

Social Security

www.socialsecurity.gov

Public Affairs Specialist

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In Addition to the Retiree, Who Else Can Get Benefits?

Your Spouse

- Age 62 or older
- At any age, if caring for a child under age 16 or disabled



In Addition to the Retiree, Who Else Can Get Benefits?

Your Ex-Spouse

- **Marriage lasted at least 10 years**
- **Unmarried**
- **Ex-spouse 62 or older**
- **Divorced at least two years and you and your ex-spouse are at least 62, he or she can get benefits even if you are not retired**
- **Ex-spouse's benefit amount has no effect on the amount you or your current spouse can get**

Spouse's Benefit Computation

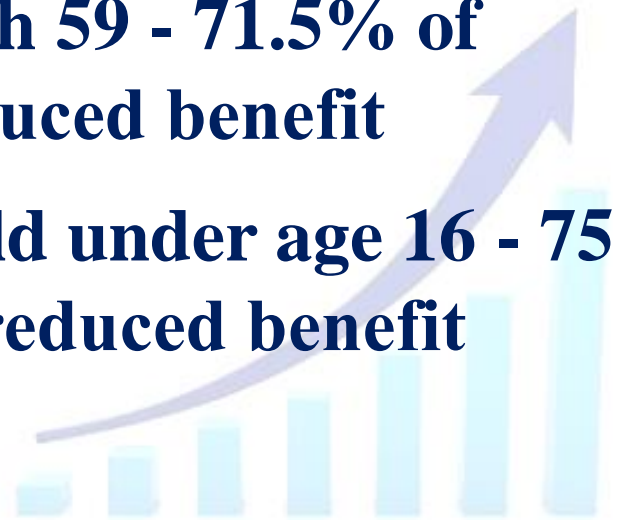
- **Benefit is 50% of worker's unreduced benefit**
- **Reduction for early retirement**
- **If spouse's own benefit is less than 50% of the worker's, the benefits are combined**
- **Does not reduce payment to worker**
- **If spouse waits until FRA to apply for spouse's benefits, he/she will receive the maximum amount (up to half of the amount the NH is entitled to receive at FRA)**

Widow or Widower

- **Full benefits at full retirement age**
- **Reduced benefits at age 60**
- **If disabled as early as age 50**
- **At any age if caring for child under 16 or disabled**
- **Remarriage after age 60 (50 if disabled)**
- **Divorced widows/widowers may qualify**

Widow or Widower Benefit Computation

- **At full retirement age or older - 100% of deceased worker's unreduced benefit**
- **At age 60 - 71.5% of deceased worker's unreduced benefit**
- **Disabled, aged 50 through 59 - 71.5% of deceased worker's unreduced benefit**
- **Any age, caring for a child under age 16 - 75% of deceased worker's unreduced benefit**



Deemed Filing

Deemed filing means that when you file for either your retirement or your spouse's benefit, you are required or "deemed" to file for the other benefit as well.



Deemed Filing FAQ

www.ssa.gov/planners/retire/deemedfaq.html

- **What is the change in the law for people who qualify for both Social Security retirement and spouses benefits?**

For individuals with birthday on or after January 2, 1954- If you are eligible for benefits both as a retiree and as a spouse (or divorced spouse), you must file for both benefits.

NOTE: This “deemed filing” used to apply only before the full retirement age, which is currently 66. Now, deemed filing will apply at any age, if you reach age 62 after January 1, 2016.

**Q: I turned 62 before January 2, 2016.
Does the new law on deemed filing affect me?**

A: No, if you turned 62 prior to January 2, 2016, the new law that extends deemed filing rules will not apply to you if you file at full retirement age (FRA) or later.

NOTE: An individual born on January 2, 1954 will reach FRA (66) in 2020. Therefore, January 2020 is the first month deemed filing will apply to someone who reaches FRA. Until that time, deemed filing will only apply to those below full retirement age

Q: Do the rules for deemed filing apply to all benefits?

A: No, they apply only to retirement benefits based on your own record and to the spousal benefits (including divorced spouse's) you receive based on retirement (i.e. no widow's, etc.)

Exceptions:

- 1) Does not apply if you are receiving spousal benefits because you are caring for a child under age 16 or disabled*
- 2) Does not apply if you receive spouse's benefits and are also entitled to disability*

Example 1

Paul (63) – DOB 02/28/1953

Mary (57) – DOB 11/12/1958



Q – Can Paul file a restricted application when he turns 66 on Mary’s record (she will be 60 at the time)?

A - No, because Mary will not be of age to begin receiving retirement benefits. Paul is unable to file for spouse benefits until Mary begins to receive retirement benefits.

Example 2

Paul (63) – DOB 02/28/1953

Mary (57) – DOB 11/12/1958



Q- Can Paul file a restricted application on Mary's benefits when she turns 62 in November 2020?

