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How does a divorced spouse qualify for benefits?

Question

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Answer

A person can receive benefits as a divorced spouse on a former spouse's Social Security record if he or she:

- was married to the former spouse for at least 10 years;
- is at least age 62 years old;
- is unmarried;
- is not entitled to a higher Social Security benefit on his or her own record.

In addition, the former spouse must be entitled to receive his or her own retirement or disability benefit. If the former spouse is eligible for a benefit, but has not yet applied for it, the divorced spouse can still receive a benefit if he or she meets the eligibility requirements above and has been divorced from the former spouse for at least two years.

Generally, benefits cannot continue to be paid if the divorced spouse remarries someone other than the former spouse, unless the latter marriage ends (whether by death, divorce, or annulment), or the marriage is to a person entitled to certain types of Social Security auxiliary or survivor's benefits.

A person can receive benefits as a surviving divorced spouse on the Social Security record of a former spouse who died fully insured, if he or she:

- is at least age 60, or age 50 and disabled;
- was married to the former spouse for at least 10 years; and
- is not entitled to a higher Social Security benefit on his or her own record.

If the surviving divorced spouse age 60 or over applying for benefits remarried after age 60, or after age 50 and at the time of remarriage was entitled to disability benefits, the marriage is disregarded. If a person is already entitled to benefits as an aged or disabled surviving divorced spouse and remarries, benefits continue regardless of the person's age at the time of remarriage.

The benefits paid to a divorced spouse or a surviving divorced spouse will not affect the benefit amount paid to other family members who receive benefits on the same record.

If you would like to receive an estimate of benefits you may receive as a divorced spouse or a surviving divorced spouse, you may contact our representatives at our toll-free number, 1-800-772-1213. They may be able to provide you with this information over the telephone. If you prefer, you may visit one of our offices. You can get the address and directions to your nearest office from the [Social Security Office Locator](#) that is available on the Internet.