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## *The Savvy Investor*

### **Social Security Divorced Spouse**

### **Question**

I have been divorced from my husband for 25 years. He has remarried. Which wife gets the Social Security benefits?

### **Answer**

You're in luck. You both do. Because your marriage lasted more than 10 years, you can collect Social Security benefits on your ex-husband just as if you were still married. Both you and his new wife can each claim *spousal benefits* while he is alive and *survivor's benefits* when he dies. Neither of you lose or gain anything just because there is more than one wife.

There are several key rules an ex-wife must satisfy to claim his benefits:

1. You must have been married at least 10 years.
2. You must have been divorced at least 2 years.
3. You are not currently married.
4. You are over age 62.
5. Your ex-husband is eligible for Social Security.

#### **Benefits Before Full Retirement Age**

If you claim benefits before full retirement age (66), you will receive reduced benefits. The

benefits are calculated on your earnings record first, increased by an additional amount if your spousal benefits are larger.

#### **Benefits On or After Full Retirement Age**

If you wait until full retirement age, you can restrict your claim to spousal benefits and allow your own Social Security benefits to continue to grow up until age 70.

#### **If You Remarry**

If you remarry, you lose the right to collect as an ex-spouse, but if you wait until age 60 or older to remarry, you would retain the right to collect survivor benefits on your ex.

#### **Lucky You**

You have an advantage over his current wife. She cannot get spousal benefits until her husband files for Social Security benefits for himself. A divorced wife can get these benefits even if her ex-husband has not filed for Social Security, provided that he is eligible to claim them and they have been divorced for two or more years.

#### **Bottom Line**

If you think this is confusing, just stay married! And for most people, wait until at least full retirement age to start collecting Social Security benefits.