but the marriage ended in a final divorce and—
(1) You are the mother or father of the insured’s child; or
(2) You were married to the insured when either of you adopted the other’s child or when both of you adopted a child and the child was then under 18 years old;
(b) You apply for these benefits; or you were entitled to wife’s or husband’s benefits for the month before the insured died;
(c) You are unmarried;
(d) You are not entitled to widow’s or widower’s benefits, or to an old-age benefit that is equal to or larger than the full mother’s or father’s benefit; and
(e) You have in your care the insured’s child who is under age 16 or disabled, is your natural or adopted child, and is entitled to child’s benefits on the insured person’s record. Sections 404.38 and 404.349 describe when a child is in your care.
(4) You remarry. Your benefits will not end, however, if you marry someone entitled to old-age, disability, wife’s, husband’s, widow’s, widower’s, father’s, mother’s, parent’s or disabled child’s benefits.
(5) You die.
(c) If you were entitled to spouse’s benefits on the basis of having a child in care, or to mother’s or father’s benefits for August 1981, your entitlement will continue until September 1983, until the child reaches 18 (unless disabled) or is otherwise no longer entitled to child’s benefits, or until one of the events described in paragraph (b) (1), (3), or (4) of this section occurs, whichever is earliest.
§ 404.342 Mother’s and father’s benefit amounts.
Your mother’s or father’s monthly benefit is equal to 75 percent of the insured person’s primary insurance amount. The amount of your monthly benefit may change as explained in §404.304.
§ 404.344 Your relationship by marriage to the insured.
You may be eligible for benefits if you are related to the insured person as a wife, husband, widow, or widower. To decide your relationship to the insured, we look first to State laws. To decide your relationship to the insured, we look first to State laws. The State laws that we use are discussed in §404.345. If your relationship cannot be established under State law, you may still be eligible for benefits if your relationship as the insured’s wife, husband, widow, or widower is based upon a deemed valid marriage as described in §404.346.
§ 404.345 Your relationship as wife, husband, widow, or widower under State law.
To decide your relationship as the insured’s wife or husband, we look to the laws of the State where the insured had a permanent home when you applied for wife’s or husband’s benefits. To decide your relationship as the insured’s widow or widower, we look to the laws of the State where the insured had a