

Social Security Divorced Spouse Benefits FAQ

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If you are divorced you may qualify for Social Security benefits based on the earnings record of your ex-spouse, even if they have remarried or passed away. There are two types of benefits potentially available to you: spousal benefits and survivors benefits. As you read this piece, discuss the various options with your financial advisor and the role of Social Security in your retirement income plans.

REQUIREMENTS TO RECEIVE A DIVORCÉE BENEFIT

	Spousal	Survivors
Your age	62 or older	60 or older
Length of marriage	10 years	10 years
Your current marital status	Unmarried	Unmarried or remarried after age 60
Your former spouse	Must be age 62 or disabled Does not need to apply for a retirement benefit*	Must qualify for retirement or disability benefits

*If your divorce was less than two years ago, your former spouse needs to apply in order for you to receive a spousal benefit.

Divorced spouse benefits

How long do I have to be married to receive a benefit off my ex-spouse?

In order to receive a benefit based on the earnings record of your ex-spouse, you must be married for ten consecutive years¹ and the divorce must have been finalized two years ago. If the divorce was finalized less than two years ago, your ex-spouse must apply for their retirement benefit in order for you to receive a spousal benefit.

If I receive a benefit off my ex-spouse, will it reduce their retirement benefit?

No. If you receive a benefit off your ex-spouse, it will not reduce their retirement benefit. And if your ex-spouse has remarried, both you and the new spouse may be eligible for spousal and survivors benefits. Benefits paid to you (the ex-spouse) will not affect the benefits of their new spouse.

Does my ex-spouse need to apply for their retirement benefit for me to receive a benefit off them?

No. As long as your ex-spouse qualified for Social Security retirement benefits under their earnings record and is age 62 or older, deceased or receiving Social Security disability benefits, you may be eligible for a benefit off your ex-spouse.

Do I need to tell my ex-spouse if I am receiving a benefit off them?

No, and your ex-spouse will not be notified. As long as you have been divorced for at least two years and can provide to the Social Security Administration (SSA) proof that your marriage lasted at least ten years (generally a certified copy of the marriage license and divorce decree are accepted), the SSA will check to see if you qualify for a benefit based on your former spouse. If so, you will receive the greater of your retirement benefit or the spousal/survivors benefit off your ex.



¹ If there was a break in your marriage, the marriage must have been in existence for at least part of each of the 10 years before the final divorce. Therefore, if you divorce and remarry within the calendar year immediately following the calendar year of the divorce, you remain eligible for a benefit even if you subsequently divorce a second time.

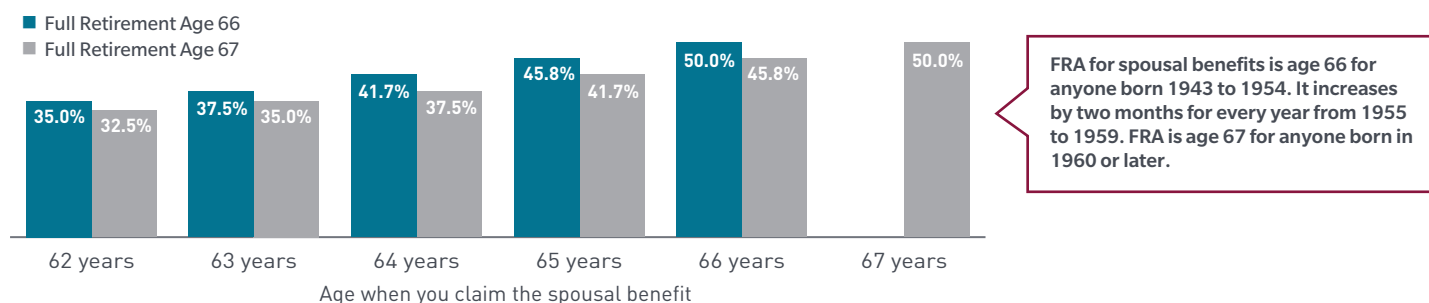
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Spousal benefit

What are my options if my ex-spouse is alive?

If your ex-spouse is alive, you may qualify for a spousal benefit as long as both of you are age 62. If you begin receiving spousal benefits at your Full Retirement Age (FRA), you can receive up to 50% of your ex-spouse's full retirement amount. If you begin receiving benefits between age 62 and your FRA, the amount will be permanently reduced. It will not increase once you have reached FRA.

Spousal percentages by age



Can I start with one benefit and switch to the other?

