

Kathleen Martin is an attorney with O'Donnell, Weiss & Mattei, P.C., and a newspaper columnist for The Mercury, which gave permission for this article to be reprinted.

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Spouses and Social Security Benefits

There is often confusion about Social Security benefits for spouses, particularly for a woman whose husband has died. Elder Law Answers published an article recently on "Social Security's Benefits for Spouses." (<http://www.elderlawanswers.com/resources/article.asp?id=9585&Section=4&state=>) This article is a primer for benefits available for spouses, both current and former. It is important that women in particular understand Social Security benefits, since women traditionally earn less money than their male counterparts, or may have been homemakers with little or no earnings which would provide direct benefits to themselves.

Retirement benefits for spouses fall in three categories overall, spousal benefits, survivor benefits, and benefits for divorced spouses. If you are a surviving spouse of a deceased worker, and you are at full retirement age, you are entitled to the worker's full retirement benefits, provided that they are higher than the benefit to which you are entitled on your own work record. If the deceased worker delayed retirement, then your benefit will be the higher amount that the worker would have received when he or she retired. Surviving spouses are entitled to benefits on the deceased worker's earnings even if you are now divorced, provided that the marriage lasted 10 years or more. If you file for benefits because you are over age 60 years, but have not yet reached full retirement age, then you will receive a reduced benefit, just as if the deceased worker filed for benefits before full retirement age. If the surviving spouse is younger than age 60 years, benefits will only be paid in cases of disability or if the spouse is caring for a disabled child.

In some cases, a spouse is entitled to Social Security benefits if the marriage was at least 10 years in duration, and the dependent spouse is at full retirement age or is caring for a child who is under 16 years of age. The benefit is an amount that is equal to one-half of the worker's full retirement benefit. Additionally, the worker must have filed for benefits, even if he or she is not yet receiving them. If you begin to collect spousal benefits before your full retirement age, the spousal benefit will be permanently reduced. However, if your spouse retires early and accepts reduced benefits, or if you wait until your full retirement age, the final benefit is based upon one-half of his or her full retirement benefit, even if he or she is not receiving that benefit amount.

If you could receive a higher benefit based upon your own earnings record than you would from the spousal benefit, you will automatically receive the higher benefit. Another option available is that once you reach full retirement age to take the spousal benefit, and delay taking your own benefits. Your retirement credits can continue to accrue, and you can switch to your own benefit at a later date. However, you cannot begin to take spousal benefits before your full retirement age and later switch to your benefit; you must be full retirement age when you first choose to take spousal benefits.

Divorced spouses of living workers have slightly different rules. The marriage must have lasted 10 years, and the divorce must have been final for at least 2 years. A divorced spouse can receive benefits even before the worker has applied for benefits, as long as the spouse applying for spousal benefits is at least 62 years old.

Full retirement age depends upon your birthdate. For workers born in 1937 or earlier, full retirement age is 65 years. For those born between 1943 and 1954, it is 66 years. Retirees born in 1960 or later must be 67 to achieve full retirement age. From 1938 to 1942 birthdates, the age increases by 65 and additional months; a similar situation exists for those born between 1955 and 1959. Check with the Social Security Administration for information on your full retirement age.