

# Social Security Q&A's for Divorcées



Divorce is often a challenging time mentally, socially, and especially financially. Many recently divorced people find themselves starting over, trying to figure out how to pay for things that they previously had another income to help cover. This financial predicament often hurts women more, as on average they experience a 41% drop in income.<sup>1</sup> In addition, women are more likely to lose income from the gender pay gap, career interruptions from giving birth and providing childcare, and the asset division in marital property.

Thankfully, women have the ability to make up some of that lost income through divorced spousal benefits from the Social Security Administration (SSA). To help get started with applying for spousal benefits, we list and answer frequently asked questions from divorcées.

## WHAT ARE THE REQUIREMENTS TO COLLECT EX-SPOUSE BENEFITS?

DIVORCED	WIDOWED (SURVIVORS)
Be at least 62 years old	60 or older (50 if you are disabled)
Were married to ex-spouse for at least 10 years	Were married for at least 9 months before your spouse's death *Surviving ex-spouses who were married for at least 10 years, as well as some valid non-marital legal relationships, may be eligible
Divorce must be finalized for at least two years or longer	Unmarried or remarried after age 60 (50 if you are disabled)
Have not remarried	
REQUIREMENTS FOR YOUR FORMER SPOUSE	
62 years old+ or disabled	Must qualify for retirement or disability benefits
Does not need to apply for a retirement benefit unless divorce was less than two years ago. If your divorce was less than two years ago, then your former spouse needs to apply in order for you to receive a spousal benefit.	



#### IMPORTANT RULES TO KNOW:

1. If you were born before January 1, 1954, the Social Security Administration allows you to file for spousal benefits at full retirement age and delay your own benefits until 70.
2. If you were born after January 1, 1954, the Social Security Administration will pay the highest benefit they are eligible for when they apply for benefits. So, if your ex's benefit is higher than your own, then you will receive the spousal benefit.
3. If you decide to wait until full retirement age to apply as a divorced spouse, your benefit will be equal to half of your ex-spouse's full retirement amount or disability benefit.

## Frequently Asked Questions from Divorcées with Living Spouses

### **Q** HOW MUCH WILL I RECEIVE IN BENEFITS AS A DIVORCED SPOUSE?

**A** If you wait until full retirement age (FRA) (66 for those born between 1943 and 1954 and 67 for those both in 1960 and after), you receive 50% of your ex's benefits. If you are under full retirement age, you receive the following:<sup>2</sup>

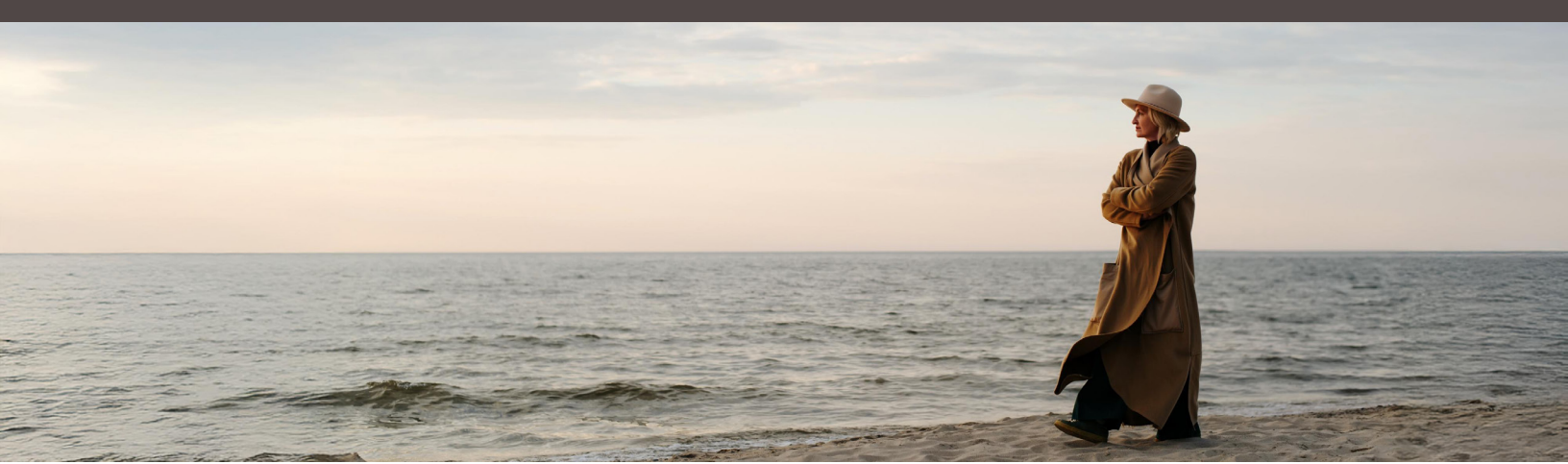
	INDIVIDUALS WITH AN FRA OF 66	INDIVIDUALS WITH AN FRA OF 67
62	35%	32.5%
63	37.5%	35%
64	41.7%	37.5%
65	45%	41.7%
66	50%	45.8%
67	FRA Reached	50%