Generally, no. The SSA will generally give you the greater of your retirement benefit or the spousal benefit off your ex-spouse. However, there are two exceptions:

Exception 1: If you were born on or before January 1, 1954, you may be eligible to start with your spousal benefit and switch to your retirement benefit. In order to do this, you must be age 66 or older when you apply for any benefit and your ex-spouse must be at least age 62 or receiving Social Security disability benefits. This strategy is known as restricted application because you are initially restricting your application to your spousal benefit. Meanwhile, your retirement benefit accrues in value by 8% per year from age 66 until age 70. At age 70 (or any time between ages 66 and 70), you may switch to your retirement benefit.

Exception 2: If you cannot receive your spousal benefit because your ex-spouse is not yet age 62, you can start with your retirement benefit. Then, when your ex-spouse turns 62, you may receive a spousal benefit if that is greater. However, if you are receiving a reduced retirement benefit, your spousal benefit will also be reduced.²

Hypothetical example

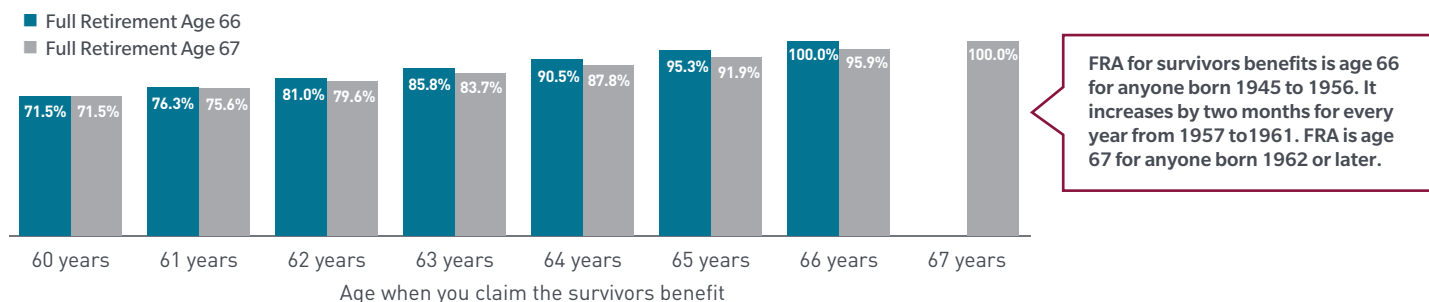
Kim is age 62 and retired. Her ex-husband Carl is age 58. If Kim applies at 62, she will receive a reduced retirement benefit. When Carl turns 62, she may request the spousal benefit off of him. However, her spousal benefit will also be reduced because she applied for her retirement benefit before reaching her FRA.³

Survivors benefit

Can I receive a survivors benefit if my ex-spouse is deceased?

Yes, you are eligible for a survivors benefit if you are age 60⁴ or older and you are unmarried or you remarried after age 60.⁴ A reduced survivors benefit is available at age 60, and the survivors benefit maximizes at the widow(er)'s FRA of 66 or 67.²

Survivors percentages by age



² An earnings limit applies to any benefit received before FRA.

³ Technically, the Social Security Administration pays out your retirement benefit first. Then they add on an excess spousal benefit which is the difference between 50% of your ex-spouse's benefit at their Full Retirement Age and your retirement benefit at your Full Retirement Age. The excess spousal benefit may be reduced if you receive it before Full Retirement Age.

⁴ Age 50 if you are disabled.

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Can I receive the maximum survivors benefit even if I receive a reduced spousal or retirement benefit?

Yes, even if you are receiving a reduced retirement or spousal benefit, you are still eligible for the maximum survivors benefit if you are Full Retirement Age (FRA) or older when you apply for the survivors benefit.⁵ After your ex-spouse passes away, you will receive the greater of your retirement benefit or survivors benefit off your ex-spouse.

Hypothetical example

Cynthia applied for Social Security at age 62 and was receiving a reduced spousal benefit off her ex-husband José. She is now age 67 and José recently passed away. Because Cynthia has reached her FRA, she is eligible for up to 100% of José's retirement benefit.

Can I start with my retirement benefit, and then switch to my survivors benefit? How about vice versa?

