

California State Social Security Administrator Program

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Social Security Benefits for Spouses, and Former Spouses (Divorced, or Ex-Spouses)

Even if you have never paid Social Security taxes, you may be able to collect spousal retirement benefits if [1] you are at least 62 years of age¹, and [2] your spouse is receiving, or eligible for, Social Security retirement or disability benefits. You can also qualify for Medicare at age 65.

If you are divorced, but your marriage lasted 10 years or longer, you may be able to receive benefits based on your former spouse's record (even if he or she has remarried) if [1] you are unmarried, [2] you are at least 62 years of age, and [3] your former spouse is receiving, or eligible for, Social Security retirement or disability benefits. You may also qualify for Medicare at age 65.

There are a number of situations that may affect your eligibility for benefits, or may reduce the amount of benefits you receive. The purpose of this Bulletin is to clarify these situations for our subscribers. We will first address spousal benefits for those who are currently married, and then address divorced/former spouses.

Spousal Benefits for Those Currently Married

You may qualify for Social Security/Medicare benefits based on your own work record.² However, you may be able to receive spouse's retirement benefits if you meet the following conditions:

1. Your spouse is receiving Social Security retirement or disability benefits; and
2. You are at least 62 years of age; and
3. You are not entitled to your own SSA retirement or disability benefit based on a Primary Insurance Amount (PIA), which equals or exceeds one-half the PIA of your spouse.

You may also receive the spousal benefit if you are under age 62 and have the worker's dependent child in your care. You will receive spouse's benefits until your child reaches age 16 (see footnote 3 below). At that time, the child's benefits continue, but your spousal benefits stop³. For more information, see <http://ssa.gov/retire2/yourchildren.htm>.

¹ Age 62 is the minimum age for receiving Social Security retirement benefits.

² The general requirements are having at least 40 "credits" earned through Social Security-covered employment for the worker, and attaining the age of 62 (or 60 for survivor benefits).

³ <http://www.socialsecurity.gov/dibplan/dfamily2.htm>

NOTE: You may continue to receive spouse's benefits if the child is disabled and you continue to have the disabled child in your care. For more information see, <http://www.ssa.gov/pubs/EN-05-10085.pdf>.

If you qualify for benefits based on your own record, and you also qualify for a higher amount as a spouse, Social Security will pay you a combination of benefits equal to the higher amount⁴.

An Option to Consider:

If you and/or your spouse have reached your **Full Retirement Age (FRA)**⁵, consider:

- **If your spouse has reached full retirement age**, he or she can apply for retirement benefits, and then request to suspend all payments. That way, you can receive spouse's benefits and he or she can continue to earn delayed retirement credits through the age of 70.
- **If you have reached full retirement age**, and you are eligible for a spouse's benefit as well as a retirement benefit based on your own work record, you may choose to receive only your spouse's benefit. If you make this election, you will continue to accrue delayed retirement credits on your own record through the age of 70. You can file an application to switch to your own record at any time.

For more information about the benefits of Delayed Retirement, see: http://www.socialsecurity.gov/OACT/quickcalc/early_late.html

NOTE: Only one member of a couple may apply for retirement benefits and have payments suspended so that the spouse can collect benefits. If both you and your current spouse have attained your full-retirement age, only one of you can choose to receive spouse's benefits now and delay receiving your own retirement benefit.⁶

Limitations to be aware of:

- **Early Retirement:** If you choose to receive benefits at the minimum age of 62, or at any age prior to your Full Retirement Age (FRA), your benefits will be permanently reduced by a percentage based on the number of months prior to your full-retirement age. To see how much your benefits

⁴ This is known as the "Dual Entitlement" limitation; for more information about this, see <https://secure.ssa.gov/apps10/poms.nsf/lnx/0300615020>

⁵ Your Full Retirement Age is based on your year of birth, and may be between ages 65 and 67. To determine your Full Retirement Age, see the chart at: <http://www.socialsecurity.gov/pubs/ageincrease.htm>

⁶ See <http://www.socialsecurity.gov/retire2/applying6.htm#a0=1>

would be reduced by retiring before your Full Retirement Age, see <http://www.socialsecurity.gov/retire2/agereduction.htm>.