A - Yes, because Paul turned 62 prior to 01/02/2016 and he will be FRA in November 2020. This means he will be able to file for spouse benefits without being required to file for the other. He may also restrict his application to apply only for spouse benefits and delay filing his own retirement.

Example 3

Paul (63) – DOB 02/28/1953

Mary (57) – DOB 11/12/1958



Q- Will Mary have to start receiving her own benefit at 62 in order for Paul to file for spouse benefits and restrict his application?

A – Yes.

Voluntary Suspension (File and Suspend)

File and Suspend allowed a worker at FRA or older to apply for retirement benefits and then suspend payment, allowing a spousal benefit to be paid to his or her spouse while the worker was not collecting retirement benefits. The worker could then receive delayed retirement credits.

Voluntary Suspension FAQ

www.ssa.gov/planners/retire/suspendfaq.html

- **What is the change in the law for voluntarily suspending Social Security retirement benefits?**

If you take your retirement benefit and then ask (on or after April 30, 2016) to suspend it to earn delayed credits, your spouse or dependents (excluding divorced spouses) generally won't be able to receive benefits on your Social Security record during the suspension. You also won't be able to receive benefits on anyone else's record during that time.

Reminder: You must have reached your FRA in order to request a suspension.

Who will be affected by the new “File and Suspend” law?

- **The new law applies to individuals who request a suspension on or after April 30, 2016.**
- **If you voluntarily suspend benefits prior to April 30, you may remain in voluntary suspense status and the new law will not affect you.**
- **If you submit your request before April 30 and your spouse or children become entitled to benefits either before or after that date, they will not be affected by the new rules and will continue to receive payment.**

Who will be affected by the new “File and Suspend” law?

- In some situations, we will honor requests received before April 30 that we are unable to process until after April 30.

Example: Linda contacts us to apply for benefits April 22, 2016, expressing intent to apply for, and suspend benefits. The first appointment we have is not until June 3, 2016. We will honor the request for voluntary suspension that we received prior to April 30.

Thomas and Maria Example

Thomas starts his retirement benefit at his FRA (66) in June 2016. His wife, Maria (62), starts her spousal benefit based on his record. Thomas immediately suspends his benefit.

Previously, Maria could continue receiving spousal benefits while Thomas could restart his own benefit at age 70 and receive an increase for each month he waited.

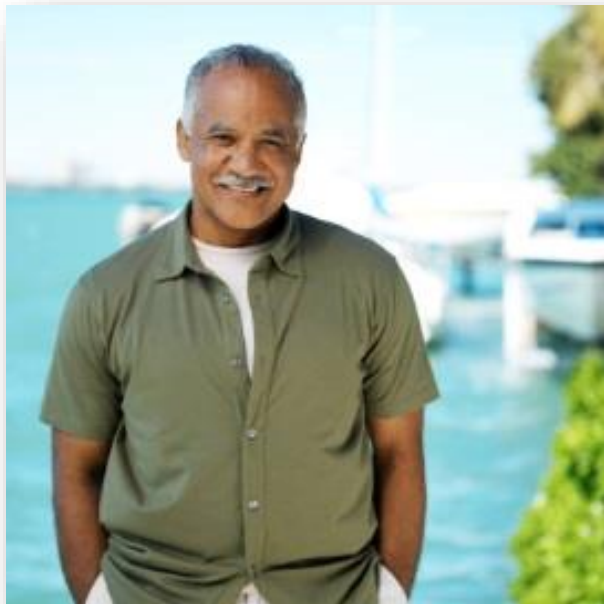
Now, because Thomas reached his FRA and requested the suspension after April 30, 2016, he is subject to the new law. He can still choose to voluntarily suspend his benefit after his FRA but if he does, Maria's spousal benefit will be suspended also.

Other Voluntary Suspension Changes

- **An individual who request voluntary suspension on or after April 30, 2016 may not receive benefits for a period of voluntary suspension.**

Robert Example

Robert attains full retirement age in May 2016 and requests voluntary suspension of his benefits in that same month. His benefits will be suspended beginning June 2016 (the month after the month of his request). In December 2016, he wants to reinstate his benefits back to June 2016.



As a result of this new legislation, the earliest that we may resume benefits is January 2017 (the month after the month of his resumption request).

Prior to the new legislation, we would have reinstated Robert back to June 2016 which would have generated a lump-sum payment for the suspense period.

Other Voluntary Suspension Changes

- **An individual whose benefits are suspended may not receive benefits on any other record during the period of suspension.**

Sara Example

Sara (66) request voluntary suspension of her retirement in July 2016. She is also entitled to spouse's benefits on her husband's record. As a result of the new legislation, we will suspend her retirement as well as the excess spouse's benefit on her husband's record.



In January 2017, she requests resumption of her benefits. We will resume both her retirement and spouse benefits effective February 2017 (month after the month of her resumption request).

Prior to the new legislation, Sara would have been able to receive the spouse's payment for the suspension period.

Contact Me

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