

# Do I Qualify for Social Security If I'm Divorced?

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Is there a silver lining in divorce? Despite the emotional turmoil that comes with divorce, you may be entitled to unique benefits. While financial incentives don't eliminate the stress and heartbreak of divorce, they might help ease your transition into retirement.

Divorce is complicated, and Social Security considerations can make the situation even more so. While understanding the rules and guardrails around Social Security and divorce is important, it's your responsibility to claim and provide proper documentation to claim your benefits. The SSA is there to help you and clear up any confusion. The first and most important step is [scheduling an appointment](#) with your local Social Security office to explain your circumstances and ensure you get the benefits you're entitled to. Below is critical information to consider before your meeting.

## The Basics: Understand Ex-Spousal Benefits

The SSA operates with a philosophy that a divorced person may deserve a personal benefit, having been the long-term partner of a member of the workforce. The benefit is identical to the *spousal* benefit, however, there are conditions that must be met:

- Your marriage must have lasted 10 years or longer.
- You must have been divorced for two continuous years.
- You are currently unmarried.
- You and your ex-spouse are age 62 or older (60 if your former spouse is deceased).
- Your ex-spouse is entitled to Social Security benefits.
- Your own benefit is less than 50% of your ex-spouse's Full Retirement Age (FRA) amount.

Simply knowing the qualifying criteria for receiving spousal benefits after your divorce isn't enough. A deeper understanding of the rules, as well as the guardrails around them, can have a

substantial impact on your Social Security payments. Here are four guardrails worthy of careful consideration:

## 1. Length of Marriage (and Divorce) Matters

If you were married for ten years, you may be eligible to receive *spousal* Social Security benefits or *survivor* benefits based on your ex-spouse's record.

A *spousal* benefit is equal to 50% of your former spouse's benefit if you start taking payments at your FRA (66 or 67 depending on when you were born). An important note, your ex-spouse only has to be at least 62 years old for you to be eligible to collect the full 50%. If your ex-spouse was a high earner, half their benefit may be larger than your full benefit. In this case, it makes sense to claim a *spousal* benefit, even if you are divorced. For divorcees who survive their ex-, the *survivor* benefit is equal to the full benefit due to your now-deceased former spouse.

If you are considering divorce as your marriage is nearing the ten-year mark, it might be beneficial to postpone finalizing your divorce. It's important to prioritize your health and emotional state, but financially speaking it could be worth tens of thousands of dollars in Social Security payments to wait until you've been married for at least ten years. However, you must be divorced for at least two continuous years before you are eligible to collect on their record.

## 2. Timing Matters

The age you claim your benefits plays a role, even for divorced spouses. While you are eligible for 50% of your former spouse's benefits at FRA, those who claim earlier will be subject to penalties. If you claim your divorced spouse's benefits at any time before your FRA, you are subject to [permanently reduced benefits](#). For example, those who claim as early as age 62 may have their *spousal* benefit permanently reduced to 32.5%, instead of the full 50%.

### What's My Full Retirement Age (FRA)?

Date of Birth	Full Retirement Age
1943 - 1954	Age 66
1955 - 1959	Age 66 <small>+2 months for every year after 1954</small>
1960 - After	Age 67

### 3. Remarriage Can Be Expensive

Since many [divorcees get married again](#), it's important to understand that **you cannot claim spousal benefits from your previous marriage if you are currently married.** However, if you remarry after age 60 you can retain the *survivor's* benefit from the working record of your deceased ex-spouse. Essentially, the SSA will pay you the greater of *your* own retirement benefit, the *survivors* benefit from your ex-spouse, or the *spousal* benefit from your current spouse...but not all three.

### 4. Mums the Word

To apply for *spousal* (or *survivor*) benefits on the record of a former spouse, you don't need to know their earnings history or even where they live. The SSA will simply want to see proof of divorce and ten-year marriage history. Even better, **your former spouse won't be notified by the SSA, and their own payments are unaffected.** In other words, this is completely confidential. Nothing your ex-spouse does will impact the *spousal* benefit.

## The Bottom Line

As overwhelming as it may seem, you don't need to start this next stage of your life alone. This is your chance to maximize all of life's opportunities and resources. Set up a meeting with your local Social Security office or partner with a financial advisor to ensure you get the benefits you deserve.

For a visual recap on the rules and restrictions regarding your Social Security benefits and divorce, download our free [flowchart](#) below!