

TITLE 3: HUMAN RESOURCES
DIVISION 3: SOCIAL SECURITY ACT

§ 3307. Survivors' Insurance Benefits: Eligibility.

(a) *Survivors' Insurance Benefits: Amount.*

(1) *Benefits Payable Before January 1977.*

(A) The monthly benefit payable to a surviving spouse under this division shall be in an amount equal to 50 percent of the retirement insurance benefit calculated for the deceased spouse at the date of death. If the surviving spouse is eligible for a monthly benefit under this division based on his or her own wages the monthly survivor's insurance benefits shall be reduced by the amount of his or her monthly benefit.

(B) The monthly benefit payable to a surviving child under this division shall be in an amount equal to 10 percent of the retirement insurance benefit calculated for the deceased parent at the date of death.

(C) In no event shall the total survivors' benefits paid to a spouse and children under this division exceed the retirement insurance benefit calculated for the decedent as of the date of death, nor shall the total be less than \$24 a month, before any reduction under subsection (a)(1)(A) of this section.

(2) *Benefits Payable In or After January 1977.*

(A) The monthly benefit payable to a surviving spouse under this division shall be in an amount equal to 60 percent of the retirement insurance benefit calculated for the deceased spouse at the date of death. If the surviving spouse is eligible for a monthly benefit under this division based on his or her own wages the monthly survivor's insurance benefits shall be reduced by the amount of his or her monthly benefit.

(B) The monthly benefit payable to a surviving child under this division shall be in an amount equal to 15 percent of the retirement insurance calculated for the deceased parent at the date of death.

(C) In no event shall the total survivors' benefits paid to a spouse and child under this division exceed the retirement insurance benefit calculated for the decedent as of the date of death, nor shall the total be less than \$43.40 a month, before any reduction under subsection (b)(1)(A) of this section.

(3) *Benefits Payable In or After July 1977.*

(A) In no event shall the total survivor's benefits paid to a spouse and children under this division exceed the retirement insurance benefit calculated for the decedent as of the date of death, nor shall the total be less than \$46.50 a month, before any reduction under subsection (a)(1)(A) or (a)(2)(A) of this section.

(4) *Benefits Payable In or After October 1978.*

(A) The monthly benefit payable to a surviving spouse under this division shall be in an amount equal to 70 percent of the retirement insurance

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benefit calculated for the deceased spouse at the date of death. If the surviving spouse is eligible for a monthly benefit under this division based on his or her own wages the monthly survivor's insurance benefits shall be reduced by the amount of his or her monthly benefit.

(B) The monthly benefit payable to a surviving child under this division shall be an amount equal to 60 percent of the retirement insurance benefit calculated for the deceased parent as of the date of death.

(C) In no event shall the total survivor's benefit paid to a spouse or to the spouse and children under this division exceed 150 percent of the retirement insurance benefit calculated for the decedent as of the date of death.

(D) In no event shall the monthly benefit payable in or after October 1978 to a sole surviving spouse or a sole surviving child be less than \$46.50.

(5) *Benefits Payable In or After January 1985.*

(A) The monthly benefit payable to a surviving spouse under this division shall be in an amount equal to 70 percent of the retirement insurance benefit that would have been payable in such month to the deceased spouse if he or she had been otherwise entitled (except for his or her death) to a retirement insurance benefit. If the surviving spouse is eligible for a monthly benefit under this division based on his or her own wages, the monthly survivor's insurance benefits shall be reduced by the amount of his or her monthly benefit.

(B) The monthly benefit payable to a surviving child under this division shall be in an amount equal to 60 percent of the retirement insurance benefit that would have been payable in such month to the deceased parent if the deceased parent had been otherwise entitled (except for his or her death) to a retirement insurance benefit.

(C) In no event shall the total survivors' benefits paid in a month to a spouse and/or children under this division exceed 150 percent of the retirement insurance benefit that would have been payable to the decedent as calculated in subsections (a)(5)(A) or (a)(5)(B) of this section.

(b) *Dependents' Insurance Benefits: Amount.*

(1) *Benefit Payable In or After January 1985.*

(A) The monthly benefit payable to a dependent spouse under this division shall be in an amount equal to 50 percent of the retirement or disability insurance benefit calculated for the insured individual. If the entitled spouse is entitled to a monthly benefit under this division based on his or her own wages the monthly dependent benefit shall be reduced by the amount of his or her monthly benefit.

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(B) The monthly benefit payable to a dependent child under this division shall be in an amount equal to 50 percent of the retirement or disability insurance benefit calculated for the insured individual.

(C) In no event shall the dependents' benefits paid in a month to a spouse and/or children under this division exceed 50 percent of the retirement or disability insurance benefit calculated for the insured individual.

(c) If a person entitled to a survivor's insurance benefit under this division is receiving a periodic workers' compensation disability benefit under provisions of title 4, division 9, chapter 3 [4 CMC § 9301 et seq.], the amount of the monthly survivor's benefit otherwise determined under this section shall be reduced by the monthly amount of the workers' compensation disability benefit as long as it shall continue.

Source: PL 4-27, § 7; amended by PL 4-65, § 3; PL 6-33, § 2.

Commission Comment: The Commission inserted a colon in place of a dash in the heading of this section to conform the heading to the style used elsewhere in the code. According to PL 3-90, § 7(a) (reprinted in the preface material, prior to title 1), "section headings . . . do not in any manner affect the scope, meaning, or intent of the provisions of this Code."