

Divorce After 50: Unique Issues Older Couples Face

Most Baby Boomers contemplating divorce have different needs simply because of where they are at in life. Since the majority of the income-generating years are behind them, special attention must be paid to future income, [health insurance](#) and [spousal support](#).

Although Social Security benefits cannot be divided in a divorce, there are rules that impact your benefits if your marriage lasted more than 10 years. For example, if you are over the age of 62, you can collect benefits after the divorce on your former spouse's record without a reduction in benefits to your former spouse. If your former spouse dies, you may also be entitled to survivor benefits.

It's also very important to make sure that your [retirement account are properly divided](#). They are usually divided by a [Qualified Domestic Relations Order \(QDRO\)](#), which is a separate court order that covers the division of retirement benefits. Careful financial planning decisions need to be made to ensure that you will be financially secure and able to enjoy retirement.

The dividing of interests in pensions under both California and federal law is a complex and highly sensitive issue for many couples. In our experience, clients hold strong feelings toward a required division of their pension or retirement accounts. There's a common mentality that if one's work and contributions prior to and during the partnership increase the value of their retirement estate, these assets should not be required to face valuation and subject to division when a relationship ends. This is even more common if these individuals become ordered to pay spousal support. Most pensions have administrators who are knowledgeable with federal and California laws, and we've even seen them assist couples who are self-represented to divide their pensions. It's important to remember that these plan administrators are unable to assist you with other parts of your case that may be highly influential on whether your pension gets shared with your spouse, or become available to you if you're the non-working party in the relationship.

As with most aspects in a divorce or other California family law case, the division of pensions can be negotiated and settled. In this regard, it's extremely beneficial to have an experienced family law attorney on your side.

Health insurance is another major issue that requires thought and consideration. Once you are divorced, each spouse will need his or her own individual health insurance. Although COBRA laws allow you to remain on your previous spouse's employer-provided insurance plan for up to 36 months after a divorce, the premiums are expensive and often times not financially feasible. If you are not yet 65 and therefore unable to qualify for Medicare, you will need to be sure to research this issue thoroughly so that you are able to have health insurance post-divorce.

Finally, the emotional impact of a divorce after a long-term marriage is often times much harder than with a divorce in your 20s. You will need emotional support from your friends and family in

order to get through this difficult time. It's important to ensure that you have all of the personal and professional help you need, so feel free to contact us if you have questions about your situation.