

NEWS

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# Five years later, Ayla Reynolds' family eyes court declaration of child's death

The family of Ayla Reynolds says it is 'taking appropriate steps to preserve the rights of Ayla's estate to assert future civil claims' by requesting a court declaration of the missing Waterville child's death.

BY STAFF REPORT

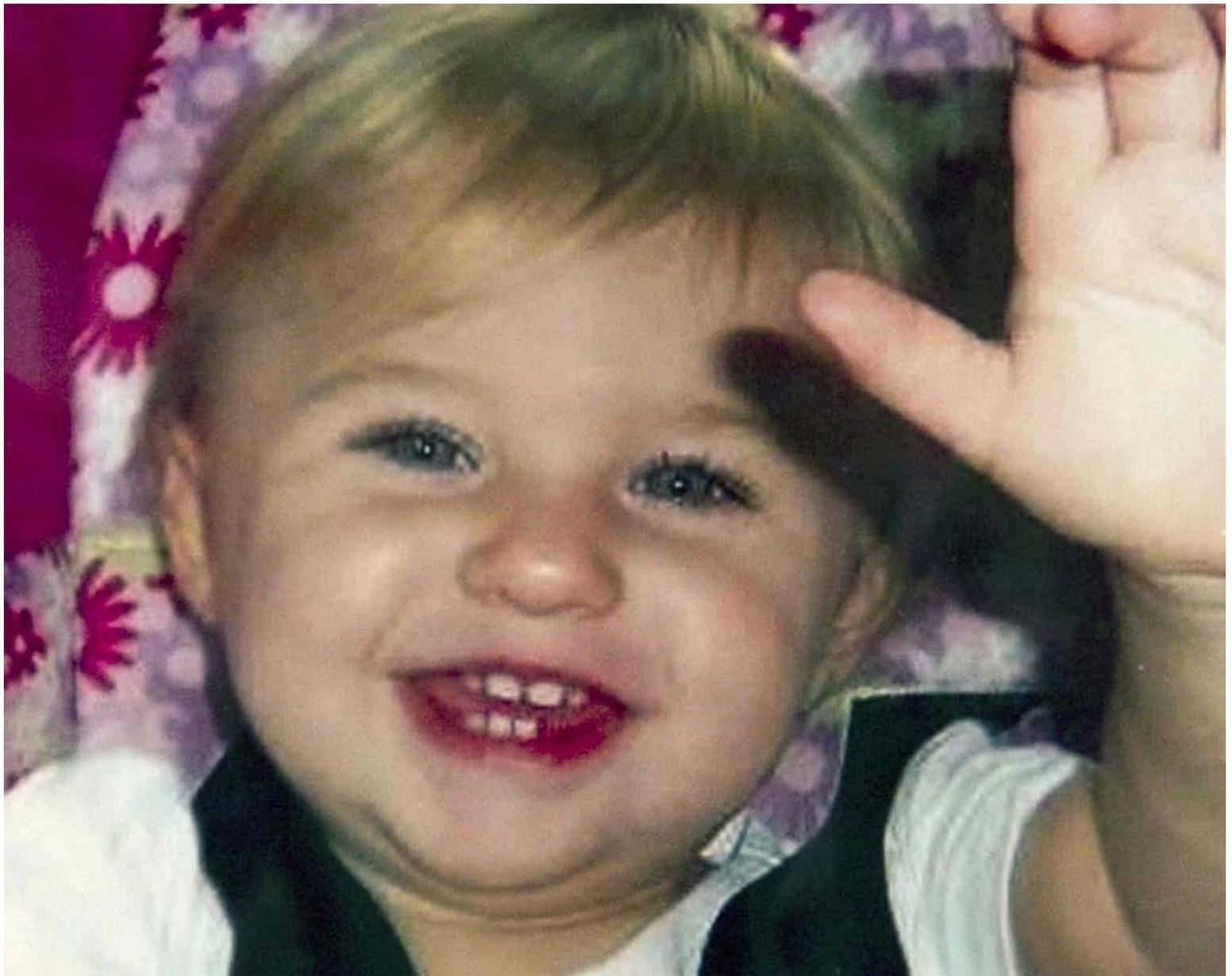
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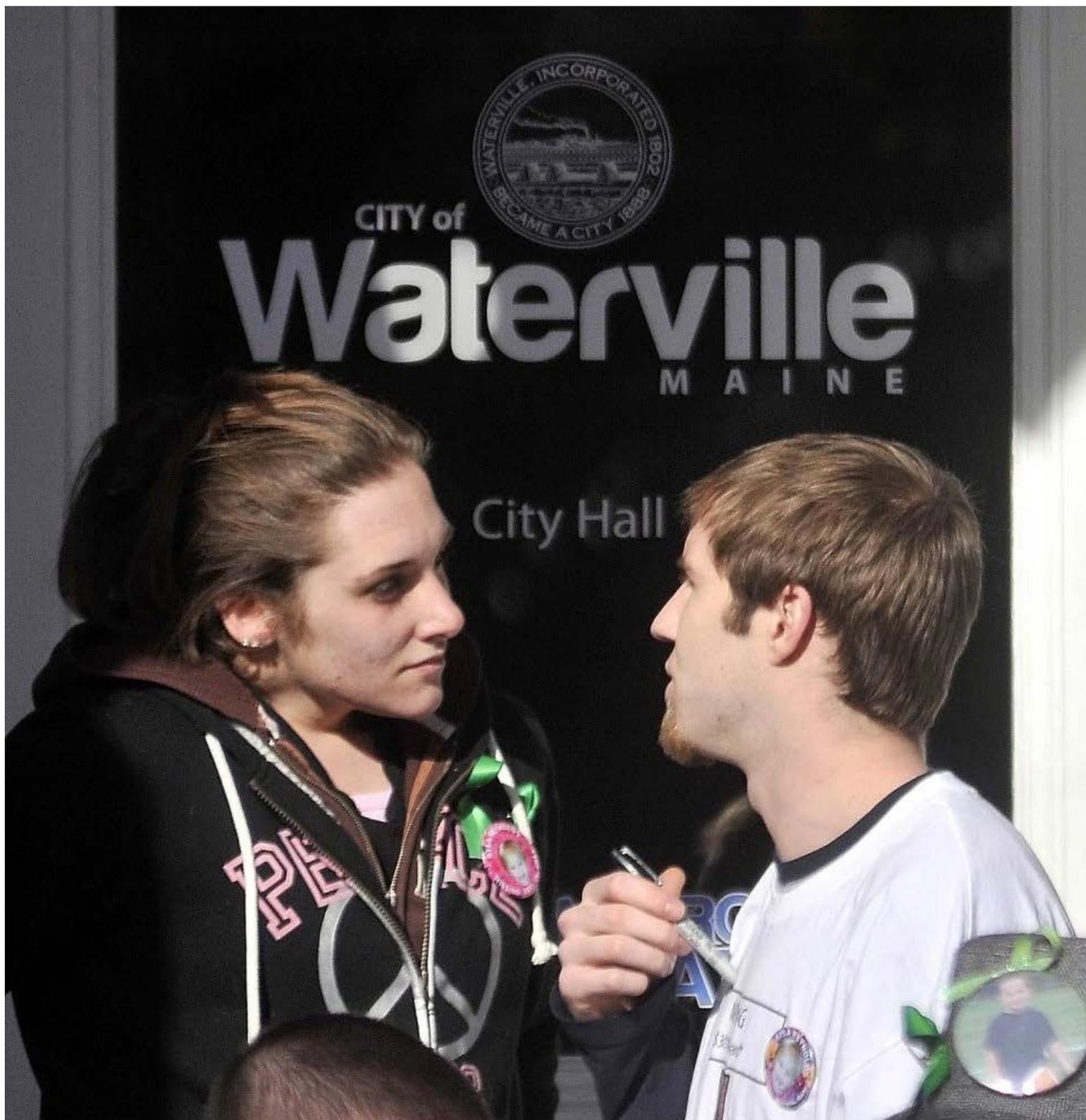
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Relatives of toddler Ayla Reynolds, who disappeared from a Waterville home five years ago this week, say they are asking a court to declare the child dead.

