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MARRIAGE, DEATH, DIVORCE AND YOUR SOCIAL SECURITY

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Marriage, Death, Divorce & Your Social Security

by David Silver

While most people have a general idea about their own Social Security benefits, I have found that many are unsure or even unaware of the effect that marriage, divorce and a spouse's death could potentially have upon a person's eligibility for social security.

A very quick summary of [Social Security retirement benefits](#): To qualify for Social Security, you must have worked a little bit for 10 years, but it doesn't count if you were paid in cash only with no social security taxes paid on your behalf. While there is a cap on potential Social Security benefits, your monthly benefit amount is higher if you earned more and worked for many years, as Social Security calculates your benefits based upon your best 35 years of earnings. Your full retirement age is between 65 and 67 depending upon when you were born. You can start taking your Social Security benefits as early as age 62, but your monthly check will always be less (as much as 30%) than it would have been had you waited until your full retirement age. You can delay taking your social

security benefits until up to age 70, which will result in your monthly check forever being greater (as much as 32%) than it would have had you started taking it at your full retirement age.

Many couples have a spouse who works in the home and therefore does not have a work history that would qualify them for Social Security benefits at retirement. However, a spouse can become eligible for Social Security based upon a spouse's work history. This spousal benefit can equal as much as one-half of the Social Security benefit earned by the 'working' spouse. The 'at home' spouse can start taking this benefit as early as age 62, but the Spousal benefit would be reduced if the spouse is under the full retirement age (up to only 32.5% of the 'working' spouse's benefit). There is no added benefit to be gained by delaying a spousal benefit after the full retirement age. In the past, it was possible for a person to collect a spousal benefit until they reached age 70 and then switch to their own Social Security benefit, but this has not been possible since a [change in the law](#) in 2015. If you are still married to your spouse, then you can't obtain spousal benefits until your spouse starts receiving their own Social Security benefits.

If you are divorced but were married for at least 10 years, you are eligible for this spousal benefit from your ex-spouse as long as you are single. The Social Security Administration must have foreseen a situation where an ex-spouse refuses to

claim social security benefits out of pure spite, therefore you can apply for spousal benefits any time after your ex-spouse has attained the age of 62 even if your ex-spouse has not yet applied for benefits. If you remarry but this subsequent marriage ends (divorce, death, etc), you once again become eligible for benefits from your ex-spouse. If you have multiple ex-spouses to whom you were married for at least 10 years, you are eligible for whichever spousal benefit would be larger. The spousal benefit has no effect on your ex-spouse or that spouse's current or subsequent husbands or wives. If you are already receiving a spousal benefit from an ex-spouse and then get remarried, those spousal benefits will usually terminate.

You can be eligible for survival benefits at the death of a spouse or an ex-spouse (if marriage lasted at least 10 years and you are single), and these rules are the same no matter if the deceased was a spouse or an ex-spouse. If the spouse dies while they are receiving Social Security benefits and you have passed your full retirement age or if you wait until you have reached your full retirement age, then you can receive the same amount that your deceased spouse was receiving from Social Security in lieu of your own benefit. If you are under your regular retirement age, then you can start receiving your deceased spouse's Social Security benefit amount in lieu of your own at a reduced amount (up to 38.5% less) based upon your age if you are at least 60 (or 50 if you are disabled). Survival benefits

in the amount of 75% of the deceased spouse's benefits are also available at any age if you are taking care of a child under the age of 16 or a disabled child if the disability occurred prior to age 22. If your deceased spouse or ex-spouse was not yet receiving Social Security Benefits, then the survivor benefit amount is based on the amount that your deceased spouse would have received had they reached full retirement age.

There are also survival benefits available to minor children and for dependent parents. These benefits are beyond the scope of this article, but you need to be aware that there is a cap on the disbursements to all family members (a benefit paid to an ex-spouse does not affect the cap).

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