



Posted on Wed, Jul. 18, 2012

Money Matters | The 10-year rule and how divorce affects Social Security benefits

By SHARON A. LOCKHART

Determining when and how to start drawing your Social Security retirement benefits may seem confusing. But it's worth the effort to understand your benefits in order to maximize your Social Security income in retirement.

When it comes to retirement income, Social Security typically accounts for the lion's share, so it makes sense to understand how to maximize your benefits. As you may know, marital status is an important decision factor when it comes to timing benefits. But, did you know divorce also comes into play? Many women see divorce as a chance to start over, a clean slate, if you will. But just because your former husband is out of the picture, doesn't mean his Social Security benefits have to be, especially if he earns more money than you. In fact, your ex can actually mean extra when it comes to what you're eligible to collect.

If you were married at least 10 years before your divorce, you may be eligible to receive Social Security benefits based on your ex-husband's record, assuming he's entitled to them. If he hasn't applied for retirement benefits yet, you can still collect on his record if you've been divorced for at least two years. This holds true even if he has remarried. And, claiming benefits on his record has no effect on what he or his new spouse can claim.

To qualify to claim benefits on his record, you must be 62 or older and still single. In addition, your own work-based benefits must be less than the benefits you'd receive on your ex-spouse's record. However, if you were the higher earner during your working years, be aware that your ex-husband can receive benefits based on your record. The same qualifying criteria apply to him as well, and your own benefits will not be affected.

Once you have reached full retirement age, you'll have a choice between your own benefits and your spouse's. You've got some options. You can choose to receive your ex-husband's benefits first, while delaying your own retirement benefits. Waiting longer could result in a higher benefit down the road based on the effect of delayed retirement credits. Keep in mind, though, that getting married again generally means you can't collect on your former spouse's benefits record, unless the subsequent marriage also ends.

Prior to full retirement age, if you're eligible for your own retirement benefits and ex-spouse benefits, you'll receive a combination of benefits equal to whichever is higher. Basically your benefits will be paid first and then your ex-husband's benefits will supplement the rest. Keep in mind, the amount you receive depends on the age you begin drawing benefits. Generally, the longer you wait to begin claiming Social Security, the higher your benefit.

There's no one-size-fits-all solution when it comes to Social Security and when to start drawing benefits. However, it's important to talk to your financial advisor and determine how to maximize the benefits coming to you, including whether it makes sense to apply for benefits on your ex-spouse's work record.

The Money Matters column is written by members of the [Financial Planning Association of Greater Kansas City](#). This week : [Sharon A. Lockhart](#), a [Certified Financial Planner](#) with Raymond James Financial Services, Prairie Village.

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