

Divorce records

Info Guide 3.6

Records associated with the breakdown of a marriage are ironically often those which can most fully 'flesh out' a family history and provide a human perspective to otherwise rather bare facts. Divorce files may contain marriage certificates, correspondence, and a great deal of information about the family. They may also provide access to information that would normally be inaccessible, for example information from Health Department files.

What divorce records are available?

Early Australian divorce files are usually found in the Supreme Court records or the archival repository of the relevant State.

Access to divorce files may be restricted. Anyone wishing to access files within the restricted period will need to apply to the Registrar of the relevant Supreme Court for permission.

After 1976 the Family Court of Australia is generally responsible for divorce records, although the date of commencement of the Family Court's responsibility varies from State to State. To obtain proof of their own divorces, individuals should apply to the Family Law Courts of Australia (<http://www.familylawcourts.gov.au/wps/wcm/connect/FLC/Home/Separation+and+Divorce>).

To search for a record of a current divorce, individuals can go to the 'Commonwealth Courts Portal' (<https://www.comcourts.gov.au/>), which provides web-based services for clients to access information about cases before the courts. Individuals need to register to access the portal.

How can I find out about divorce records?

The State Library of Queensland holds some published indexes and there are a number of online sources that can assist in tracing divorce records:

Queensland

Death, obituary and divorce extracts from Bundaberg & Mount Perry & General advertiser 1885-1886, 1887-1888 / compiled by Bundaberg Genealogical Association. (Q 929.3 DEA)

Index to Divorces 1861-1894 / Queensland State Archives.

<http://www.archives.qld.gov.au/research/index/divorces.asp> This online index covers divorces 1861-1894 for the Southern District. Registers of matrimonial writs and divorce files for the Southern District (1857-2007) and the Northern District (1879-1976) are held at Queensland State Archives, 435 Compton Road, Runcorn. Divorce files for cases heard in the Supreme Court, Central District (Rockhampton) are held in Rockhampton. Enquiries should be addressed to The Registrar, Supreme Court Rockhampton, GPO Box 300, Rockhampton, Q. 4700.

Prior to 1975 marriage certificates at the Queensland Registry of Births, Deaths and Marriages were annotated with the details of divorces.

New South Wales

Index to Divorce case papers, 1873-1930 / State Records New South Wales

<http://srwww.records.nsw.gov.au/indexes/searchform.aspx?id=16>

Compiled from the Supreme Court of NSW 'Family Law (Divorce) index, 1873-1976' this index currently covers the years 1873-1923. More records are being added progressively. A microfiche index for the years 1873-1974 is available in the reading rooms of State Records NSW.

Divorce Case Papers from 1873 to 1930 and 1970 are held at the Western Sydney Records Centre. For divorce files from 1930-1976 contact the Family Law Clerk, Supreme Court of NSW, GPO Box 3, SYDNEY NSW 2001.

For more information consult the ***State Records NSW Archives in Brief 77 – Divorce records***

<http://www.records.nsw.gov.au/state-archives/guides-and-finding-aids/archives-in-brief/archives-in-brief-77>

South Australia

Matrimonial petitions for divorce 1859-1893 [microfiche] (MFC 346.94230166 1993)

Ancestors in Archives: a guide to family history sources in the official records of South Australia / State Records, Reference Services Branch. (PAM 016.9293 1991)

This guide includes information on divorce records held in the State Records of South Australia.

Tasmania

Index to Tasmanian Divorces 1861 -1920 / Archives Office of Tasmania

<http://portal.archives.tas.gov.au/menu.aspx?search=3> An online list of about 450 cases heard between 1861 and 1920, arranged alphabetically by the petitioner's name. Details provided include the year, case number, respondent's surname and given name, name of co-respondent, and reference number.

Victoria

Divorce Index. Victoria 1861-1900 / Macbeth Genealogical Services.

<http://www.macbeth.com.au/indexes/divsearch.html> Search by surname and/or given name

Divorce index, Victoria, 1861-1900 [microfiche] / Wendy Baker & Sue McBeth. (MFC 929.3945 1990)

For information on locating Victorian divorce files dated after 1900 consult **PROV guide 61 on Divorce Records** <http://www.access.prov.vic.gov.au/public/PROVguides/PROVguide061/PROVguide061.jsp>

The Guide includes a link to an online **Index to Divorce Case Files 1861-1924**, which can be searched by surname or record number.

Western Australia

The State Record Office of Western Australia holds divorce records created by the Supreme Court of WA covering the period 1864-1976. There is an alphabetical index to these records in their Search Room. A 75 year restriction on access to divorce files applies. For further details see the section on divorce records in **SRO Western Australia guide to Court Records**

<http://www.sro.wa.gov.au/sites/default/files/infosheet-divorce.pdf>

New Zealand

The first New Zealand law permitting divorce was passed in 1867. Whenever a divorce is granted, the original marriage certificate is marked with a stamp recording the date and court location of the Decree Absolute. To find out if or when and where a divorce took place, you will need a copy of the marriage certificate from the Central Registry of Births, Deaths and Marriages in Wellington. For application forms, fees and contact details follow the link under "Births, deaths and marriages" on the New Zealand Department of Internal Affairs website

<http://www.dia.govt.nz/Services-Births-Deaths-and-Marriages-Index>.

Archives New Zealand, <http://www.archway.archives.govt.nz/>, holds divorce registers and files transferred from the Supreme/High Courts. A 60 year access restriction usually applies. For more information see their **Personal Identity Reference Guide**

http://archives.govt.nz/sites/default/files/Personal_Identity-_A86014.pdf

Britain

The National Archives holds records of Supreme Court divorce cases. For the period 1858-1937 it is possible to locate divorce records searching in the catalogue using the series reference number J77 and the surname. Information on records held before 1858 and for the period 1938-1943 may be found in the research guide to Divorce <http://www.nationalarchives.gov.uk/records/looking-for-person/divorce.htm>.

For records of divorce cases heard in local courts and all divorces after 1943 contact: Principal Registry of Family Division, First Avenue House, 42-49 High Holborn, London, WC1V 6NP.

Times Digital Archive (State Library of Queensland > Find > Databases > Newspapers)

Search for names of defendants and/or petitioners to locate reports on divorce cases in the digital edition of The Times (London) 1785-1985, which is available onsite at the State Library and by remote access through the website using your e-services card.

Need further information?

State Library of Queensland, Queensland Cultural Centre, Stanley Place, South Bank, Reference Services. t. +61 7 3840 7810, w. www.slq.qld.gov.au/enquiry

Visit http://www.slq.qld.gov.au/about/pub/info_guides/collections/fh to access all family history Info Guides.