

CWEALF Publications

Legal Rights of Older Women

This brochure outlines several legal issues faced by older women and tries to answer basic questions older women may have. For more detailed information about anything discussed here, call CWEALF's Information and Referral Service listed on the back of this brochure.

As an older woman you may be entitled to specific protections under the law. But the best way to protect your rights is to learn what your rights are and play an active role in legal matters that affect you.

What legal issues do I face as an older woman that I didn't when I was younger?

- Age discrimination in employment
- Age discrimination in housing
- Right to alimony, medical benefits, pension benefits, and child support after divorce
- Retirement and social security benefits
- Wills and trusts
- Living wills
- Elder abuse

How do I know I'm being discriminated against at work because of my age?

If you are paid less than a younger worker for doing essentially the same job; if you have trained younger workers and they have been promoted over you to jobs with higher pay and responsibility; if you were told at a job interview that you are overqualified because you have more education and experience than the job requires; or have other evidence that your age affects how your employer treats you, you may be the target of age discrimination. There are laws to protect you and state agencies that can help you file a claim of discrimination.

I'm getting a divorce – am I entitled to keep the house and receive support?

You may be entitled to half of all property you and your spouse own jointly, and the court may award you the house and other assets in the divorce. If you have provided homemaking services for your family and haven't worked outside the home, and/or you are caring for minor children, you may be entitled to support from your spouse, usually in the form of alimony and/or child support. You can also remain covered by your spouse's medical plan, but possibly at your own expense, and may still be entitled to pension benefits.

I have never worked outside the home, but now I must get a job to support myself. What resources are available to me?

There are programs set up to educate and train displaced homemakers. The Connecticut Commission on Aging offers a booklet, *Employment and Training Resource Guide – Programs Targeted to Individuals 55 and Over*.

There are other steps to take to learn how to be self-sufficient:

Participate in your family's financial affairs – start today!

- Make a list of all important documents such as wills, bankbooks and statements, tax returns and tax documents, and insurance policies, and know where they are kept;
- Make sure you and your spouse have a will and know where it is kept;

- Have some finances in your own name such as a checking account or credit cards

I'd like to plan for retirement – What sources of income can I count on? How are my rights affected if I'm divorced or widowed?

You qualify for social security based on your own work history; but if you worked less than full time or your work history was interrupted to raise your family, you may be better off under your spouse's benefits as a dependent spouse;

If you are divorced, you can receive benefits on your ex-spouse's record if you were married to him for at least 10 years; if you are 62 and have been divorced at least 2 years, you can start collecting benefits whether or not your ex-spouse has actually begun receiving them; if you are 65 or over and your ex-spouse dies, you may receive benefits the same way a widowed spouse does;

If you are widowed, you can begin receiving benefits at age 60; if your spouse dies before you are 60, you fall into the "widow gap": if you have no minor children, you must wait until age 60 to collect social security benefits; note that if you elect to receive benefits between ages 60 and 65, your monthly benefit will be lower than if you wait until age 65;

If you are widowed and remarry after age 60, you will not lose your benefits on the earnings record of your first spouse. If your ex-spouse remarries and you do not, your benefits will not be affected.

Your rights to your spouse's or ex-spouse's pension benefits, and the amount you qualify to receive, depends on the type of plan, whether or not the right to the survivor benefit is in effect, the terms of your divorce and whether or not you remarry.

Social Security and pension benefits is a complicated area. You should contact the Social Security Administration, contact your or your spouse's employer, or speak to an attorney with experience in this area with questions specific to your situation.

What is a living will?

A living will is a document stating your wishes concerning your health care if you are in a terminal state or permanently unconscious, and is most frequently referred to in the context of decisions to remove life support. Anyone can make a living will; you do not need an attorney, but state law requires you to be of sound mind and to have the document signed in front of two witnesses. It is always wise to have an attorney review any such document to make sure it meets statutory requirements. Connecticut Department of Social Services or your regional Area Agency on Aging can give you printed forms to help you draft a living will without legal assistance.

The above questions address only a few of the problems faced by older women. For more details, contact CWEALF for assistance and referrals.

Resources:

Connecticut Commission on Human Rights and Opportunities (CHRO)
Administrative Office
21 Grand St.
Hartford, CT 06106
(860) 541-3400
(800) 477-5737

Equal Opportunity Employment Commission (EEOC)

John F. Kennedy Federal Building
Government Center
4th Floor, Room 475
Boston, MA 02203
(617) 565-3200

Area Agencies on Aging
(800) 994-9422

The Commission on Aging
(860) 424-5360

For Legal Information call:

Connecticut Women's Education and Legal Fund
Information & Referral Service
Monday – Friday
Greater Hartford: 524-0601
Toll free: 1-800-479-2949

CWEALF also publishes a series of booklets that discuss legal issues of concern for women and girls.

Other publications available
from CWEALF

- * Child Support in Connecticut
- * Divorce in Connecticut
- How to Choose an Attorney
- Legal Rights of Lesbians, Gay Men & Bisexuals in Connecticut
- Legal Rights of Older Women
- * Pregnancy, Family and Medical Leave in Connecticut
- * Sexual Harassment in Schools
- * Sexual Harassment in the Workplace
- Women and Credit
- Women, Work and Sex Discrimination
- * Title IX: Gender Equity in Sports
- Pridelink

- * Information available in Spanish

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