

Title II Auxiliary Benefits: Social Security Benefits You've Never Heard Of & Who Is Eligible for Them

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Justice in Aging

Justice in Aging is a national organization that uses the power of law to fight senior poverty by securing access to affordable health care, economic security, and the courts for older adults with limited resources. Since 1972, we've focused our efforts primarily on those who have been marginalized and excluded from justice such as women, people of color, LGBTQ individuals, and people with limited English proficiency.

Community Legal Aid Society, Inc.

Founded in 1946, Community Legal Aid Society, Inc. (Delaware) is a statewide nonprofit law firm whose mission is to combat injustice through creative and persistent civil legal advocacy on behalf of vulnerable and underserved Delawareans. CLASI is also Delaware's designated Protection and Advocacy agency for individuals with disabilities.

Key Lessons

- 1. For those receiving Social Security retirement benefits, some family members may also qualify to receive benefits.** Spouses, ex-spouses, and children of the retired worker may receive a monthly payment of up to one-half of the retirement benefit amount. These Social Security payments to family members will not decrease the amount of the worker's retirement benefit.
- 2. Certain family members of those receiving Social Security disability benefits may also qualify to receive benefits,** including spouses, ex-spouses, and children of the disabled worker.
- 3. When a worker dies, certain family members may be eligible for survivors benefits.** Widows, widowers, surviving divorced spouses, children, and dependent parents may qualify for benefits on the deceased worker's record.

Introduction to Social Security Benefits

Social Security is a social insurance program under Title II of the Social Security Act, with benefits based on an individual's work history, and can provide auxiliary benefits for the worker's spouse, children, and other dependents.¹ Title II benefits are funded by a payroll tax (FICA) paid on wages in equal amounts by employer and employee (6.2 percent each) for all persons working in a job covered by Social Security.²

¹ 42 USC §§ 402, 423

² 26 U.S.C. § 3101. The amount of a person's wages subject to the payroll tax is capped. In 2021, the cap has been set at a maximum of \$142,800. Social Security Administration, [Contribution and Benefit Base \(ssa.gov\)](https://www.ssa.gov/policy/docs/colleg/colleg.html) (2021).

Social Security is also referred to as “RSDI” or “OASDI” (Retirement/Old Age, Survivors and Disability Insurance). Financial need is not a factor in eligibility determinations, so no eligibility rules limit how much other income or resources an individual can have. Social Security benefits are linked to Medicare eligibility.³

Social Security benefits include retirement (“old age”) benefits, survivor benefits, disability benefits, and auxiliary benefits for the dependents of those receiving retirement or disability benefits. In March 2021, almost 65 million Americans received these benefits from the Social Security Administration (SSA), including over 46 million retired workers, eight million disabled workers, and 4.4 million dependents of retired and disabled workers. Just under six million received survivor benefits.⁴

In March 2021, the average monthly benefit amount for all Social Security beneficiaries was \$1,428; for retirement beneficiaries, it was \$1,504; for survivor beneficiaries, it was \$1,244; and for disability beneficiaries, it was \$1,146.⁵

In general, eligibility for Social Security benefits requires that the worker be “fully insured” at the time of retirement, disability, or death. An individual is considered “fully insured” if the individual has earned 40 “quarters” in covered employment.⁶ The use of the term “quarters” is misleading, as it has nothing to do with calendar quarters. It simply refers to a dollar amount that one must earn in a calendar year to obtain a credit for that year, with four being the maximum number of quarters or credits one can earn each year.⁷ The amount of earnings required for a quarter in 2021 is \$1,470.

Glossary

Family Maximum

Benefits to dependents are subject to a maximum monthly amount to the family as a whole. SSA uses a complex formula to calculate the family maximum. The maximum for dependents of retired or deceased workers typically ranges between 150% and 180% of the worker’s payment, whereas the maximum for dependents of disabled workers is typically set between 100% and 150% of the worker’s payment.

Full retirement age (FRA)

Full retirement age is the age at which a person is first entitled to full or unreduced retirement benefits. For those born before 1960, the full retirement age is gradually increasing from 65 to 67.

