch between benefits as early as age 62 and as late as 70.

Say, that Joanne had been divorced twice. Originally she claimed on Jimmy, her first husband’s benefit because his benefit was the highest of the three benefits: hers, Jimmy’s and John (her second ex-husband). Then John died. Instead of getting 50 percent of Jimmy’s benefits, Joanne is now eligible to claim 100 percent of John’s benefit.

To file for divorced spouse’s benefits, you can call the Social Security Administration at 1-800-772-1213, go online to www.ssa.gov or bring copies of the following items to your local Social Security office:

- Birth certificate or some other proof of citizenship,
- Naturalization papers;
- U.S. military discharge papers;
- W-2 form or tax return from last year;
- Final divorce decree; and
- Marriage certificate.

Since every situation is different, it’s important to talk to someone at the Social Security office about your options and because Social Security employees cannot provide advice it’s important to use the information Social Security can provide you in conjunction with advice from either a financial planner or someone specializing in maximizing Social Security benefits. AARP provides a calculator to help look at options for claiming. That calculator can be found at www.aarp.org/socialsecuritybenefits.

---

About AgingOptions

AgingOptions is a holistic elder care company helping families plan for, pay for, and coordinate the long-term care of elderly loved ones.

AgingOptions’ services are geared towards retirees and those thinking about retirement and concerned about:

- Losing independence & having to move to a nursing home.
- Losing your assets to uncovered medical or long term care costs.
- Becoming a burden on your loved ones.

AgingOptions
www.AgingOptions.com

31919 Sixth Avenue South
Federal Way, WA 98003