

Ask Rusty: Divorced spouse benefits

By Russell Gloor,
AMAC Advisor

For The Advertiser

Dear Rusty:
Thank you for your Social Security articles, which a group of friends and I read every week. If it had not been for one of your articles, I wouldn't have known that I could get benefits on my ex-husband's record, especially that when I turn 66 I can file to get just spouse benefits and not take my own yet. Some of my friends are also divorced, and most of us don't understand what we can get from our ex-spouse's record. Could you explain what kind of benefits we can get being divorced? We have no one to ask and Social Security doesn't tell you these things. Signed: Divorced and Want to Know

Dear Divorced:
I'm glad you and your friends are enjoying my

Social Security articles. I'll be happy to focus this one on the benefits available to divorced spouses. For starters, you should know that Social Security's rules on divorce are "gender neutral"; that is, they apply equally to both divorced women and divorced men.

The basis for a spousal benefit is always the ex's benefit amount at their full retirement age (FRA), even if your ex-spouse started benefits earlier. In order to be eligible for spouse benefits though, you must be at least 62 and unmarried, you must have been married to your ex for at least 10 years, and your ex must be either already collecting retirement (or disability) benefits or at least be eligible to collect them. If they're not already collecting but are eligible, you must be divorced for at least two years.

Although spouse benefits are often cited as being half of the ex's benefit amount, that's

only true if you have reached your full retirement age when you claim the spouse benefit. Otherwise, your spouse benefit will be reduced to something less than 50 percent, perhaps as low as 32.5 percent of your ex's FRA benefit amount (depending upon your age when you apply). If you are also eligible for Social Security benefits on your own work record, the spousal benefit must be larger than your own for you to get a "spousal boost" bringing you up to the spousal benefit amount. The amount of benefit you get will not affect the amount of your ex's benefit, nor the benefit of anyone else receiving benefits on your ex's record.

If you were born before Jan. 2, 1954, and you have reached your full retirement age and have not yet applied for benefits, you have the option to take only spouse benefits and allow your benefit from your own work record grow at 8

percent per year up until you reach age 70, at which time you can switch to your own benefit if it is larger. You should also be aware that if you take any Social Security benefits before you reach your full retirement age and also work, you'll be subject to an "earnings limit" which, if you exceed it, will result in some of your benefits being withheld.

If, as a divorced spouse, your ex-spouse predeceases you, you may be eligible for survivor benefits equal to 100 percent of what your ex was receiving (or entitled to receive). In this case there is an exception to the age rule which says that you can collect survivor benefits as early as age 60 (50 if you're disabled). However, if you take survivor's benefits before your full retirement age (which as a survivor can be less than your normal FRA), your benefit amount will be

reduced. You may defer collecting survivor's benefits to let them grow to their full value at your full retirement age, but they stop growing when you reach your FRA. You can, however, continue to collect survivor benefits past your full retirement age and allow your own retirement benefit to grow, if that would be to your financial advantage. In fact, if your survivor benefit is larger than your own retirement benefit, you may continue collecting it for the rest of your life.

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