Primary Insurance Amount (PIA)

This is the benefit amount a worker receives if they elected to start receiving retirement benefits at their full retirement age. To calculate an individual’s PIA, SSA starts with that person’s lifetime earnings, adjusted to account for changes in average wages since the year the earnings were received. Then SSA calculates the individual’s indexed monthly earnings during the 35 years in which the individual earned the most, and applies a progressive formula to these earnings to arrive at their PIA.

³ Medicare is a social insurance program for health care funded by a payroll tax. Monthly premiums, usually deducted by the Social Security Administration from social security benefits for Part B, also cover a portion of the costs. People 65 and older, those who have received Social Security Disability Insurance benefits for 24 months, and children or surviving spouses 50 or older who meet the Social Security disability standard are eligible for Medicare. Medicare has four parts ([42 U.S.C. §§ 1395c–1395i-5](#) (Part A, hospital insurance); *id.* §§ [1395j–1395w-6](#) (Part B, medical insurance); *id.* §§ [1395w-21–1395w-29](#) (Part C, Medicare Advantage plans); *id.* §§ [1395w-101–1395w-154](#) (Part D, prescription drug coverage)).

⁴ Social Security Administration (SSA), Monthly Statistical Snapshot, March 2021, at [Table 2](#).

⁵ *Id.*

⁶ [20 C.F.R. §404.110](#). Some survivor benefits do not require that the wage earner be fully insured—children, surviving spouses caring for a child under 16, and disabled adult children may be able to receive survivor benefits, if the decedent had credits for six of the thirteen consecutive quarters ending with the quarter of death. [20 C.F.R. §404.120](#).

⁷ SSA, Office of the Chief Actuary, [Quarter of Coverage](#).

Section 2 – Benefits for Dependents of Retired Workers

Spouses of Retired Workers

Spouses are eligible for Social Security benefits based on a retired worker's earnings record.⁸ For married couples, a spouse can only claim spousal benefits if the worker has already begun claiming retirement benefits. For spouses to collect Social Security benefits on a retired worker's record, with limited exceptions, they must have been married for at least 12 months.⁹ The spouse must:

- Be at least 62 years old or older; or
- Be caring for the retired worker's child who is under age 16 or disabled.

A spouse can receive up to 50% of the worker's PIA.¹⁰ If a spouse elects to collect spousal benefits before reaching their FRA, they will be subject to an early retirement penalty.¹¹ Spousal benefits do not include any delayed retirement credits the worker may receive for waiting to begin collecting retirement benefits after their normal retirement age.¹² Spousal benefits are also reduced if the worker claimed their retirement benefits before reaching their FRA.

EXAMPLE

Maria is 62 and her husband, Joe, is 65. Joe's full retirement age (FRA) is 66 and 4 months, and Maria's FRA is 66 and 10 months. At their FRAs, Maria will be eligible for \$700/month on her own work record and Joe will be eligible for \$1,600/month on his own work record. Assuming that Joe is still alive and receiving retirement benefits when Maria reaches her FRA, when Maria elects to file, she must file for both retirement and spousal benefits. She will receive a total of \$800 per month (\$700/month in retirement benefits + \$100/month in spousal benefits), which equals the higher amount (50% of Joe's retirement benefits).

Divorced Spouses of Retired Workers

Divorced spouses are eligible for Social Security benefits based on a retired worker's record if they are at least 62 years old or older AND the marriage lasted for at least 10 years.¹³ Generally, a divorced spouse cannot collect benefits based on a former spouse's record if they have remarried,¹⁴ unless the later marriage has ended (either by death or divorce).¹⁵ Divorced spouses who had more than one marriage that lasted at least 10 years do not receive multiple benefit checks or one for each marriage. SSA determines which former marriage will yield the largest amount of spousal benefits to the ex-spouse.

The divorced spouse's benefits will not affect the amount of benefits that the retired worker or any current spouse receives. A divorced spouse who has turned 62 can start claiming spousal benefits as soon as their ex-spouse is entitled to claim retirement benefits (that is, the ex-spouse has reached age 62), even if the ex-spouse has not applied and is not actually receiving retirement benefits.¹⁶

8 SSA, Program Operations Manual System (POMS), RS 00202.001, [Definitions and Requirements for Spouse Benefits](#).

9 *Id.* There are exceptions to the 12 months of marriage requirement, including being the natural parent of the worker's biological child.

