

# California State Social Security Administrator Program

## SSSAP Bulletin No. 10 – October 2014

### Social Security Survivor Benefits; Benefits for Children

The Social Security Administration (SSA) provides retirement benefits for: workers and qualifying auxiliaries, disability benefits for workers and qualifying auxiliaries, Medicare health benefits, and benefits to qualifying survivors after the death of the worker.

The purpose of this Bulletin is to provide some basic information to CalPERS members about some of the lesser-known, non-retirement benefits.

### Survivor Benefits: Who May Be Eligible?

Certain family members may be eligible to receive monthly benefits after the death of the worker, retired worker, or disabled worker. These include<sup>1</sup>:

- A widow or widower age 60 or older;
- A widow or widower age 50 or older who is disabled, and whose disability started before, or within seven years, of the deceased's death;
- A widow or widower of any age **who has not remarried before reaching age 60<sup>2</sup>**, and who takes care of the deceased's child/children, who receive benefits on the record and are either under age 16 or disabled.
- An unmarried child of the deceased who is either (1) younger than age 18, or (2) age 19 and a full-time student in an elementary or secondary school;
- An unmarried child of the deceased of any age who has a disability that began before age 22, who remains disabled;
- Parents age 62 or older, who were dependent on the deceased for at least half of their support.
- A divorced spouse if the marriage lasted ten (10) years or longer; or who is caring for the deceased's child<sup>3</sup> under age 16, or disabled child<sup>4</sup>, regardless of how long the marriage lasted.

Stepchildren, grandchildren, step grandchildren or adopted children may receive benefits under certain circumstances.

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<sup>1</sup> See <http://www.socialsecurity.gov/pubs/EN-05-10008.pdf>.

<sup>2</sup> Or before age 50, if the widow/widower was disabled at the time of the remarriage.

<sup>3</sup> The child must be the deceased's natural or legally adopted child.

<sup>4</sup> If the child is disabled, benefits may continue if you exercise parental control and responsibility for a mentally disabled child, or perform personal services for a child who is physically disabled.

There are limits on how much survivors may work and earn while receiving benefits. For more information, see:

<http://www.socialsecurity.gov/retire2/whileworking.htm>

**NOTE:** If a widow, widower, or surviving divorced spouse remarries **before she or he reaches age 60** [or before she or he reaches age 50 as a disabled widow(er)], he or she cannot receive benefits as a survivor while remaining married. If the widow(er) remarries *after* reaching age 60/50, the later marriage may be disregarded for the purpose of establishing benefits on the deceased's record.

### **Survivor Benefits: Minimum Number of Credits Needed**

If the deceased was receiving retirement or disability benefits at the time of death, SSA will pay survivors based on that entitlement.<sup>5</sup>

If the deceased was not receiving benefits, the deceased must have accrued enough "credits" through Social Security-covered employment for survivors to qualify for benefits. Generally, the deceased must have worked ten years, earning 40 credits (based on four quarters per year). However, the younger the deceased was at the time of his or her death, the fewer credits required.

Under a special rule, benefits can be paid to survivors when the deceased earned credits for one and one-half years of work (6 credits) in the three years just prior to the date of death.<sup>6</sup>

### **Benefits for Children**

When a worker qualifies for Social Security retirement benefits, the worker's child or children<sup>7</sup> may also qualify to receive benefits. In order to be eligible, a child must be:

1. Unmarried and
2. Under age 18, or
3. 18-19 years old and a full-time elementary or secondary school student, or
4. 18 or older, and continuously disabled since the age of 22.

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<sup>5</sup> See <http://www.socialsecurity.gov/retire2/credits4.htm>.

<sup>6</sup> For more information, see <http://www.socialsecurity.gov/survivorplan/ifyou.htm#sb=4>.

<sup>7</sup> An eligible child can be a biological child, adopted child or dependent stepchild. In some cases, a dependent grandchild may also qualify.

Normally, benefits stop when the child reaches age 18, unless he or she is disabled, or is still a full time elementary or secondary school student. If the child is a full-time student, benefits will continue until the child graduates, or attains age 19—whichever happens first.

Benefits paid to a child will not decrease the retired or disabled worker's benefit. In fact, a worker may decide to apply for retirement benefits sooner (i.e., before the worker's full-retirement age), so that a child may receive benefits. Retirees must carefully weigh their options about when to draw benefits.

### **Benefits for Children: Limitations to Be Aware Of**

- **Maximum Family Benefits:** There is a limit to the amount that SSA can pay a family, dependent upon the worker's benefit amount and the number of family members who qualify on the record. If the sum of benefits payable to the family is greater than the limit, benefits will be reduced proportionately. For more information, see: <http://www.socialsecurity.gov/retire2/applying7.htm> and <http://www.socialsecurity.gov/OACT/COLA/familymax.html>
- **Retirement Earnings Test:** If a child on your record works while receiving benefits, the child is subject to the same annual earnings limits for retirees. For more information, see: <http://www.socialsecurity.gov/retire2/whileworking.htm> and the [Earnings Test Calculator](#).

### **Obtaining Specific Information**

Social Security benefits are very complex. We recommend calling the Social Security Administration at 1-800-772-1213 (TTY 1-800-325-0778) to request an appointment for guidance tailored to your situation.

## **For More Information:**

More information is available on Social Security's website.

### **Survivor Benefits:**

- Social Security Survivors Benefits: Protection You and Your Family Can Count On: [www.socialsecurity.gov/survivorplan](http://www.socialsecurity.gov/survivorplan)
- Survivors Planner: If You Are The Survivor:  
<http://www.socialsecurity.gov/survivorplan/ifyou.htm#sb=4>
- Planning For Your Survivors:  
<http://www.socialsecurity.gov/survivorplan/onyourown.htm#sb=4>
- Survivors Benefits For Your Widow Or Widower:  
<http://www.socialsecurity.gov/survivorplan/onyourown2.htm>
- Benefits For Your Surviving Divorced Spouse:  
<http://www.socialsecurity.gov/survivorplan/onyourown3.htm>
- Survivors Benefits For Your Children:  
<http://www.socialsecurity.gov/survivorplan/onyourown4.htm>
- How Much Would Your Survivors Receive?:  
<http://www.socialsecurity.gov/survivorplan/onyourown5.htm>
- "Survivors Benefits" publication: <http://www.socialsecurity.gov/pubs/EN-05-10084.pdf>

### **Benefits for Children:**

- Retirement Planner: Benefits For Your Children:  
<http://www.socialsecurity.gov/retire2/yourchildren.htm>
- "Benefits for Children" publication: <http://www.socialsecurity.gov/pubs/EN-05-10085.pdf>