### **Q** CAN I RECEIVE BENEFITS EVEN IF MY EX-SPOUSE HASN'T APPLIED YET?

**A** Yes, a divorced person can receive benefits on their ex, even if they haven't claimed them yet, as long as they are of retirement age. However, you will not be able to apply until two years after your divorce has been finalized.

### **Q** CAN I CLAIM BENEFITS ON MY EX-SPOUSE EVEN IF THEY REMARRIED?

**A** Yes, you can claim Social Security even if your ex has remarried. You and your ex's new spouse both can be eligible to claim.



**Q** WILL THE CLAIMING ON MY EX-SPOUSE LOWER THEIR BENEFITS?

**A** No, claiming won't reduce your ex's Social Security benefits or their current spouse's benefits.

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**Q** I HAVE A DIVORCE DECREE THAT RELINQUISHES MY RIGHTS TO SOCIAL SECURITY ON MY EX'S RECORD. CAN MY EX PREVENT ME FROM GETTING DIVORCED SPOUSE BENEFITS?

**A** No, your ex-spouse cannot prevent you from receiving divorced spouse benefits.

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**Q** WILL MY EX KNOW I HAVE APPLIED FOR BENEFITS?

**A** If you are worried about whether your ex-spouse will learn that you have applied for benefits on their record, please note that the Social Security Administration will not notify your former spouse. However, if your ex contacts the agency to find out you are drawing a benefit, they will tell them without giving away your personal information and location.

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**Q** WHAT DOCUMENTS WILL I NEED TO CLAIM DIVORCED SPOUSAL BENEFITS?

**A** You will need these documents to claim divorced spousal benefits.

- Birth certificate or other proof of birth
- Proof of U.S. citizenship or lawful alien status if you were not born in the United States
- U.S. military discharge paper(s) if you had military service before 1968
- W-2 forms(s) and/or self-employment tax returns for last year.
- Final divorce decree, if applying as a divorced spouse
- Marriage certificate

## Frequently Asked Questions from Widows

### **Q** HOW MUCH WILL I RECEIVE AS A SURVIVOR?

**A** A widow at full retirement age will receive 100% of the deceased's benefit amount while those between 60 and full retirement age receive 71.5% to 99% of the deceased's benefit amount. Those 50-59 can receive 71.5%. Additionally, a surviving spouse of any age who is caring for a child who is under age 16 or who became disabled before age 22 can receive 75%.<sup>3</sup>

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### **Q** WHAT IF I GOT REMARRIED BEFORE 60?

**A** If you were widowed and remarried before 60, then you are not eligible to receive survivor benefits from the deceased spouse.

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### **Q** WHAT HAPPENS IF I WAS ALREADY RECEIVING BENEFITS FROM MY SPOUSE'S WORK BEFORE THEY DIED?

**A** If both spouses had already claimed retirement benefits and you are over age 70 when your spouse passes away, you will continue to receive the larger of the two benefits for the rest of your life, however, the smaller benefit will go away.

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### **Q** CAN I DELAY APPLYING FOR MY OWN RETIREMENT BENEFITS IF I HAVE RECEIVED SURVIVOR BENEFITS?

**A** If you have not yet started collecting your own benefits and are under the age of 70, you can claim survivor benefits (as long as you're 60 or over) and wait and apply for your own retirement benefits at 70 in order to maximize on Social Security.

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### **Q** AM I ABLE TO RECEIVE BOTH MY SOCIAL SECURITY BENEFITS AND MY DECEASED SPOUSE OR EX-SPOUSES?

