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# Judge hears request to legally declare Ayla Reynolds dead

The missing child's mother has asked for the court order, which would open the door to a wrongful death lawsuit against Ayla's father.

BY **MATT BYRNE** STAFF WRITER



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Trista Reynolds, mother of missing toddler Ayla Reynolds, holds a picture of her daughter in January 2014 at the Colby Circle and College Avenue intersection in Waterville during a rally. Trista Reynolds is seeking a formal court declaration that Ayla is dead so a wrongful death lawsuit can be pursued against Ayla's father, Justin DiPietro. *Staff file photo by Michael G. Seamans*

A state police lieutenant testified in Cumberland County probate court Thursday that the investigation into the 2011 disappearance of Ayla Reynolds has not yielded any information indicating she is alive, despite receiving more than 1,500 leads in the case.

The testimony, from Lt. Jeff Love, came during a hearing in which Trista Reynolds, the girl's mother, asked probate Judge Joseph Mazziotti to declare the legal death of the infant whose [disappearance](#) has been the subject of an ongoing police investigation.

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If Mazziotti agrees, it would [open the door for Trista Reynolds](#) to file a wrongful death lawsuit on behalf of the 20-month-old girl's estate against her father, Justin DiPietro, who has been at the center of the investigation since the girl went missing.

Mazziotti offered no indication on when he would make his ruling.

Ayla was 20 months old when she was reported missing Dec. 17, 2011, from her grandmother's house at 29 Violette Ave. in Waterville. The child was staying there with DiPietro; his then-girlfriend, Courtney Roberts; and his sister, Elisha DiPietro, while the grandmother was away overnight.

Justin DiPietro was not present in the courtroom, although he had been notified last spring of the hearing. Reynolds' attorney, William Childs, said DiPietro's last known residence is in California.

Reynolds testified that she does not know where her daughter is.

If Mazziotti declares Ayla Reynolds dead, Childs said he plans to file the suit against DiPietro.

Although the criminal investigation into Ayla's disappearance was described as active and ongoing, a civil lawsuit would be a wholly separate process.

In civil cases, penalties are monetary, and Childs would have to meet a lower burden of proof than in a criminal case, where the standard is to prove a crime beyond a reasonable doubt, whereas a civil case requires proof by a preponderance of the evidence.

Childs said he has already taken the depositions of Roberts and Elisha DiPietro, and that Trista Reynolds sat for a polygraph examination in Portland, the results of which Childs plans to release to the media in the future.

The depositions yielded new information, Childs said, but he declined to elaborate on what he learned.

"We would like to find out what happened to Ayla, and where that leads us, we'll see," he said.

During the hearing, Reynolds testified she had entered rehab prior to her daughter's disappearance and arranged with the Department of Health and Human Services for Ayla to stay with her sister, Jessica.

But DiPietro took Ayla from the home with the assistance of the Lewiston Police Department, moving the child to Violette Avenue in Waterville where he was staying, Reynolds said.

The wrongful death suit could also include other defendants beside Justin DiPietro, Childs said,

but he said those decisions haven't been made yet. The statute of limitations for filing that claim is six years after the five-year anniversary of when a person is reported missing, which in this case would be in December 2022.

Ayla's disappearance drew both local and national media attention, with both parents appearing on national television at different times to plead for the girl's safe return.

Police, after an exhaustive search and what was described Thursday as the largest investigation in state history, said in May 2012 that they believed Ayla to be dead.

The case is now in the hands of the State Police unsolved homicides squad, overseen by Love, who said that despite more than 1,500 leads in the case, nothing has pointed to Ayla still being alive.

Love also described how blood stains found in the Waterville home were determined to have belonged to Ayla.

A police dispatch transcript shows that Justin DiPietro called 911 at 8:49 a.m. Dec. 17, saying he had put Ayla to bed in her crib at 8 p.m. the previous night, that his sister checked on her two hours later, and the child was gone when he woke up in the morning.

DiPietro has maintained all along that someone must have abducted Ayla from the home, and Elisha DiPietro said last year in an interview with the television show "Crime Watch Daily" that the DiPietro family believes Ayla "is out there somewhere."

State police have said it is highly unlikely Ayla left the house on her own or that she was abducted during the night while the adults were sleeping — no evidence was ever found suggesting either scenario — and that those who were in the house the night she disappeared withheld information from investigators that is relevant to the case.

Steve McCausland, spokesman for the state Department of Public Safety, has said the abduction theory "doesn't pass the straight-face test."

The DiPietro family has accused Trista Reynolds of involvement in her daughter's disappearance, an accusation Trista has denied, Childs said.

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