



DIVORCE AND SOCIAL SECURITY BENEFITS

The general rule is a person can collect social security benefits based upon their own earnings history or 50% of the spouse or ex-spouses benefit, if it is greater than their own, and 100 percent if the former spouse is deceased. There are however a number of conditions, a marriage must have lasted ten or more years and the person seeking a former spouses greater benefit must currently be unmarried unless they remarried after retaining age 60. If the former spouse is deceased the ex-spouse can begin collecting a reduced widow/divorce widow benefit at age 60. The ex-spouse can then later switch to her own benefit at their full retirement age, if it is greater. It should be pointed out however that working while collecting social security, delaying receiving benefits, being disabled or having a dependent child also can change the calculation.

It is perfectly legal to apply for benefits based upon a former spouses earnings. Unlike the strategy of electing to take a reduce benefit of 62, then paying all the money back and commencing health benefits at retirement age. It is important to consult an attorney, accountant or financial planner who is experienced in social security benefits to determine your eligibility.