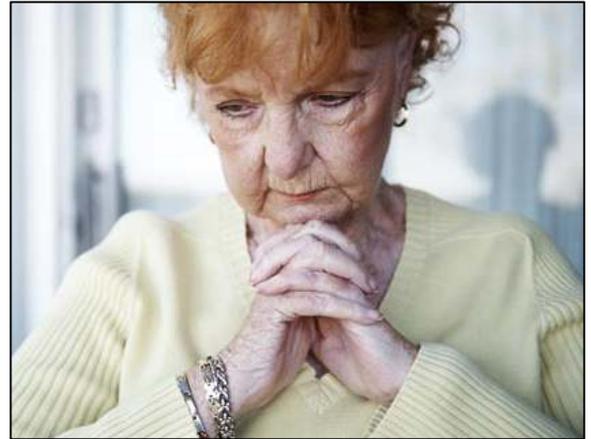


## Social Security Benefits for Spouses and Children

# Fact Sheet

A little-known feature of the Social Security system is that in addition to paying retirement benefits for the retired worker, it may provide benefits to the worker's spouse, an ex-spouse if the marriage lasted at least 10 years, and dependent children and grandchildren, depending on the circumstances. Moreover, these benefits can be paid all at the same time.



### ***Spousal Benefits***

Your spouse is entitled to an amount equal to one-half of your full primary insurance amount (PIA). In order to receive this benefit, your spouse must be at least 62 years old or caring for your child entitled to receive benefits on your work record who is younger than 16 or disabled. Also, you must be receiving Social Security retirement benefits in order for your spouse to receive them as well.

It may be that your spouse could receive more from Social Security based on her own earnings record than through your spousal benefit. If this is the case, the Social Security Administration (SSA) automatically provides your spouse the larger benefit.

If you retire early, your spouse will still receive benefits based on one-half of the PIA you would have received had you waited until full retirement age to retire. But in order to receive a full half of your PIA, your spouse must wait to begin receiving the retirement benefits at her full retirement age. If she opts to receive benefits before that time, she will be penalized according to a formula similar to that used to compute the reduced benefits of workers who retire early.

### ***Children's Benefits***

Children and even grandchildren who are unmarried and dependent upon you (the retired worker) for their support are eligible for benefits. To be eligible, the child must be under age 18, under age 19 but still in elementary school or high school, or over age 18 but have become mentally or physically disabled prior to age 22.

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Children generally receive an amount equal to one-half of your PIA, up to a "family maximum" benefit. The family maximum is calculated when you reach age 62, and is determined by a formula similar to that used to determine the PIA. The family maximum depends on the amount of your benefit and the number of family members who also qualify on your work record. The total varies, but it is generally equal to about 150 to 180 percent of your retirement benefit. Every January 1 the family maximum benefit may be increased to reflect a rise in the cost of living.

Because of the maximum, the more dependents you have, the less each of their individual benefits will be, although your own benefit will not be reduced. For example, let's say Henry's PIA is \$1,500 and his family maximum is \$2,300. Henry would receive his \$1,500 a month, and his wife, Beatrice, and their dependent child, Barbara, would split the remaining \$800 a month (\$2,300 - \$1,500). If Henry and Beatrice had two children who qualified for benefits, the remaining \$800 after Henry's benefit would be evenly divided three ways. Upon the worker's death, dependent children receive 75 percent of the worker's PIA, up to the family maximum, until they outgrow their eligibility.

### ***Benefits for a Divorced Spouse***

If you are the retired worker, your divorced spouse is eligible to receive an amount equal to one-half of your PIA, provided the marriage lasted at least 10 years. The rules are similar to those for spousal benefits described above, with two notable exceptions. First, your divorced spouse can begin receiving benefits even before you have begun receiving benefits yourself. The SSA does require, however, that you be at least 62 years old and that the divorce have been final for at least two years if you have not yet reached full retirement age. Second, your divorced spouse's benefits are not counted in your "family maximum" benefit described above, and they do not affect that maximum.

Divorced spouses who had more than one marriage that lasted at least 10 years do not receive multiple benefit checks, one for each marriage. But the SSA does automatically choose the former marriage that will yield the largest benefit to the ex-spouse. Divorced spouses generally cannot collect benefits on their former spouse's record unless their later marriage ends (whether by death, divorce, or annulment).

### ***Survivor's Benefits***

If you die and your spouse has by that time reached full retirement age, your spouse begins receiving your actual benefits. This is true even if you and your spouse have divorced, so long as you had been married for at least 10 years. If

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your surviving spouse has not yet reached full retirement age but is at least age 60, she receives an actuarially reduced percentage of your benefits. At age 60, for example, she will receive 71.5 percent of your actual benefits. This percentage increases each year until she reaches full retirement age herself, at which point she begins receiving 100 percent of your actual benefits. Spouses younger than 60 may be able to receive benefits in limited circumstances, such as cases of disability or if they are caring for a disabled child.

Finally, the widow (if not divorced) of a deceased worker or his children under age 18 are entitled to a lump sum death benefit of \$255.

*Attorney Connelly practices in the area of elder law. This area of law involves Medicaid planning and asset protection advice for those individuals entering nursing homes, planning for the possibility of disability through the use of powers of attorney for the both health care and finances, guardianship, estate planning, probate and estate administration, preparation of wills, living trusts and special or supplemental needs trusts. He represents clients primarily in the states of Rhode Island, Connecticut and the Commonwealth of Massachusetts. He was certified as an Elder Law Attorney (CELA) by the National Elder Law Foundation (NELF) in 2008. Attorney Connelly is licensed to practice before the Rhode Island, Massachusetts, Connecticut, and Federal Bars.*

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