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## What if Your Ex-Spouse Has Died?

*By Elaine Floyd, CFP®*

**If you were married more than ten years and your ex-spouse has died, you may be entitled to a divorced-spouse survivor benefit equal to the amount of his Social Security benefit at the time of his death. If it's higher than your own benefit, you can switch.**

This is true even if your ex has remarried and his widow also qualifies for a survivor benefit based on his record. The key is that you must be unmarried—or, if you have remarried the marriage must have taken place after you turned 60.

This little-known rule is prompting divorced boomers of all ages to keep tabs on their exes.

Example: Linda is 68 and receiving Social Security based on her own earnings record in the amount of \$2,600 per month. She was married to Larry from age 25 to 40 (over ten years) and is currently unmarried. She finds out from her children that Larry has died. She makes an appointment with SSA to apply for her survivor benefit and is delighted to learn that she can switch from her own \$2,600 benefit to her divorced-spouse survivor benefit and increase her income to \$3,800 per month.

When it comes to Social Security, a surviving divorced spouse is a person who was married more than ten years, got divorced, and sometime after the divorce the ex-spouse died. This is in contrast to a widow, whose husband died during the marriage. There is a slight distinction in the rules, but the benefit to the survivor is basically the same, whether a spouse died during the marriage or after the divorce.

You probably don't think of yourself as a "surviving divorced spouse." You probably just think of yourself as a divorced person. More than likely, you just think of yourself as single. You may not think about your ex at all. You may not know where he is or if he is even still alive. But as the baby boom generation ages, divorced people would do well to dredge up those divorce decrees because there could be money in it for them. And it's not just women: a man may also be a surviving divorced spouse.

## SURVIVOR STRATEGIES

There are several possible outcomes for a divorced person when an ex dies (assuming you were married at least ten years and you are currently single or remarried after age 60):

- You are receiving your own benefit when your ex dies:
  - **If you are over FRA:** You may immediately switch to the divorced-spouse survivor benefit if it is higher. (If your own benefit is higher you will keep receiving your own benefit.)
  - **If you are under FRA:** You may keep receiving your own benefit and plan to switch to the maximum survivor benefit at FRA. Waiting until full retirement age to start the survivor benefit will allow you to receive the full amount.
- You have not yet claimed your own benefit when your ex dies:
  - **If your own benefit, if claimed at 70, would exceed the full survivor benefit (multiply your PIA by 1.24):** You may start the divorced-spouse survivor benefit as early as age 60 (it will be reduced to 71.5% of the full amount) and

switch to your own maximum benefit at 70. (You would need to file a restricted application for the divorced-spouse survivor benefit so your own benefit will keep building delayed credits.)

- **If the full survivor benefit is higher than your own benefit will ever be, even with delayed credits:** You may start your own benefit as early as age 62 and plan to switch to the maximum survivor benefit at her FRA. (Again, restricting your application to assure that the survivor benefit is not paid before FRA.)

## MORE FACTOIDS

- If you are entitled to two survivor benefits you may choose the higher of the two. Or you may employ a switching strategy, starting with the lower benefit before FRA and switching to the higher one at FRA.
- If you remarried after age 60 and are currently married, you may choose between the divorced-spouse survivor benefit and the spousal benefit off your current husband. Since the spousal benefit is 50% of the current husband's PIA and the survivor benefit is 100% of the ex's PIA (including delayed credits), the survivor benefit is likely to be higher (but check to be sure).
- The earnings test applies to all benefits received before FRA. \$1 in benefits will be withheld for every \$2 earned over the threshold, which is \$23,400 in 2025.

## WHAT TO DO NOW

If you meet the requirements for divorced-spouse survivor benefits – that is, you were married over ten years, you are currently single (or if married the marriage occurred after age 60), and your ex has died, start by getting a copy of your divorce decree. This will show the dates of the marriage and the divorce. Confirm that the marriage lasted at least ten years. If you do not have your divorce decree you can check with the county recorder's office where the divorce occurred or order a copy through VitalChek ([www.vitalchek.com](http://www.vitalchek.com)).

Call SSA at 800-772-1213 to find out the amount of your divorced-spouse benefit. Even if you're not ready to apply for it yet, you'll want to know the amount for planning purposes.

When you're ready to apply, make an appointment with SSA by calling 800-772-1213.

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*Elaine Floyd, CFP® is Director of Retirement and Life Planning for Horseshoeth, LLC, where she helps people understand the practical and technical aspects of retirement income planning.*

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