



Social Security Mailbox

Divorce and Social Security Benefits

If eligible, you might be able to claim on your former spouse's work record

by [Stan Hinden](#), [AARP](#), September 9, 2013

[En español](#) | **Q: My husband and I were divorced after many years of marriage. Can I get Social Security benefits on his work record?**

A: Yes, if you meet a number of requirements. To qualify, you must:

- Have been married to your ex-spouse for at least 10 years;
- Be at least 62 years old;
- Be unmarried and not entitled to a higher Social Security benefit on your own work record.



And there's one other rule to know about: Your ex-spouse must have reached the age at which he's eligible to receive his own retirement or disability benefit. If he's eligible but has not yet claimed his benefit, that's all right — you can still receive your benefit if you've been divorced for two years.

If you're divorced, you might be able to claim Social Security based on your former spouse's earnings. — Jim McGuire/Getty Images

By the way, [Social Security's regulations and policies](#) are gender-neutral. Thus, all the rules that apply to a woman asking about an ex-husband would apply equally to a man asking about an ex-wife.

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Q: What would happen if my former spouse were to die? Would I still be able to get Social Security?

A: Yes. You could receive benefits as a surviving divorced spouse. As always with Social Security, there are certain conditions. These include:

- Your former spouse was entitled to [Social Security benefits](#), regardless of the age at which he or she died;
- You and your ex were married for at least 10 years;
- You're at least 60 years old, or at least 50 if you're disabled;
- You're not entitled to a higher Social Security payment on your own record.

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Q: But what about remarriage? Would that disqualify me from receiving a benefit as a surviving divorced spouse?

A: It would depend on how old you were when you remarried. If you remarried after age 60 or after age 50 if disabled, you'd be able to collect the benefit. But if you remarried before those ages, you would not be eligible.

Next page: [How to apply for divorced spouse benefits.](#) »

Q: How much will I get in benefits each month based on the record of my former spouse?

A: The most that you, as a divorced spouse, can get is an amount equal to 50 percent of what your spouse is due at his full [retirement age](#). But to get that 50 percent, you've got to wait until you've reached your own full retirement age. Otherwise, you'll get a discounted amount. For instance, if you claim at age 62, you'll get only 35 percent of his or her full benefit.

One more thing: The spouse's benefit is always based on the full retirement benefit of the worker, even if that person began receiving before reaching that age.

Q: Will the benefits paid to me as a divorced spouse or surviving divorced spouse be affected if benefits are being paid to members of my ex-spouse's new family?

A: No. Your benefits will not be affected. They will even be exempted from the so-called [family maximum](#), a rule that can reduce benefits if multiple members of a family are collecting at the same time on a single work record.

Q. How do I apply for a divorced spouse's benefits?

A: You can apply online at socialsecurity.gov or by calling Social Security at 800-772-1213 (TTY 800-325-0778). Or visit a Social Security office. An appointment, Social Security advises, is not necessary, but if you call ahead and schedule one, it may reduce your waiting time.

When you apply, Social Security will ask you to provide several documents to show that you're eligible. These documents may include:

- Your birth certificate or other proof of your birth.
- Proof of citizenship or lawful alien status if you were not born in the United States.
- U.S. [military](#) discharge papers if you had military service before 1968.
- W-2 forms or self-employment tax forms for last year.
- Final divorce decree, if you're applying as a divorced spouse.
- Marriage certificate.

Social Security also may ask applicants various questions about their histories. Don't be offended! Officials need to make sure that everyone who gets a benefit deserves it. For more details, see: [Information You Need to Apply for Spouse's or Divorced Spouse's Benefits](#).

[Stan Hinden](#), a former columnist for the Washington Post, wrote *How to Retire Happy: The 12 Most Important Decisions You Must Make Before You Retire*. Have a question? Check out the [Social Security Mailbox archive](#). If you don't find your answer there, [send an email to the Social Security Mailbox](#).

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