

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 investment professional and the role of Social Security in your retirement income plans.

REQUIREMENTS TO RECEIVE AN EX-SPOUSE BENEFIT

	Spousal	Survivors
Your age	62 or older	60 or older (50 if you are disabled)
Length of marriage	10 consecutive years	10 consecutive years
Your current marital status	Unmarried	Unmarried or remarried after age 60 (50 if you are disabled)
Your former spouse	Must be age 62 or disabled Does not need to apply for a retirement benefit (unless divorce was less than two years ago)*	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 determine whether 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.



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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.

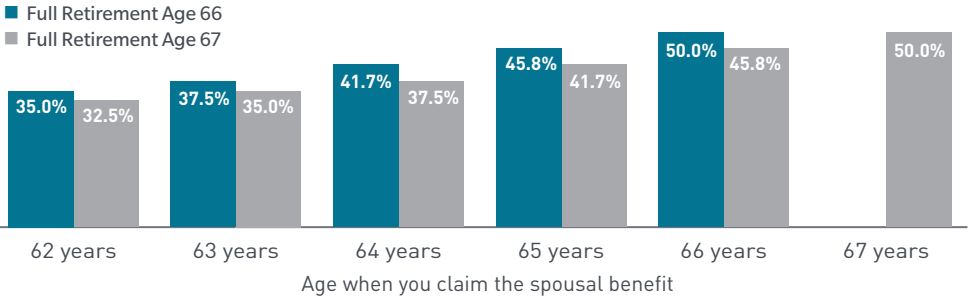
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Spousal benefit

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



FRA for spousal benefits is age 66 for anyone born 1943 to 1954. It increases by two months for every year from 1955 to 1959. FRA is age 67 for anyone born in 1960 or later.

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

The option to start with the spousal benefit off your ex and switch to your own benefit was only available to people born on or before 1/1/1954. When you apply, the SSA will give an amount that equals the greater of your retirement benefit or the spousal benefit off your ex-spouse.

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.^{2,3}

Hypothetical example

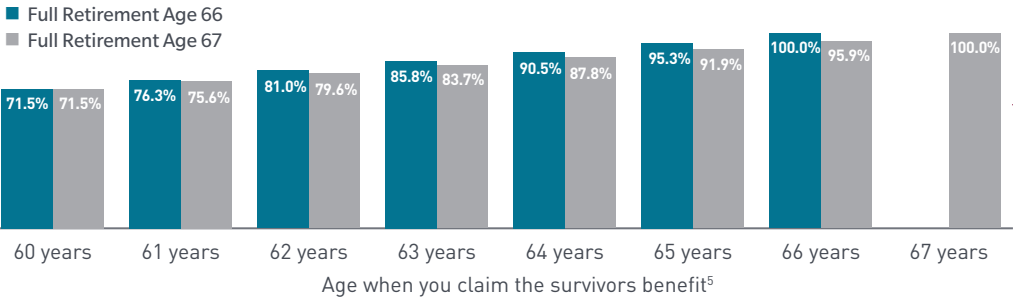
Kim is age 62 and retired. The ex-spouse is age 58. If Kim applies at 62, Kim will receive a reduced retirement benefit. When Kim’s ex-spouse turns 62, Kim may request the spousal benefit off of the ex. However, Kim’s spousal benefit will also be reduced because Kim applied for the retirement benefit before reaching 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.^{2,5} If you are under FRA and working, there are limits on how much you can earn. See page 3.

Survivors percentages by age



FRA for survivors benefits is age 66 for anyone born 1945 to 1956. It increases by two months for every year from 1957 to 1961. FRA is age 67 for anyone born 1962 or later.

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 = (max spousal) - (your retirement benefit at FRA). The excess spousal benefit may be reduced if you are not yet FRA when you become eligible for a spousal benefit.

⁴ Age 50 if you are disabled.

⁵ If the deceased claimed before their FRA, there is a special calculation called the widow(er) limit. Under the widow(er) limit, the surviving spouse receives the lesser of 1) the widow(er) percent based off the deceased’s FRA benefit or 2) the greater of A) the benefit the deceased was receiving at death or B) 82.5% of the deceased’s FRA benefit. Therefore, if the deceased claimed before FRA, the survivor benefit may maximize before FRA.

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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.⁶ After your ex-spouse passes away, you will receive the greater of your retirement benefit or survivors benefit off your ex-spouse.

Hypothetical example

Gloria applied for Social Security at age 62 and was receiving a reduced spousal benefit off her ex-spouse. Gloria is now age 67 and her ex-spouse recently passed away. Because Gloria has reached her FRA, she is eligible for 100% of her deceased ex-spouse’s retirement benefit.

Can I start with my retirement benefit, and then switch to the survivors benefit off my ex-spouse? 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 Social Security representative if you can receive one benefit and delay the other to increase its value. Otherwise, the SSA may 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.

Working and receiving Social Security benefits

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?

An earnings limitation applies before FRA. If you continue to work, are under FRA, and earned more than \$22,320 in 2024, your retirement benefit as well as the spousal and survivors benefit off your ex-spouse may be temporarily withheld.⁷ After you reach FRA, you can earn as much as you want without any withholding.

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	2024 EARNINGS LIMIT	WITHHOLDING
Under Full Retirement Age for the full year**	\$22,320 (\$1,860 per month)***	\$1 in benefits withheld for every \$2 in earnings above limit
Reach Full Retirement Age during 2024**	\$59,520 (\$4,960 per month)***	\$1 in benefits withheld for every \$3 in earnings above limit

* Earnings test applies to any benefit (retirement, spousal, survivors, ex-spouse) received before FRA. 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. 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.

