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Ayla Reynolds' mother keeping door open to suing state over toddler's disappearance



Troy R. Bennett | BDN

Trista Reynolds *Buy Photo*



By Christopher Cousins, BDN Staff
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Posted Oct. 09, 2013, at 3:33 p.m.

AUGUSTA, Maine — Trista Reynolds, the mother of missing toddler Ayla Reynolds, continues to keep open her option to sue state government for an unspecified amount of money because the Department of Health and Human Services put Ayla in her father's custody before she disappeared in December 2011.

According to a document that was filed in June 2012, which was obtained Tuesday by the Bangor Daily News through a Freedom of Access Act request, Reynolds could seek damages for "severe emotional distress, deprivation of constitutional rights, injuries, and other compensatory, consequential and punitive damages, as determined by a jury."

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Reynolds' attorney, Brian J. Hansen of Portland, said Wednesday that he filed the notice on behalf of Reynolds to keep open the possibility of a lawsuit against the state, though he said none is imminent, "not in the near future."

Hansen said the lawsuit is on hold until the investigation into Ayla's disappearance is resolved in some way. Asked whether his client is waiting for the case to be solved, Hansen said "not necessarily, but ideally."

The notice, filed under the Maine Tort Claims Act, names as potential defendants the state of Maine, the Maine Department of Health and Human Services, Gov. Paul LePage and DHHS Commissioner Mary C. Mayhew.

It alleges a chain of events that the Reynolds family has been describing for nearly two years, but that DHHS has not publicly confirmed. A DHHS spokeswoman reiterated Wednesday that the department does not comment about specific cases.

The notice alleges that DHHS removed Ayla from Trista Reynolds' family's custody and put her in the care of her father, Justin DiPietro of Waterville. Reynolds has told the Bangor Daily News that she had checked herself into a substance abuse treatment program in October 2011 and [left Ayla with her mother and sister until DHHS stepped in.](#)

DiPietro reported on the morning of Dec. 17, 2011, that Ayla had disappeared from his home overnight. Ayla has not been found and the case remains unsolved, though police have said that DiPietro and two other adults who were with Ayla on the night of Dec. 16, 2011, know more than they revealed during questioning.

Investigators have also revealed that they found Ayla's blood in the DiPietro home. DiPietro maintains his innocence and police have said they haven't ruled anyone out as a suspect.

"The Department of Health and Human Services removed the child from the claimant's family and placed the child in DiPietro's home," reads the notice. "The Department of Health and Human Services did not take proper action to ensure the safety of the child resulting in the disappearance and [presumed] wrongful death of the child."

According to the Maine Tort Claims Act, state government agencies are for the most part immune from lawsuits except in certain circumstances — such as the negligent use of a motor vehicle by a state employee — that do not pertain to Reynolds' claim.

In most instances, suits must be authorized ahead of time by the Legislature and a claimant must file notice of a suit within six months of the event the suit is about, which may explain why Reynolds filed her notice in June 2012.

According to the attorney general's office, there are typically dozens of tort claim notices filed every year in Maine — including 58 in 2012 and 95 in 2011 — but few ever make it to the courts.

The Tort Claims Act limits the damages that can be recovered by a claimant to \$400,000 unless the Legislature approves a higher amount or the state agency in question has insurance coverage that exceeds that amount.

Reynolds did not reply to a request for comment Wednesday from the Bangor Daily News.

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