

Interesting facts about how Social Security payments are affected by divorce

If a couple has been married for 10 years or longer and they get divorced, the wife is entitled to half the husband's Social Security provided certain provisions are met.

These provisions are that the wife is entitled to a husband's Social Security benefit if:

1. the husband is entitled to receive Social Security benefits,
2. they had been married for 10 years before the divorce became final,
3. the wife is not married,
4. the wife is age 62 or over, and
5. the wife is not entitled to a social security benefit which equals or exceeds one-half the husband's benefit.

Since this rule does not diminish the amount the husband receives at retirement, he usually doesn't worry about this.

A wife who is age 62 or over and who has been divorced for at least two years will be able to receive benefits based on the earnings of a former husband regardless of whether the former husband has retired or applied for benefits.

Assume the husband will get \$750 a month when he retires. If they have been married 10 years or longer, she would be able to get \$375 (one-half of the husband's benefit) at age 65.

Husband	\$750
Wife	\$375

What if he gets remarried? If he is married to his second wife for 10 years and they get divorced, Wife #2 gets \$375, Wife #1 gets \$375, and he still gets \$750. His limit is four wives! As long as he is married to each one for 10 years or longer, they each get half of his Social Security benefit.

Husband	\$750
Wife #1	\$375
Wife #2	\$375

What if the wife gets remarried? If she is married at retirement time, she looks to her current husband for her benefit. But if she has been married to Husband #2 for 10 years and they get divorced, she is entitled to half of Husband #1's benefits or half of



Great outcomes.
Done well.

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Husband #2 benefits or her own, whichever is higher. She has a choice.

Husband #1	\$750	Husband #2	\$600
Wife	\$375	Wife	\$300

If Husband #2 is entitled to \$600 at retirement, she obviously will choose the benefits from Husband #1. They are more.

Assume she begins working after the kids are raised and that by the time she retires, she is going to be able to earn \$450 from her own Social Security account. Now she has the choice at retirement time of taking \$450 from her own account, \$300 from Husband #2's account, or \$375 from Husband #1's account. She can only have one -- hers, his or his. Obviously, she would take her own account, which would pay her \$450 per month. To maximize her total Social Security benefit, she may be able to claim both her benefit (assuming it is higher) and the divorced spouse's benefit, depending on when she actually retires. If she does not stop working by full retirement age, she could claim the divorced spouse's benefit at age 66. When she stops working, she could cancel her ex-husband's benefit she had been claiming and begin receiving a benefit based on her own earnings history.

What if they get divorced and he dies? The wife is entitled to widow's benefits if:

1. the deceased husband was entitled to Social Security benefits,
2. they had been married for 10 years before the divorce became final,
3. the widow is age 60 or over, or is between ages 50 and 60 and disabled,
4. the widow is not married, and
5. the widow is not entitled to a retirement benefit that is equal to or greater than the deceased husband's benefit.

Wife #2 also gets widow's benefits if she meets the above five requirements.

A widow's remarriage after age 60 **will not prevent** her from being entitled to widow's benefits on her prior deceased husband's earnings.

A widow's remarriage before age 60 **will prevent** entitlement to widow's benefits unless the subsequent marriage ends, whether by death, divorce, or annulment. If the subsequent marriage ends, the widow may become entitled or re-entitled to benefits on the prior deceased spouse's earnings beginning with the month the subsequent marriage ends.

Example: Assume that Maude's first husband died. At age 58, she met a wonderful widower and wanted to get remarried but she realized that she would lose her



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entitlement to all of the deceased spouse's Social Security benefits when she turned age 60. This may explain why many senior citizens are living together unmarried.