** The SSA uses the FRA for retirement benefits when applying the earnings test for all benefits. If you were born between 1957 and 1961, the FRA for survivors benefit is two to four months earlier than the FRA for retirement benefits. Although FRA for survivors benefits may be earlier, the SSA uses the FRA for retirement benefits for the earnings test. This rule applies even if you are not receiving retirement benefits.

*** Special earnings monthly limit may apply the first calendar year. This limits monthly earnings to \$1,860 starting in the month Social Security benefit begins and ending in December. If earnings exceed \$1,860 in any remaining month of the calendar year, you won’t be entitled to any benefit for that month. If turning FRA in 2024, the monthly earnings limit is \$4,960 until the month you turn FRA.

⁶ If you are receiving retirement or disability benefits on your own record, you will need to apply in person for survivors benefits. If you are receiving a spousal benefit off your ex-spouse and you are FRA or older, the SSA will automatically switch you to the survivors benefit upon notification of death. Under most circumstances, the funeral home will report the person’s death to the SSA. If you are currently receiving a spousal benefit off your ex-spouse and you are younger than FRA, the SSA will stop the (excess) spousal benefit, and you will need to apply for the reduced survivors benefit. Please see MFS® “Social Security Spousal FAQ” for more information on excess spousal benefits.

⁷ \$59,520 if you turn FRA in 2024. Earnings limit applies only to earnings received after you start receiving Social Security benefits but before you turn FRA.

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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.

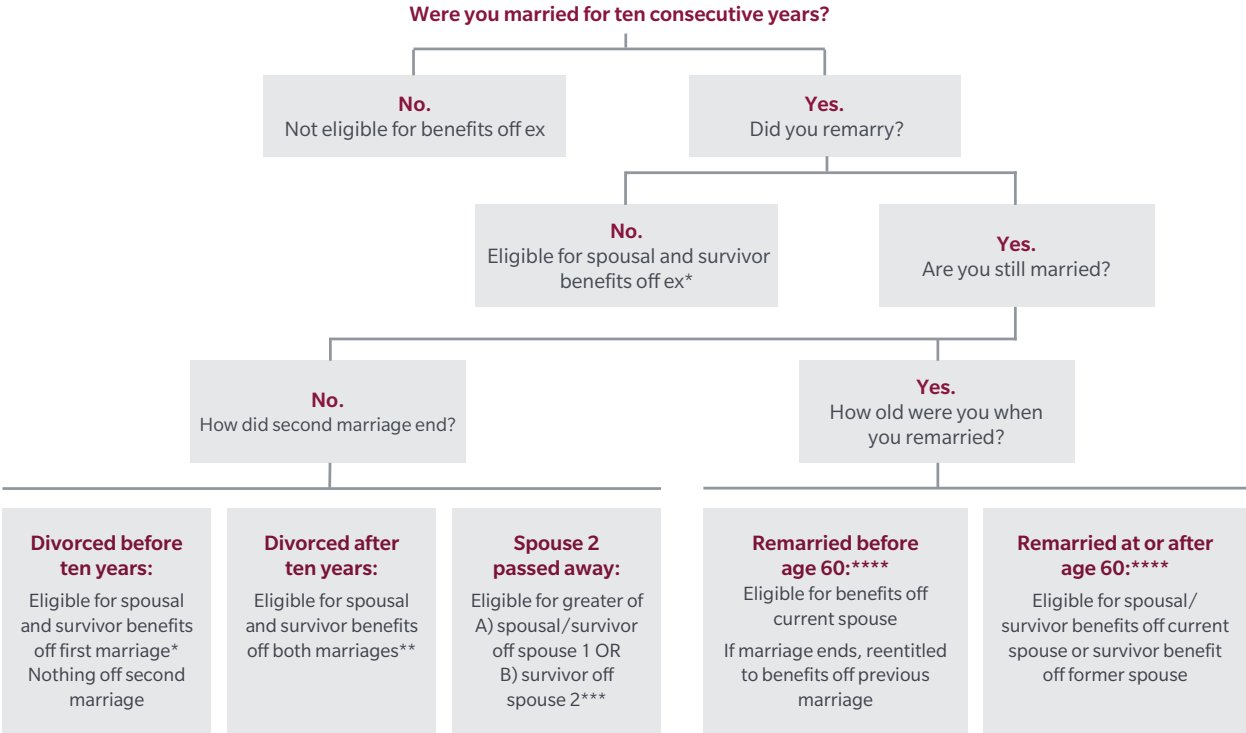
I remarried. When can I receive a spousal benefit off my new spouse?

You are eligible for a spousal benefit off your new spouse if you are age 62 or older, your new spouse is receiving their retirement or disability benefit, and you have been married to your new spouse for at least one year.⁸

If I remarry, can I keep any benefits off the first marriage?

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

- 1) If the second marriage ends, you can become reentitled to benefits off the first marriage.
- 2) 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.



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

*Receive greater of your benefit or the benefit off your ex-spouse.
 **The SSA will compare benefits from both marriages and give you the highest available benefit. You will receive the greater of your retirement benefit, the benefit from marriage 1 or the benefit from marriage 2.
 ***Second marriage did not need to last ten years.
 ****Age 50 if disabled.
⁸ The one year marriage requirement is waived if you are currently receiving divorced spousal benefits. If so, the spousal benefit off your ex will end the month before the month you remarry; you become eligible for a spousal benefit off your new spouse when you have been married to the new spouse throughout an entire month, and the new spouse is receiving their benefit. If you are receiving survivors benefits, they will not end if you remarry after 60 (50 if you are disabled).

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

For informational use only. MFS does not provide tax, legal, retirement or Social Security advice. Contact the Social Security Administration at 1-800-772-1213 or go to ssa.gov to determine the benefits that may be available to you.