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## Finding York County Divorce Files

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**211** Research Guide

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Divorce files are typically filed at the county or district courthouse where the divorce hearing took place. They may include the petition for divorce, affidavits, the degree nisi and the decree absolute (also referred to as the judgement absolute). Some files may also include examinations, documents relating to child custody, copies of marriage certificates and photographs of the people involved. For divorces occurring outside of York County, see *Research Guide 210: Finding Divorce Files in Ontario*.

### **Step 1: What are you looking for?**

#### **A divorce occurring prior to 1930?**

We do not have these records. Until 1930, only the Federal Parliament could grant a divorce in Ontario through a Resolution or an Act of Parliament. Couples had to have a private member's bill (a bill that a Member of Parliament presented to the House of Commons) requesting that their divorce be granted.

All divorces granted by the Federal Parliament are indexed. [Click here to access the index on the Library and Archives Canada website](#). Divorces granted between 1867 and 1930 are also indexed in a book titled *Index to Canadian Parliamentary Divorces, 1867-1930*, by J. Brian Gilchrist and Nancy J. Duffy. This book is available in the Archives of Ontario's Reading Room and in major public libraries.

Resolutions and Acts of the Federal Parliament have been published, and most major libraries should hold a copy of them; [click here to access the Library and Archives Canada website for more information](#). For a certified copy of the Resolution or Act of Parliament for a divorce (needed for legal purposes), you must contact *Office of the Law Clerk and Parliamentary Counsel*:

**Senate of Canada  
1310-40 Elgin Street  
Ottawa ON K1A 0A4 – Telephone: 613-992-2416**

**A certified copy of the court document granting the divorce for a divorce started between 1931-June 1981?**

Do you only need a certified copy of the legal document that makes a divorce final? If so, please proceed to *STEP 2*. For divorces occurring outside of York County, but still in Ontario, please see *Research Guide 210: Finding Divorce Files in Ontario*.

**A certified copy of the court document granting the divorce started between June 1981-1986?**

Starting in June 1981, divorces for the Regional Municipality of York were processed by the Newmarket courthouse. Divorces for Metropolitan Toronto (now the City of Toronto) were still processed by the Toronto courthouse.

Do you only need a certified copy of the legal document that makes a divorce final? Please proceed to *STEP 2*.

**An entire Divorce File for a divorce started between 1931-1986?**

Divorce files may include the petition for divorce, affidavits, the degree nisi and the decree absolute. Some files may also include examinations, documents relating to child custody, copies of marriage certificates and photographs of the people involved.

Is this what you are looking for? If so, please proceed to *STEP 3*. For divorces occurring outside of York County, but still in Ontario, please see *Research Guide 210: Finding Divorce Files in Ontario*.

**Documents for a divorce started after 1986**

Divorce files for 1987 and after are available only through the local courthouse where the divorce was filed. Please contact the Newmarket courthouse (for the Regional Municipality of York) or the Toronto courthouse (for the City of Toronto) (see contact information at the end of this guide).

**STEP 2: Obtaining certified copies of court documents from the divorce file**

Until 1968, the court document granting a divorce was called a **judgment absolute**; the name was changed to **decree absolute** in 1969. Since 1986, courts issue **divorce certificates** to confirm a divorce has occurred. The Archives of Ontario can provide

certified copies of these documents, if it holds the divorce file and it contains those documents, along with other records that may exist in the file.

Divorce files are stored at an off-site location. It may take up to *14 business days* to retrieve, copy and certify records. There is a \$33.00 fee (plus HST) for certification. The certified copy can be mailed to you or picked up in person. Please note that the Archives' staff cannot indicate to you whether you require documents to be certified, or what documents you need to have certified; only the office you are submitting the copies to can answer this question.

If you know the file number, court location (town), year and the names of the two parties, [click here to send an email to the Archives of Ontario and submit your request](#), or call 416-327-1600 (toll free 1-800-668-9933 in Ontario). We will contact you regarding payment once the document is ready.

If you do *not* have the file number, court location, year and the names of the two parties, please proceed to *STEP 3*.

### **STEP 3: Gathering the required information to find a divorce file**

For Archives' staff to retrieve a file for you, you need to be able to provide the file number, court location, year and the names of the two parties.

