

Finding York County Divorce Files

211 Research
Guide

Most Recent Update: Jan. 2008

Divorce files typically include the petition for divorce, affidavits, decrees nisi and 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 elsewhere in Ontario, see Research Guide 210 *Finding Divorce Files in Ontario*.

The following chart shows you where to find a York County divorce file.

When did the divorce take place?	Location of divorce files
1867-1930 Only the Federal Parliament could grant a divorce.	Office of the Law Clerk and Parliamentary Counsel 1310-40 Elgin Street Ottawa, ON, K1A 0A4 (613) 992-2416
1931-1978 Supreme Court of Ontario began to grant divorces in 1931.	Divorce files are available at the Archives of Ontario but are stored off-site (retrieval requires a minimum of 1 business day). A certified copy of the Decree Absolute (final divorce judgement) is often sufficient for legal proof of the divorce (for remarriage, receipt of welfare, pension, passport or citizenship). <ul style="list-style-type: none"> • If you only need the Decree Absolute, refer to the guide <i>How to Find a York County Decree Absolute</i>, available in the Main Reading Room. • If you need to view the entire divorce file, go to STEP 1.
1979- May 1980 Files are in the custody of the Court.	Family Law Office Superior Court of Justice 393 University Avenue, 10th Floor Toronto, ON, M5G 1E6 416-327-5542
June 1980 – present On June 1, 1980, York County was divided into two judicial districts:	City of Toronto (formerly Metropolitan Toronto): Family Law Office, Superior Court of Justice 393 University Avenue, 10th Floor Toronto, ON, M5G 1E6 416-327-5542

When did the divorce take place?	Location of divorce files
	Regional Municipality of York: Civil Office, Superior Court of Justice 50 Eagle Street West, Room 2025 Newmarket, ON, L3Y 6B1 905-853-4809
Before contacting the Superior Court of Justice for post-1979 files, inquire at the Central Registry of Divorce Proceedings for the <u>file number</u> and <u>year</u> the divorce case was started: telephone: (613) 957-4519 or fax: (613) 941-2520.	

STEP 1: TO ORDER A DIVORCE FILE

You need to know:

- the file number, and
 - the year that the divorce case began
- } If you already have this information, go to STEP 2.

This information is available from either of the following two sources:

- **For divorces which began after June 1968:**
Contact the Central Registry of Divorce Proceedings: Telephone: (613) 957-4519 or Fax: (613) 941-2520

Provide the with the Registry names of the divorcing parties, the approximate year of the divorce, where the divorce took place (York County), and, if known, the dates of birth and the year of marriage; they can supply the file number and year needed to retrieve the file.

- **For divorces granted from 1931-1978:**
Consult the indexes to York County final divorce judgements (judgements absolute and decrees absolute) as listed in Table #1 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' Main Reading Room)

Year Divorce Granted	Microfilm Reel	Year Divorce Granted	Microfilm Reel
1931-1940	MS 5041	1967-1968	MS 5052
1941-1945	MS 5042	1969-1970	MS 5053
1946-1949	MS 5043	1971	MS 5054
1950-1952	MS 5044	1972	MS 5055
1953-1954	MS 5045	1973	MS 5056
1955-1956	MS 5046	1974	MS 5057
1957-1958	MS 5047	1975	MS 5058
1959-1960	MS 5048	1976	MS 5059
1961-1962	MS 5049	Dec. 1976-1977	MS 5060
1963-1964	MS 5050	1978	MS 7194
1965-1966	MS 5051		

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 Judgement/Decree Absolute was granted.

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 the
- date that the Judgement/Decree Absolute was granted, then **go to STEP 2**.

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, **go to STEP 3**. If the divorce occurred elsewhere in Ontario, consult Research Guide 210 *Finding Divorce Files in Ontario*.

STEP 2: ORDERING A YORK COUNTY DIVORCE FILE

Divorce files can only be viewed in the Archives' Main Reading Room. They are stored off-site and require a minimum of 1 business day to retrieve.

- **For divorces started 1931- June 1968:**
Fill out a Records Request Slip for **RG 22-5800 Supreme Court Central Office action files**, noting the specific file number, year, and the names of the parties involved. Submit the Slip to a Reference Archivist, who will add off-site location information.
- **For divorces started July 1968 -1978:**
Submit a Records Request Slip for **RG 22-5802 York Judicial District divorce petition files**, noting the appropriate file number and year, and the names of the parties involved. Consult the section for York County in Inventory 22, Volume 22, Appendix B2, Supreme Court Post-1968 Divorce Files (one of the blue Government Records Inventory binders). Follow the instructions "How to Order Records" at the front of the binder.

