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How long must I be married to collect benefits when a spouse dies?

Question

How long must I be married to collect benefits when a spouse dies?

Answer

Generally, a person can qualify for widow's or widower's benefits if he or she was married to the deceased worker for at least nine months just before the worker died. However, you do not need to be married to the worker for any specific length of time if:

- You are the mother or father of the worker's biological child;
- You legally adopted the worker's child while you were married to him or her and before the child attained age 18;
- You are the parent of a child who was legally adopted by the worker while you and the worker were married and before the child attained age 18;
- You and the worker were married and both of you legally adopted a child under age 18;
- You were entitled or potentially entitled to spouse's, widow(er)'s, parent's benefits or to childhood disability benefits on the record of a fully insured individual in the month before the month you married the deceased worker;
- You were entitled or potentially entitled to a widow(er)'s, child's (age 18 or over) or parent's insurance annuity under the Railroad Retirement Act (RRA) in the month before you married the deceased worker;
- The worker was married previously to an institutionalized spouse, but was not allowed to divorce him or her under state law. After the spouse died, he or she married you within 60 days;
- You were married to the worker at the time of his or her death, you had been married to and divorced from him or her before, and the previous marriage lasted nine months;
- The worker's death occurred in the line of duty while he or she was a member of a uniformed service serving on active duty; or
- The worker's death was accidental. (Note: The worker's death is considered "accidental" only if he or she received bodily injuries through violent, external and accidental means and, as a direct result of the bodily injuries and independent of all other causes, died within three months after the day he or she received the injuries.)

If the worker could not reasonably have been expected to live for nine months at the time you married him or her, then you cannot qualify for benefits under the last three conditions.