**A** No, you can't claim your deceased spouse's benefit in addition to your own. You receive either your survivor benefits or retirement benefits (whichever is higher). If you received survivor benefits before you were eligible for retirement, then you can switch over to your retirement benefits as long as they are higher than what you received from your deceased spouse's work.

**Q**

## **WHAT DOCUMENTS WILL I NEED TO CLAIM WIDOW'S OR SURVIVING DIVORCED SPOUSE BENEFITS?**

**A**

You will need these documents to claim widow or surviving divorced spousal benefits.

- Proof of the worker's death
- Birth certificate or other proof of birth
- Proof of U.S. citizenship or lawful alien status if you were not born in the United States
- U.S. military discharge paper(s) if you had military service before 1968
- For disability benefits, the two forms (SSA-3368 and SSA-827) that describe your medical condition and authorize the disclosure of information to the SSA
- W-2 forms(s) and/or self-employment tax returns for last year
- Final divorce decree, if applying as a surviving divorced spouse
- Marriage certificate

## **Other Frequently Asked Questions**

**Q**

### **WHEN IS FULL RETIREMENT AGE FOR ME?**

**A**

Full retirement age (FRA) is 66 for those born between 1943 and 1954. For those born between 1955 and 1959, it gradually increases by two months each year. Anyone born after 1960 has a full retirement age of 67.

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**Q**

### **CAN I RECEIVE A SPOUSAL OR SURVIVOR BENEFIT EVEN IF I NEVER WORKED?**

**A**

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

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**Q**

### **AM I ABLE TO WORK AND ALSO RECEIVE BENEFITS?**

**A**

Yes, you can work while also receiving benefits but there is a limit on how much you can earn if you want to still be eligible to receive benefits. If you are younger than full retirement age for the whole year and earn more than the yearly earnings limit, which for 2024 is \$22,320, the SSA may reduce your benefit amount. If you make more than \$22,320, they will deduct \$1 from your benefit payments for every \$2 you earn above the annual limit.<sup>4</sup>

If you are at or over full retirement age and are still working, the 2024 annual limit to your earnings is \$59,520 and if you are over that limit, they will deduct \$1 in benefits for every \$3 you earn above it.<sup>4</sup>



**Q****IF I REMARRY AFTER 62, CAN I RECEIVE A SPOUSAL BENEFIT FROM MY NEW SPOUSE?****A**


You are eligible for a spousal benefit from your new spouse as long as you're 62 or older if you have been married to your new spouse for at least one year, and if the new spouse has been receiving their retirement or disability benefit.

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**Q****IF I REMARRY, AM I ALLOWED TO KEEP ANY BENEFITS FROM THE FIRST MARRIAGE?****A**

Typically, once you remarry you can no longer receive ex-spousal benefits from your first marriage but there are two exceptions to this:

1. If the second marriage ends in divorce, you can become eligible again for benefits from the first marriage
2. If you remarry after age 60 (age 50 if you are disabled), you must forfeit the divorced spousal benefit from your first spouse, but you may keep the survivors benefit from them if they passed away. Remember, Social Security will only pay you the greater of either your retirement benefit, survivors benefit from your ex-spouse, or the spousal benefit from your current spouse.



**Our advisors can provide personalized advice tailored to your specific situation, helping you navigate the complexities of Social Security rules and optimize your benefits. Don't hesitate to reach out if you have any questions about collecting your or your ex-spouse's Social Security benefits.**

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## FOOTNOTES

- <sup>1</sup> Wilder, I. (2024, January 2). 7 common ways a divorce can change your personal finances. CNBC. <https://www.cnbc.com/select/common-costs-of-divorce/>
- <sup>2</sup> Social Security Administration. (n.d.). Benefits for spouses. Retrieved December 12, 2024, from <https://www.ssa.gov/oact/quickcalc/spouse.html>
- <sup>3</sup> Team, I. (2024, October 10). How Social Security Survivor benefits work. Investopedia. <https://www.investopedia.com/personal-finance/social-security-survivor-benefits-work/>
- <sup>4</sup> Cost-of-Living Adjustment (COLA) Information | SSA. (n.d.). Retrieved December 12, 2024, from <https://www.ssa.gov/cola/>



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