



Social Security Benefits for Divorced Couples

Fall 2017

If you are divorced, you may be eligible to claim a “spousal” benefit based on your former spouse’s earnings record, providing you with more options to maximize your retirement benefit.

To collect a spousal benefit based on your living former spouse’s earnings record, you generally must meet the following criteria:

- You are not remarried.
- You are at least 62 years of age.
- Your marriage lasted at least 10 years.
- Your own social security benefit based on your earnings record is less than the spousal benefit of your living former spouse.

As long as you’ve been divorced for at least two years, you can file for this benefit regardless of whether your living ex-spouse has already filed for his or her benefits or has remarried.

If your former spouse is deceased, the requirements are slightly different. If you remarried—but the marriage took place after you reached age 60 (age 50 if disabled)—you may be eligible for survivor benefits on the deceased former spouse’s earnings record.

In addition, if you have more than one former spouse, you may be able combine different strategies. Let’s look at an example:

Fact summary

- Jane, age 66, was married to Joe for 11 years and to Mike for 12 years.
- Jane has been divorced from both at least two years.
- Jane was born prior to December 31, 1953, and as such she falls under the category of people still able to file a restricted application.
- Jane’s full retirement age (FRA) for social security is 66.
- Joe is the higher earner of her former spouses, with a full monthly retirement benefit of \$2,100.
- Mike’s full monthly retirement benefit is \$2,000.
- Jane’s own full monthly retirement benefit (based on her own earnings record) is \$900.

Strategy #1. At her FRA, Jane filed a restricted social security application, which means that when Jane first retired, she began collecting \$1,050 in monthly spousal benefits based on Joe's higher earnings record¹. This \$1,050 represents the 50-percent spousal benefit available from Joe's full retirement benefit of \$2,100.

Strategy #2. Further, by delaying the collection of social security benefits based on her own earnings record, Jane's account will continue to grow 8 percent per year until age 70 (due to delayed retirement credits). When she reaches age 70, she plans to switch to her own benefits based on her earnings record. Her worker benefit will have grown to \$1,188 per month and will be higher than her spousal benefit of \$1,050 per month.

Strategy #3. Before Jane reaches age 70, however, her other former spouse, Mike, passes away. Mike had delayed collecting his own social security benefits and, as a result, his benefit at age 70 is now \$2,640 per month. Jane is eligible to collect a survivor benefit of \$2,640 per month. This survivor benefit represents 100 percent of Mike's monthly benefit.

Keep in mind that if you are divorced, you may be able to switch back and forth between your own benefits and those based on your former spouse's work record. The rules are complex and require a critical assessment of your financial situation. Please contact us if you need help deciding on the optimal strategy for claiming retirement benefits. We will gladly assist you.

¹The option to file a restricted application for spousal benefits is available only to those who reach age 62 by year-end 2015.

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