

BC Archives Research Guide

DIVORCE RECORDS

INTRODUCTION

Until 1968 divorces in BC were granted under the English *Divorce and Matrimonial Causes Act* of 1857 (as amended in 1858). Divorce actions included judicial separation and annulment as well as dissolution of marriage. The first divorce in BC was granted in 1877. Selected sections of the *Divorce and Matrimonial Causes Act* were incorporated into the BC statutes in 1897 (RSBC 1897, c. 62) and remained mostly unchanged until 1968.

Petitions for divorce and related actions were heard and decided by Supreme Court judges under the provisions of the Act and the Divorce Rules (part of the BC Supreme Court Rules). In the absence of a national divorce law, divorce in Canada up to 1968 varied from province to province, depending on whether legislation was in place prior to Confederation. Divorces could also be granted by an Act of Parliament.

In 1968 the federal government passed the Canadian *Divorce Act*, which was the first divorce apply to all of Canada and superceded any pre-existing provincial divorce legislation. A Central Registry of Divorce Proceedings was created. The *Divorce and Matrimonial Causes Act* was repealed in 1972. It was replaced with the BC *Family Relations Act* [RSBC 1996] CHAPTER 128], which deals with support, custody, and related issues that fall under provincial jurisdiction.

The 1985 federal *Divorce Act* [RSC 1985, c. 3 (2nd Supp)] replaced the 1968 *Divorce Act*.

DIVORCE RECORDS HELD BY THE BC ARCHIVES

The BC Archives is the repository for four types of divorce records:

1. Cause books (prior to the mid-1970s) or case record cards (mid-1970s to ca. 1990)
2. Case files
 - Can contain court orders, petitions, affidavits, and related documents. They are typically retained by court registries for 11 years and then destroyed.
 - Selected, mostly older, case files are retained indefinitely, but access is restricted to parties of the divorce and their legal representatives.
3. Court orders
 - Prior to the 1930s and between 1968 and 1986, divorce orders were interim (*decree nisi*) until a waiting period of three to six months passed and a final order (*decree absolute*) could be applied for.
 - Intermittently prior to the 1930s and after 1986, divorces automatically become final 31 days after the divorce has been granted, barring an appeal.
4. Indexes to final divorce orders from 1901 to 1983

Divorce certificates are not available from the BC Archives. They are issued by [Court Registries](#). If your divorce was granted 10 or more years ago, you may need to obtain a copy of the divorce order from the BC Archives and provide it to the [Court Registry](#) when you request a divorce certificate. Contact the [Court Registry](#) where the divorce was filed to enquire whether you need a copy of your divorce order and if it needs to be certified. Divorce certificates are not issued by [Court Registries](#) for divorces granted under pre-1985 legislation.



The timeline for when court registries transfer their divorce orders to the BC Archives varies by registry.

LOCATING DIVORCE ORDERS HELD BY THE BC ARCHIVES

Use the following series of records to locate divorce orders prior to 1983:

- [GR-3254](#) - Indexes to divorce orders, 1901 -1983
Read the series Scope and Content for details about the organization of the indexes during different periods of time and possible gaps within the records.
- [GR-3255](#) - Divorce court orders, 1901-1983
The divorce orders in GR-3255 include only final orders (or *decrees absolute*). Interim orders (or *decree nisi*) can be found in the records of the respective court registries. 1983 divorce orders with a registration of 7501 or higher are not included in GR-3255 but can be found in the records of the respective court registries, as can orders for pre-April 1935 divorces. Read the series Scope and Content for details about the organization of the court orders during different periods of time and possible gaps within the records.
- [GR-1587](#) - Victoria Supreme Court divorce orders, 1877-1998

Some additional divorce records can be found within court registry records. Search the [BC Archives Collection](#) for divorce and/or Supreme Court records for a specific registry and time period. Names are sometimes listed in the finding aids for smaller court registries. For larger court registry records, it will be necessary to look for indexes and other tools.

Not all divorce records prior to 1984 are in the custody of the BC Archives. If you cannot locate records for a specific [Court Registry](#), ask BC Archives staff in the reference room or email access@royalbcmuseum.bc.ca to confirm that the records have been transferred to the BC Archives. If the records are still in the custody of the [Court Registry](#), you will have to contact the Registry directly to request copies.

LOCATING FINAL DIVORCE ORDERS FILED IN 1983 OR AFTER

If the divorce took place in 1983 or later, and you know where it took place, contact the [Court Registry](#) for the volume, folio, and filing date of the final order. If the records are still in the custody of the registry, they will provide you with a copy of the required order. If not, request a copy from the BC Archives using the [Divorce Reproduction Order Form](#).

If the divorce took place in 1983 or later, but you do not know the place or date, only the federal [Central Registry of Divorce Proceedings](#) can provide that information and only to parties to the divorce (or their legal representatives). Contact the [Central Registry of Divorce Proceedings](#) prior to contacting the [Court Registry](#) or submitting the BC Archives [Divorce Reproduction Order Form](#).

REQUESTING REPRODUCTIONS OF DIVORCE ORDERS

To request a copy of a divorce order, complete the [Divorce Reproduction Order Form](#). Divorces may be filed by case file number, date entered, date granted, folio and volume number, or by court registry. Please provide as much information as possible to aid staff in locating the requested divorce order.

To request a divorce order or *decree absolute* for a divorce **filed before 1983**, provide:

- first and last names of both parties
- year the divorce was filed

To request a divorce order or *decree absolute* for a divorce **filed in 1983 or after**, provide:

- first and last names of both parties
- Court Registry where the divorce was filed
- Date divorce was entered or granted
- Volume and folio numbers
- File, accession, box, and/or folio numbers, if known

Contact the federal [Central Registry of Divorce Proceedings](#) if you cannot provide these details.

Reproduction fees are charged for such requests. See our [Price List](#). An additional fee is charged for certified copies.

Certified copies of divorce records can only be made by BC Archives staff and only of original divorce orders which are in the custody of the BC Archives.

If you do not require a certified copy, you can visit the BC Archives in person to make a copy for free using your digital camera or cellular telephone.

ACCESS RESTRICTIONS

While access to final divorce orders is not restricted, the records may be interfiled with other restricted civil orders and judgements. In those cases, only BC Archives staff can access and copy the divorce order.

Case files may only be accessed by parties to a divorce or their legal representative.

OTHER RESOURCES

- Newspapers can carry stories and reports of divorce actions:
 - [BC Historical Newspapers](#) (1859-1995), for smaller, community-based publications
 - [British Colonist](#) (1858-1980), which was published in Victoria but included stories from across the province
 - [Victoria Daily Times](#) (1884-1944), also published in Victoria but included stories from across the province
 - [ProQuest](#) for access to *The Province* (1894-2010), *The Times Colonist* (1884-2010), and *The Vancouver Sun* (1912-2010)
- Notations were sometimes added to [marriage registrations](#) when a couple later divorced
- Law reports can include divorce cases where a point of law is involved:
 - [The British Columbia Reports](#) (1867-1948)
 - *Western Weekly Reports* (1911-2003), available from the [BC Archives Library](#) ([NW 348.043 W326](#))
 - Other reports and digests that can be found at law libraries and via [CanLII](#).
- See Library and Archives Canada [Acts of Divorce, 1841-1968](#) for parliamentary divorces