

As an attorney who devotes a large part of my practice to divorce work, the issue of spousal social security benefits arises.

Originally, this benefit was for women who left the workforce to raise children.

One needs 40 quarters or 10 years of work to claim a retirement benefit of your own. If you have not worked at all or a lesser amount, and you have been married for at least 10 years and you are now single, you can receive a spousal benefit based on your husband's earnings.

In the recent AARP publication, Jane Bryant Quinn wrote:

“How much is the spousal benefit? It depends on your age when you claim it. If you wait until your full retirement age (somewhere between 66 and 67), you'll get half of what your husband could get at his own full retirement age. If you claim earlier, you'll receive less.

What if you worked 10-plus years and earned a Social Security retirement benefit of your own? Here's where claiming gets tricky.

If your husband has not retired, you can file for a benefit based on your personal earnings. When he finally quits work and goes on Social Security, the spousal amount you can receive depends on your personal benefit's size. If it's higher than what you'd get as a spouse, you'll continue to receive the same, higher amount, says Philip Moeller, coauthor of *Get What's Yours: The Secrets to Maxing Out Your Social Security*. If your personal benefit is smaller, it will be topped up to the spousal level.

If you file when your husband has already retired, Social Security will normally assume that you're claiming your personal *and* your potential spousal benefit at the same time. You will receive the higher of the two.

There's an exception for people who were born on or before Jan. 1, 1954. If you put off your claim until full retirement age, you can file a "restricted application" for a benefit based on your spouse's earnings, without also claiming the personal benefit you're owed. At age 70, you can switch to your personal benefit, which will have grown at 8 percent per year plus the inflation rate."

In summary, this can be confusing, and I highly recommend visiting your local social security office. I go often to check on issues for my social security disability clients. I find all of the stuff to be extremely helpful. You can also go online, but sometimes actually speaking to a person face to face can produce answers to your questions in a fraction of the time it may take you to try and do on your own. I am also available to help you and answer your questions or point you in the right direction.