After 1930, the Supreme Court of Ontario has had the power to grant a divorce. The Archives of Ontario holds all 1931–June 1980 York County divorce files and all June 1980-1986 City of Toronto and Regional Municipality of York divorce files.

To find the File Number, Court Location and Year for a divorce:

#### **For divorces started between 1931 and June 1968:**

An index is available on microfilm in the Archives of Ontario Reading Room and through interloan up until 1978.

Entries in the index are arranged first by year, then by the initial letter of the surname, and then by the exact date that the Decree Absolute/Judgement Absolute was granted. See [Table 1](#) listed below.

Table 1: Supreme Court Registrar's Office Indexes to York County Final Divorce Judgements, Series RG 22-5815 (available on microfilm in the Archives' Reading Room)

<b>Year Divorce Granted</b>	<b>Microfilm Reel</b>
1931-1940	MS 5041

<b>Year Divorce Granted</b>	<b>Microfilm Reel</b>
1941-1945	MS 5042
1946-1949	MS 5043
1950-1952	MS 5044
1953-1954	MS 5045
1955-1956	MS 5046
1957-1958	MS 5047
1959-1960	MS 5048
1961-1962	MS 5049
1963-1964	MS 5050
1965-1966	MS 5051
1967-1968	MS 5052
1969-1970	MS 5053
1971	MS 5054
1972	MS 5055
1973	MS 5056
1974	MS 5057
1975	MS 5058
1976	MS 5059
December 1976-1977	MS 5060
1978	MS 7194
1979- June 1981	Contact the City of Toronto courthouse for indexes (see contact information at the end of this guide)
June 1981-1986	Contact the Newmarket courthouse (for the Regional Municipality of York) or the City of Toronto courthouse (for Toronto)

Year Divorce Granted	Microfilm Reel
	for indexes (see contact information at the end of this guide)

If you find the couple's name, record the:

- file number and year that the divorce case began from the "Writ. No." column (e.g., 1234/70 = divorce file # 1234 of year 1970); and
- date that the Decree Absolute/Judgement Absolute was granted.

Once you have the file number, court location and year, proceed to STEP 4.

If you do NOT find the couple's name:

It may be because they were not divorced in York County. To check if they ever petitioned for a divorce in York County, see Step 5 of this guide. If the divorce occurred elsewhere in Ontario, consult *Research Guide 210: Finding Divorce Files in Ontario*.

There is also a small possibility that the divorce was granted through a resolution or act of Parliament. See the section on *pre-1930* divorces above for more information.

#### **For divorces started from July 1968 to the present:**

If you are looking for the divorce of other individuals, go to the section of divorces started 1931-June 1968, above.

If you are looking for your own divorce records, or acting for the succession of a party to the divorce, *contact the Central Registry of Divorce Proceedings (CRDP)*. This is a Canada-wide record of divorce proceedings filed in a Canadian Court from July 1968. You can phone them at the number below, and leave a message with your full name at birth and birth date as well as the name and birth date of your former spouse, the date of marriage and the approximate date of your divorce. You can also visit the CRDP website, print a search request for and mail it to the address below. [Click here to access the CRDP webpage](#),

Should the CRDP identify a record matching the information provided, it can supply the *number* of the courthouse where the divorce took place, and the *file number* and *year* that you need to get your divorce file. Please note that the CRDP cannot confirm the status of a divorce proceeding or provide any legal document. Contact for the CDRP:

**Department of Justice**  
**Central Registry of Divorce Proceedings**

**284 Wellington Street  
Ottawa, Ontario, Canada K1A 0H8  
613-957-4519**

Once you obtain this information from the CRDP, proceed to STEP 4.

#### **Step 4: Ordering a 1931–1986 Divorce File at the Archives of Ontario**

Once you have the file number, the year when the divorce case began, the date it was granted and the county or district where the divorce took place, you have the information to order a divorce file.

The Archives' divorce files are stored at an off-site location. It takes a minimum of one business day to retrieve them. Please note that original files can be viewed only in the Archives' Reading Room in Toronto. Copies and certification requests can be ordered by telephone, e-mail or mail if you know which documents are required.

To request a divorce file, contact the Archives of Ontario; contact information appears at the end of this guide.