- **Retirement Earnings Limit:** If you are under your Full Retirement Age, and continue to work while receiving Social Security benefits, you should be aware of the annual earnings limits to draw retirement benefits.⁷ Excess earnings above the yearly limit will reduce the benefits payable to you.
- **Government Pension Offset (GPO):** GPO applies when you receive a pension based on government work that was not covered by Social Security taxes. If this applies to you, some or all of your spousal benefit will be reduced. GPO will reduce the amount of your spouse's benefit by two-thirds of the amount of your government pension.⁸ (Some rare exemptions apply.⁹)
- **Maximum Family Benefit:** If one or more of your children also qualifies for benefits, you may reach the maximum limit payable to your family. The total is determined by your benefit amount, your spouse's benefit amount, and the number of family members who qualify as dependents. Generally, the total amount your family can receive is 150 to 180 percent of the primary worker's full retirement benefit¹⁰.

Divorced/Formers Spouses

If you are divorced, you may be eligible to receive benefits on your former spouse's record, even if he or she has remarried.

To be eligible, you must meet the following criteria:

1. Your marriage must have lasted at least 10 continuous years prior to the final date of divorce;
2. **You must be unmarried;**
3. You must be at least age 62 (i.e., the minimum age for Social Security retirement benefits);

⁷ Currently, the limit is \$15,480 for workers under their full retirement age, or \$41,400 for the year in which you reach your Full Retirement Age. For more information, see <http://www.socialsecurity.gov/retire2/whileworking.htm> and <http://www.socialsecurity.gov/OACT/COLA/RTeffect.html>

⁸ For more information, see <http://www.socialsecurity.gov/retire2/gpo.htm>.

⁹ For more information, read the "When won't my Social Security benefits be reduced?" section of the "Government Pension Offset" factsheet, available at: <http://www.socialsecurity.gov/pubs/EN-05-10007.pdf>

¹⁰ For more information about this, see <http://www.socialsecurity.gov/OACT/COLA/familymax.html> and <http://www.ssa.gov/pubs/EN-05-10085.pdf>.

4. Your former spouse must be entitled to Social Security retirement or disability benefits (unless you have been divorced at least two years); and
5. You cannot be entitled to a Social Security benefit, based on your own work, with an unreduced amount greater than ½ that of the unreduced amount of your ex-spouse's benefit.

If you start receiving benefits at your Full Retirement Age, your Social Security benefit as a divorced spouse is equal to one-half of your ex-spouse's full retirement amount (or disability benefit).¹¹

If your ex-spouse has not **applied** for retirement benefits, and you have been divorced for at least two years, you may be eligible on his or her record even if he or she has not yet applied for benefits. This is referred to as an Independently Entitled Divorce Spouse¹².

If you have reached your Full Retirement Age, and you are eligible for both benefits on your own *and* a spouse's record, you may wish to apply first as a *spouse only* in order to let your own benefits grow. You can file a claim for benefits on your own record at any time.

NOTE: Generally, if you remarry, your entitlement as a divorced spouse will terminate; however, there are a few exceptions. The remarriage of a divorced spouse might continue if the divorced spouse marries an individual entitled to widow(er)'s mother's, father's, childhood disability benefits, divorced spouse's, or parents benefits. If your benefits terminate you might again become eligible if the later marriage ends by death, divorce or annulment.

Medicare Benefits

You are eligible for Medicare benefits at age 65 if: [1] you receive (or are eligible to receive) Social Security benefits; or [2] your spouse/ex-spouse receives (or is eligible to receive) Social Security retirement benefits; or [3] you or your spouse (living or deceased) worked long enough for an employer who paid Medicare taxes on your behalf.

For more information, see <http://www.socialsecurity.gov/pubs/EN-05-10043.pdf>

¹¹ See <http://www.socialsecurity.gov/retire2/divspouse.htm>

¹² See <http://www.socialsecurity.gov/retire2/divspouse.htm>

How to Apply for Benefits:

Information you may need to apply for spousal or former spousal benefits is listed at <http://www.socialsecurity.gov/forms/ssa-2.html>.

You can apply for benefits in the following ways:

- **Online:** The application is available at <http://www.socialsecurity.gov/retirement/retirement.htm>
- **By phone:** Call Social Security at 1-800-772-1213. (Deaf or hard-of-hearing persons may use TTY 1-800-325-0778.)
- **In person:** Visit your local Social Security office; you can find the nearest office at <https://secure.ssa.gov/ICON/main.jsp>. (It is strongly recommended that you call first, to make an appointment.)

For More Information

You may find the following links helpful:

- [How Much Will I Receive?](#)
- [Benefits For Your Spouse](#)
- [Benefits For Your Family](#)
- [Benefits For Your Divorced Spouse](#)