10 SSA, Office of the Chief Actuary, [Primary Insurance Amount](#).

11 SSA, Office of the Chief Actuary, [Benefit Reduction for Early Retirement](#).

12 [20 CFR § 404.313](#).

13 SSA, POMS RS 00202.005, [Divorced Spouse](#)

14 SSA, POMS RS 00202.045, [Remarriage of a Divorced Spouse - Policy](#)

15 SSA, POMS RS 00202.046, [Entitlement of a Divorced Spouse After Termination of Subsequent Marriage - Policy](#)

16 SSA, POMS RS 00202.005.B.2., [Divorced Spouse](#). However, remember their benefits will be permanently reduced by the early retirement penalty if they start receiving benefits before they reach their normal retirement age. If the wage earner has not applied for their own benefits, the divorced spouse cannot collect until two years following the divorce. POMS RS 00202.005.B.2.c.

PRACTICE TIP

Many divorced spouses are not aware that they are eligible for a higher amount of spousal benefits based on an ex-spouse's work record than what they receive in retirement benefit based on their own work record, so it can be worthwhile to inquire about previous marriages.

Children of Retired Workers

Children of workers receiving retirement benefits are eligible for auxiliary benefits on that worker's record if the child is unmarried, and either under age 18 (under age 19 if still in high school) OR an adult with a disability.¹⁷ Generally, a child of a retired worker can receive up to 50% of the worker's PIA, subject to the Family Maximum rules.¹⁸

EXAMPLE

Antonia, age 62, works as a home health aide, and is now raising her granddaughter Gabrielle, age 6, whom she has adopted. Antonia decides to begin receiving her retirement benefits early, which enables her to claim a child benefit for Gabrielle. Although Antonia's retirement benefits will be reduced for the rest of her life because she is claiming them early, the family will also receive an additional 50% of her unreduced PIA until Gabrielle turns 18 (or 19 if still in high school).

Benefits for an adult disabled child of a retired worker are known as Childhood Disability Benefits (CDB)¹⁹ or Disabled Adult Child (DAC) benefits. To be eligible:

- The child must be over age 18;
- Their disabling impairment must have started before age 22;
- They must meet the disability standard for adults;
- They must be unmarried; and
- They must never have had substantial earnings after age 22 (\$1,310 per month in 2021).

Benefits for Dependents of Disabled Workers

Spouses, divorced spouses, and children of workers who are receiving Social Security Disability Insurance benefits are eligible for auxiliary benefits following the same rules as those for dependents of workers receiving retirement benefits, described above. Generally, these dependents can each receive up to 50% of the worker's PIA. However, more restrictive rules for the Family Maximum apply to disability beneficiary families.²⁰

EXAMPLE

Louis is married to Dolores, who receives \$1,200/month in Social Security Disability Insurance benefits. They have two children, Simon, age 11, and Christine, age 9. Louis and the children will **NOT** receive \$600/month each as Dolores' dependents. Because of the Family Maximum rules, the total benefits cannot exceed \$1,800/month total (150% of Dolores' monthly benefit). Louis, Simon, and Christine will each receive \$200/month as her auxiliary beneficiaries.

17 SSA, POMS RS 00203.001, [Entitlement and Non-Entitlement Provisions for Child's Benefits](#).

18 SSA, Office of the Chief Actuary, [Formula for Family Maximum Benefit](#).

19 SSA, POMS RS 00203.080, [Childhood Disability Benefits](#).

20 Kathleen Romig and Dave Shoffner, "Understanding the Social Security Family Maximum," *Social Security Bulletin*, Vol. 75, No. 3 (2015).