That action would “preserve the rights of Ayla’s estate” to bring lawsuits in the future, the family says.



Ayla Reynolds



Trista Reynolds, left, and Justin DePietro, right, mother and father of missing child Ayla Reynolds, speak on the steps of City Hall during a Waterville vigil in January 2012 for their missing toddler. *Staff file photo by Michael G. Seamans*

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Ayla was 20 months old when she was reported missing Dec. 17, 2011, from her grandmother's house at 29 Violette Ave. in Waterville. Police have said they think foul play was involved in her disappearance and that they don't believe she is alive, but there have never been any charges in the case and no signs of Ayla's whereabouts.

At the time, Ayla was in the care of her father, Justin DiPietro. His girlfriend, Courtney Roberts, and sister, Elisha DiPietro, were also in the home the night before Ayla was reported missing. The DiPietros and Roberts did not respond to Facebook messages seeking comment.

Jeff Hanson, Reynolds' step-grandfather, said earlier this year that the Reynolds family planned to pursue a civil lawsuit against Justin DiPietro that would possibly include child endangerment and wrongful death.

But on Wednesday, Hanson said Michael T. Bigos, a lawyer with Berman & Simmons who had agreed to work on the case pro bono to explore a possible wrongful death suit, has decided not to pursue such a suit after all.

"In order to bring a successful civil case, Mike would need reliable witnesses to the events of the final days of Ayla's life or he would need to develop independent forensic evidence," Hanson said Wednesday in an interview. "If and when a witness comes forward, we will reassess our options and reconsider pursuing a civil claim."

Hanson also sent a statement on behalf of the Reynolds family this week to the Morning Sentinel, saying the family's next step is to "officially and legally receive a declaration of Ayla's passing to take the first step to hold those accountable for baby Ayla's demise."

"Sadly, Ayla Reynolds will not be building snow forts with her little brothers this holiday season. She won't write a list for Santa," the statement says. "Instead, Ayla will become the subject of a probate court filing, and, ultimately, Ayla Reynolds, who would have been 6 this year, will be declared dead."

The statement goes on to say that Ayla's mother, Trista Reynolds, "must find the courage to file paperwork acknowledging the reality that her daughter Ayla can never come home."

Trista Reynolds was not available Wednesday for an interview, but told New England Cable News in a segment that aired Wednesday evening she is not giving up on pursuing charges against Justin DiPietro, who she said is lying about what happened.

"I want to take him down, and I want to bury that man," she said.

Hanson said that, although the Reynolds family is saddened by Bigos' decision not to pursue a wrongful death suit, the family is taking the next steps in seeking an official declaration of death for Ayla.

"We could not thank Mike enough for all the work he and his team have done above and beyond what anyone else has done for us," Hanson said, adding that Ayla's family still may pursue a wrongful death suit in the case.

A formal declaration of death is required before a wrongful death suit can be filed. However, lesser suits may be filed that do not require an official statement of death, according to Hanson. The statute of limitations for filing wrongful death is six years after the five-year anniversary of when a person is reported missing, he said.

He added that people are forgetting about Ayla, and her family cannot let that happen.

"It's exactly what DiPietro and company want," Hanson said. "There's been mention of a lot of people coming and going to Violette Avenue in the weeks before Ayla went missing. Justin spent considerable time in Portland that week. We're asking anyone who was at the DiPietro house for any reason, who has knowledge of Justin's activities in Portland, or who was in contact with Justin, Elisha DiPietro, or Courtney Roberts near the time Ayla was reported missing to please come forward and be a witness for Ayla."

Elisha DiPietro, who has made few statements to the media since the disappearance of her niece, said earlier this year in an interview with the television show "Crime Watch Daily" that the DiPietro family believes Ayla "is out there somewhere."

But investigators with Maine State Police, the agency investigating the case, have said it is highly unlikely that Ayla left the house on her own or that she was abducted during the night. Steve McCausland, a state police spokesman, has said the possibility that someone slipped into the house and took Ayla "doesn't pass the straight-face test."

Police believe that the people who were in the house the night Ayla disappeared — Justin and Elisha DiPietro and Roberts — have withheld information from the police that's relevant to the case.

Ayla's [blood was found at the Violette Avenue home](#), according to police. It is a fact that her maternal family has often pointed to as a reason why charges should be brought against Justin DiPietro.

Maine State Police Lt. Jeff Love, who has worked on the case since its inception, said Wednesday that police have received 1,546 leads, including 40 this year. As leads come in, a sergeant reviews and follows up on them, and if the leads require additional resources, more state police officials are drawn in to help, according to Love.

Detective Ryan Brockway is the primary investigator and Detective Josh Birmingham is co-primary on the case. Sgt. Chris Tremblay supervises and oversees the investigation, and Love oversees the entire Major Crimes Unit. He said officials work on the case pretty much every day.

“This is one of those cases that we all want to bring closure for the family,” Love said.

Hanson has written posts on the website [aylareynolds.com](http://aylareynolds.com), a site dedicated to raising awareness about Reynolds’ case, urging the judicial system to pursue criminal charges. The site also promoted a petition asking Attorney General Janet Mills to prosecute Justin DiPietro, Courtney Roberts and Elisha DiPietro.

“Babies don’t just disappear,” the Reynolds family statement this week says.

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