Do you require a **certified copy** from the divorce file?

5 to 7 business days are needed to retrieve, copy, and certify the document(s). The Archives must receive payment of \$25.00 (plus GST and postage) before the certified copy will be sent out. Photocopying charges may also apply.

NOTE: Before 1985, the Decree Absolute (or Judgement Absolute) is the document that actually grants the divorce (it is now called the Divorce Certificate). If an Application for a Decree Absolute was not made or if the Decree Absolute is not in the divorce file, the divorce proceedings were not completed and the couple may still be legally married. To confirm marital status, contact the Central Registry of Divorce Proceedings by telephone: (613) 957-4519 or by fax: (613) 941-2520.

If you are unable to visit our Main Reading Room: You can order photocopies of the entire divorce file or of specific documents within the file. Indicate the file number and year, the names of the divorcing party, which documents are to be copied, and if a certified copy is required.

- Telephone: 416-327-1600 or toll-free within Ontario at 1-800-668-9933
- Fax: 416-327-1999
- Write: Archives of Ontario, 77 Grenville Street, 3rd Floor, Toronto, ON, M5S 1B3
- Email: reference@archives.gov.on.ca

STEP 3: WHAT TO DO IF YOU CAN'T FIND A YORK COUNTY DIVORCE RECORD

To determine if either spouse ever petitioned for a divorce in York County, follow these steps:

For divorces started 1931- May 1968:

1. Check the microfilm copy of the index to civil actions and city suits as listed in Table #2 below.

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' Main Reading Room)

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

For each year, entries on the reel are arranged first by the first letter of the surname of the plaintiff (in later years the names are placed in indented columns 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); divorce cases can be spotted easily because, in most cases, the "Plaintiff" and "Defendant" columns will have the same surname (e.g., Fox vs. Fox).

2. If you find the divorce case, write down the **file number** (found to the right of the entry), and the **year** (found at the top of the page).

3. These files are stored off-site; retrieval will take a minimum of 1 business day. Fill out a Records Request Slip for **RG 22-5800 Supreme Court Central Office action files**, noting the specific file number, year, and the names of the parties involved. Submit the form to a Reference Archivist, who will add off-site location information.

For divorces started June 1968 - 1978:

1. Contact the Central Registry of Divorce Proceedings by telephone: (613) 957-4519 or by fax: (613) 941-2520, to confirm whether the case was started and to obtain the file number, county or district, and the year the divorce case began.
OR
Submit a Records Request Slip for **RG 22-5814 York Judicial District indexes to divorce petitions** noting the year the divorce case was started. For each year, entries in the index are arranged by first letter of the couple's surname. If you find the divorce case, note the **file** and **year**.
2. Submit a Records Request Slip for **RG 22-5802 York Judicial District divorce petition files**, and the appropriate file number and year. Consult the section for York County in Inventory 22 Volume 22, Appendix B2, Supreme Court Post-1968 Divorce Files (one of the blue Government Records Inventory binders). Follow the instructions "How to Order Records" at the front of the binder. These files are stored off-site. Retrieval will take a minimum of 1 business day.

If you still do **NOT** find the divorce case you are looking for, consult Research Guide 210 *Finding Divorce Files in Ontario*, to see if a divorce case was started elsewhere in Ontario. Or, if the divorce action occurred after June 1968, contact the Central Registry of Divorce Proceedings by telephone: (613) 957-4519 or by fax: (613) 941-2520.

Archives of Ontario, 77 Grenville Street, 3rd Floor, Toronto, Ontario M5S 1B3
Tel: (416) 327-1600 Toll free (Ontario): 1-800-668-9933 Fax: (416) 327-1999
e-mail: reference@archives.gov.on.ca Website: www.archives.gov.on.ca

© Queen's Printer for Ontario, 2004

This document may contain references to electronic links that can be activated only by using the HTML version found on the Archives of Ontario website.

This information is provided as a public service. Although we endeavour to ensure that the information is as current and accurate as possible, errors do occasionally occur. Therefore, we cannot guarantee the accuracy of the information. Readers should where possible verify the information before acting on it.