Benefits for Dependents of Deceased Workers

Widows and Widowers, Including Divorced Spouses

The spouse of a deceased worker can receive survivor benefits if they are:

- over age 60;
- over age 50 and disabled with certain time limits on when the disability must be established;
- not entitled to a higher benefit on their own record; and
- generally married for at least 9 months prior to the death of the worker.²¹

For divorced spouses, the marriage to the deceased worker must have lasted for at least 10 years. If the surviving spouse remarries before age 60, they usually cannot get survivors benefits on the deceased spouse's record, but if they remarry after age 60 (or age 50 if disabled) they can.²²

If the surviving spouse or divorced spouse waits until their FRA before applying for survivors benefits, they will receive 100% of the deceased worker's benefit amount. This amount will be reduced if the deceased worker started receiving their retirement benefits early. It will also be reduced if the surviving spouse or divorced spouse starts receiving survivors benefits before reaching their FRA.²³ They may choose to apply for survivors benefits and delay receiving their own retirement benefits until after their normal retirement age, receiving delayed retirement credits as explained above. Those receiving survivors benefits who are younger than their FRA are subject to an "earnings test" if they continue working.²⁴

EXAMPLE

Returning to Joe and Maria discussed above, Joe dies when he is 70; Maria is 67. She will now start receiving \$1,600/month in survivors (widows) benefits.

A surviving spouse of the deceased worker who is under age 60 and unmarried can receive "mother's" or "father's" benefits when caring for the deceased worker's child who is under age 16 or disabled.²⁵

Children of Deceased Workers

Children of deceased workers are eligible for auxiliary benefits on that worker's record if the child is unmarried and under age 18 (under age 19 if still in high school) OR an adult with a disability.²⁶ Generally, a child can receive up to 75% of the worker's PIA, subject to the Family Maximum rules.²⁷

21 SSA, POMS RS 00207.001, [Widow\(er\)'s Benefits Definitions and Requirements](#). There are exceptions to the nine-month duration requirement, including that the worker's death was accidental or occurred in the line of duty while serving in the military.

22 SSA, POMS RS 00207.003, [How Remarriage Affects Widow\(er\)'s Benefits](#).

23 SSA, [Receiving Survivors Benefits Early](#).

24 Those who elect to receive retirement or survivors benefits before reaching their full retirement age and continue working are subject to a benefit reduction for each month they are working and earning over a certain amount, up until they reach their full retirement age. SSA, Office of the Chief Actuary, [Exempt Amounts Under the Earnings Test](#).

25 SSA, POMS RS 00208.001, [Mother/Father Definitions and Requirements](#).

26 SSA, POMS RS 00203.001, [Entitlement and Non-Entitlement Provisions for Child's Benefits](#).

27 SSA, Office of the Chief Actuary, [Formula for Family Maximum Benefit](#).

Parents of Deceased Workers

A parent of a deceased worker who is age 62 or older and was dependent on the worker for at least half of their support may be eligible for auxiliary benefits on the worker's record.²⁸ The parent must not be married after the worker's death, with certain exceptions.²⁹

Conclusion

When a worker starts receiving Social Security retirement or disability benefits, other family members may also be eligible to receive benefits. Spouses, ex-spouses, and children may qualify for auxiliary benefits, depending on their circumstances. When a worker dies, family members may be eligible for survivors benefits based on their work record, including widows, widowers, surviving divorced spouses, children, and dependent parents.

Additional Resources:

- Code of Federal Regulations
 - » [20 C.F.R. §§ 404.330](#) – 404.374
- POMS
 - » [RS § 00202.000](#) et seq. (spouses)
 - » [RS § 00203.000](#) et seq. (children, students, childhood disability benefits)
 - » [RS § 00207.000](#) et seq. (widow(er)s)
 - » [RS § 00208.000](#) et seq. (mothers/fathers)
 - » [RS § 00209.000](#) et seq. (parents)
- SSA Publications
 - » [Retirement Benefits: Benefits for Your Family](#)
 - » [Disability Benefits: Family Benefits](#)
 - » [Planning for Your Survivors](#)

Case consultation assistance is available for attorneys and professionals seeking more information to help older adults. Contact NCLER at ConsultNCLER@acl.hhs.gov.

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²⁸ SSA, POMS RS 00209.001, [Entitlement and Non-Entitlement Provisions for Parent's Benefits](#).

²⁹ SSA, POMS RS 00209.005, [How Marriage Affects Entitlement to Parent's Benefits](#).