In some cases, a surviving divorced spouse may start with one benefit and switch to another. For example,

- you may be able to start with a reduced survivors benefit as early as age 60 and then switch to your retirement benefit at any time between age 62 and 70
- you may also be able to start with your reduced retirement benefit as early as age 62 and then switch to your survivors benefit

If you will be using one of these strategies, please ask the SSA for information on how to restrict the scope of your application. Otherwise, the SSA will give you the greater of the two benefits. Please note that if you are under FRA there may be limits on how much you can earn. Contact the SSA for more information and to see if either strategy is available.

Remarriage

What if my ex-spouse remarries?

Even if your ex-spouse remarries, you are still eligible for a spousal or survivors benefit. Social Security will pay benefits to your ex-spouse, their current spouse and you, and no one's benefit will be reduced.

What if I remarry?

If you remarry you generally forfeit the benefit off your ex-spouse. There are two exceptions:

- 1) If you remarry after age 60 (age 50 if you are disabled), you forfeit the spousal benefit off your first spouse, but you can retain the survivors benefit off them. Social Security will pay you the greater of your retirement benefit, the survivors benefit off your ex-spouse or the spousal/survivors benefit off your current spouse. You cannot receive all three benefits, but the SSA will give you the greater of the three.
- 2) If the second marriage ends through divorce, annulment or death, you can become reentitled to benefits off the first marriage.

Hypothetical example

Carol was married to David for fifteen years. After they divorced, she was married to Edward for ten years. Carol is now age 66 and single, David remarried and Edward recently passed away. What are her options? Since both marriages lasted ten years and ended, Carol could receive the greater of her retirement benefit, the spousal benefit off David or the survivors benefit off Edward. She cannot receive all three benefits, but she may receive the greater of the three.

I remarried. When can I receive a spousal benefit off my new spouse?

You are eligible for a spousal benefit off your new spouse if you are age 62 or older and married to your current spouse for at least one year. Additionally, your current spouse must be receiving their retirement or disability benefit.

Options if you remarry



*Receive greater of spousal/survivors benefit of current spouse, your retirement benefit or survivors benefit of former spouse.

⁵ If you are currently receiving a spousal benefit off your ex-spouse, the SSA will automatically switch you to the survivors benefit upon notification of their death. Under most circumstances, the funeral home will report the person's death to the Social Security Administration. If you are receiving retirement or disability benefits on your own record, you will need to apply in person for survivors benefits.

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Working and receiving the survivors benefit

What if I worked?

If you worked, you generally receive the greater of your retirement benefit or the benefit based on your ex-spouse's earnings record.

Can I receive a spousal or survivors benefit even if I never worked?

Yes, even if you never worked, you may be eligible to receive a spousal or survivors benefit off your ex-spouse.

Can I work and receive benefits at the same time?

A special earnings limitation applies before FRA. If you continue to work, are under Full Retirement Age (FRA) and earned more than \$18,240 in 2020, your retirement benefit as well as the spousal and survivors benefit off your ex-spouse may be temporarily withheld.⁶ After you reach FRA, you can earn as much as you want without any withholding.

⁶ \$48,600 if you turn 66 in 2020. Earnings limit applies only to earnings received after you start receiving Social Security benefits but before you turn Full Retirement Age.

What if I worked in a government position that did not pay into Social Security and my ex-spouse worked in the private sector?

Your spousal and survivors benefit could be reduced by two-thirds of your government pension. Please refer to the SSA's publication "Government Pension Offset" for more information on this topic.

Work and Social Security (earnings test)*

AGE	2020 EARNINGS LIMIT	WITHHOLDING
Through the year before turning Full Retirement Age	\$18,240 (\$1,520 per month)**	Withheld by \$1 for every \$2 of earnings above the limit
In year of turning Full Retirement Age	\$48,600 (\$4,050 per month)**	Withheld by \$1 for every \$3 of earnings above the limit

*Earnings test applies to any benefit (retirement, spousal, survivors, divorcée) received before Full Retirement Age. Earnings test is based on earned income only. Dividend, capital gains, rental income, distributions from IRAs and workplace retirement plans, etc. may not be counted as earned income. Severance pay is counted as earned income. Unemployment benefits are an entitlement benefit and not counted as earned income. Please contact a qualified tax advisor for more information on earned income. If married, the earnings test applies only to spouse(s) receiving Social Security benefit.

**Special earnings monthly limit may apply the first calendar year.

For help determining what role Social Security benefits will play in your financial future, work closely with your financial professional. They will provide the perspective you need to help you build and maintain a retirement strategy that may work best for you.

For more information and answers to your questions about Social Security benefits, visit www.ssa.gov.