#### **Step 5: If You Can't Find a York County Divorce Record**

To find out if either spouse ever petitioned for a divorce in York County, follow the steps below. Once you have the year, location and file number, go to STEP 1 at the start of this guide.

##### **For divorces started between 1931 and June 1968:**

An index to all York County Supreme Court Civil Actions between 1931 and June 1968 is available in the Archives of Ontario Reading Room. See *Table 2* below for the microfilm list.

For the years 1930 to 1968, the entries on the microfilm reel are arranged in alphabetical order, based on the first letter of the plaintiff's surname. In later years, the names are placed in indented columns in alphabetical order, based on the first vowel that occurs *after* the first letter of the name, and then by the file number. This index includes *all* Superior Court civil actions, not just divorces. It is easy to find divorce cases because, in most (but not all) cases, the "Plaintiff" and "Defendant" columns will have the same surname.

Table 2: Court of Chancery and Supreme Court Central Office Indexes to Civil Actions and City Suits – series RG 22-5809 (available on microfilm in the Archives' Reading Room)

<b>Year Case Started</b>	<b>Microfilm Reel</b>
1930-1932	MS 2615
1933-1935	MS 2616
1936-1938	MS 2617
1939-1942	MS 2618
1943-1946	MS 2619
1947-1950	MS 2620
1951-1953	MS 2621
1954-1956	MS 2622
1957-1958	MS 2623
1959-1960	MS 2627
1961-1962	MS 4088
1963-1964	MS 4088
1965-1966	MS 4089
1967	MS 4089
1968	MS 4709

if you find the divorce case, write down the *file number* (located at the right of the entry), and the *year* (located at the top of the page).

These files are stored off-site. It takes at least one business day to retrieve them. Fill out and give the reference staff a Records Request Slip for RG 22-5800 Supreme Court Central Office Action Files, noting the file number, year and the names of the parties involved.

**For divorces started between July 1968 and 1978:**

**Indexes to Divorce Petitions (RG 22-5814)** are available for viewing in the Archives of Ontario reading room. [Click here to e-mail us a request to have the indexes retrieved, quoting records series RG 22-5814, the years you want to search and when you want to visit the Archives.](#) For each year, entries in the index are arranged by first letter of the

couple's surname. If you find the divorce case, record the **file number** (found on the right side of the entry) and the **year**.

**For divorces started between 1979 and June 1981:**

Contact the Toronto courthouse for information on accessing the indexes (see contact information at the end of this guide).

**For divorces started between June 1981 and present:**

Contact the Newmarket courthouse (for the Regional Municipality of York) or the Toronto courthouse (for the City of Toronto) for information on accessing the indexes (see contact information at the end of this guide).

**Courthouse contact information**

For **York County** indexes, 1979-June 1980, **Toronto** indexes, June 1980-1986 and **Toronto** indexes and divorce files, 1987-present, contact:

**City of Toronto courthouse**

Family Law Office  
393 University Avenue  
10<sup>th</sup> Floor  
Toronto, Ontario  
M5G 1E6 416-327-2064 2

For **York Regional Municipality** indexes, June 1980-1986, and indexes and divorce files, 1987-present, contact:

**Newmarket courthouse**

Civil Office  
Superior Court of Justice  
50 Eagle Street West  
Room 2025  
Newmarket, Ontario  
L3Y 6B1  
905-853-4809

**Making Contact**

**Ready and Willing**

Although unable to do your divorce records research for you, our reference archivists are waiting to assist you. You may telephone or write to them by mail or email or — best of all — visit the Archives of Ontario.



## Contact us

**Telephone:** 416-327-1600 Toll free (Ontario): 1-800-668-9933  
**Fax:** 416-327-1999  
**Email:** [Click here to send an email to the Archives of Ontario](#)  
**Address:** Archives of Ontario, 134 Ian Macdonald Blvd., Toronto, ON  
M7A 2C5

## Website

For information about the Archives' holdings, as well as access to research guides and other customer service materials available through the Archives of Ontario, [click here to access the Archives of Ontario website](#).

## Customer Service and Research Guides

The Archives of Ontario has published a series of in-depth research guides on a variety of specific topics. For more information, please see "Research Guides and Tools" under "Accessing Our Collection" on the home page of the Archives website.

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