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# Ayla Reynolds' mother awaits judge's decision on whether to declare toddler dead

If probate judge in Cumberland County declares Ayla dead, Trista Reynolds would be able to file a wrongful death suit against Justin DiPietro, Ayla's father.

BY **AMY CALDER** STAFF WRITER



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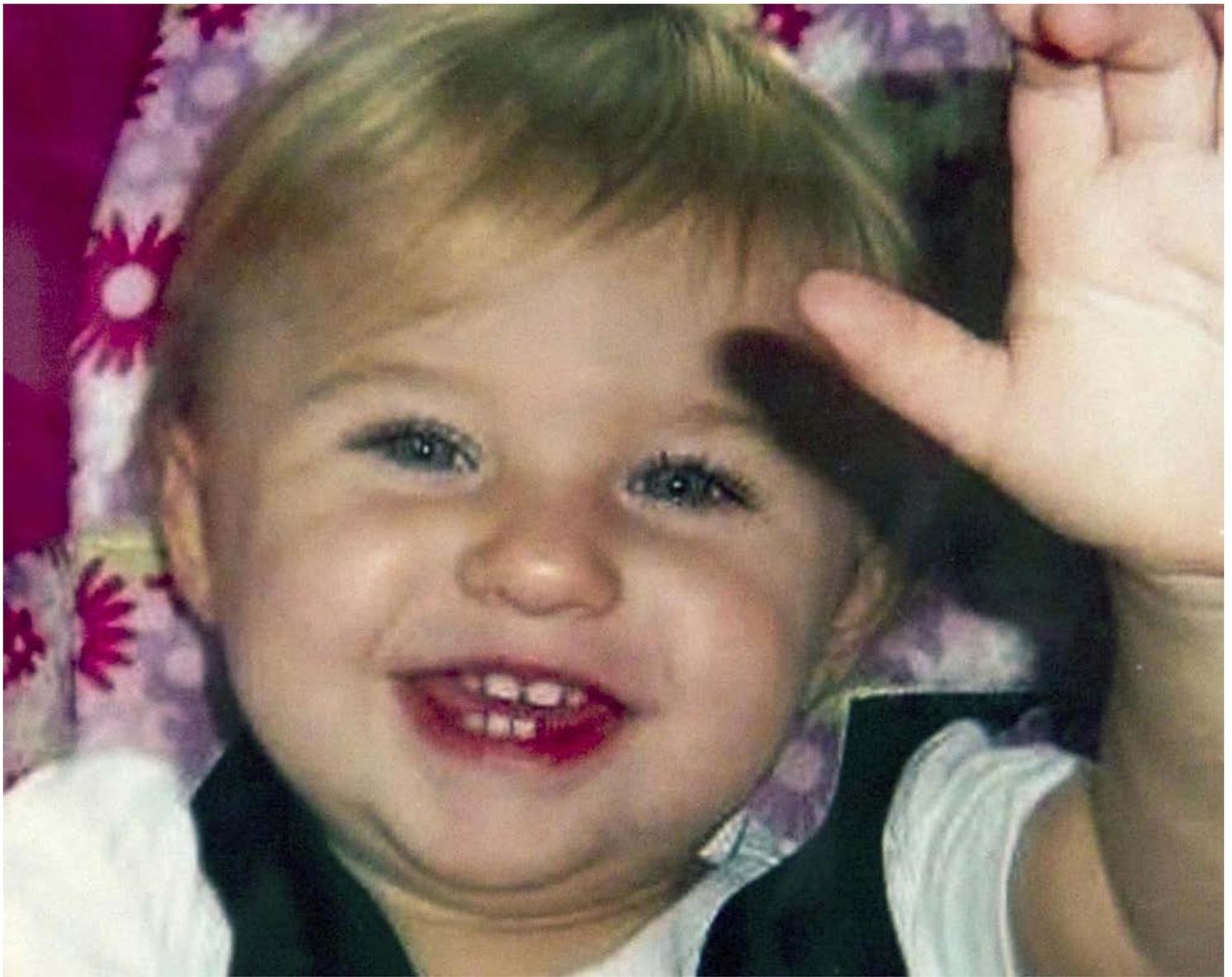


Trista Reynolds, mother of Ayla Reynolds, is seen on Monday. Ayla was 20 months old when she disappeared from her father's home in Waterville. Reynolds is petitioning the court to have Ayla declared dead so she can pursue a civil lawsuit against Justin DiPietro, Ayla's father. *Portland Press Herald photo by Ben McCanna*

Trista Reynolds said Monday she's hopeful a probate judge will officially issue a declaration of death for her daughter, paving the way for a civil lawsuit she thinks could help solve the case of Ayla's disappearance nearly six years ago.

Reynolds, 29, [testified Thursday before probate Judge](#) Joseph Mazziotti in Cumberland County probate court in the case of her missing 20-month-old child, who has never been found and is believed by authorities to be dead. No one has been charged in the case.

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This undated file photo provided by Trista Reynolds shows Ayla Reynolds, her two-year-old daughter, who went missing on Dec. 17, 2011, from her father's home in Waterville. Monday Trista Reynolds awaits a decision by probate Judge Joseph Mazziotti in Cumberland County whether to declare her daughter Ayla dead, which will open the way for filing a wrongful death lawsuit against Justin DiPietro, Ayla's father, and perhaps others. *File photo*



Trista Reynolds, mother of Ayla Reynolds, is seen on Monday. Ayla was 20 months old when she disappeared from her father's home in Waterville. Reynolds is petitioning the court to have Ayla declared dead so she can pursue a civil lawsuit against Justin DiPietro, Ayla's father. *Portland Press Herald* photo by Ben McCanna

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If Mazziotti declares Ayla dead, Reynolds' lawyer, William Childs, plans to file a wrongful death suit against Ayla's father, Justin DiPietro, who was caring for the toddler at his mother's house at 29 Violette Ave. on Dec. 17, 2011, when he reported her missing. Maine State Police continue to investigate the case but have not received any evidence of Ayla's whereabouts.

A wrongful death suit may — or may not — finally help solve Ayla's case, Reynolds said in a phone interview Monday with the Morning Sentinel.

“It's kind of like, I think it might be hit or miss, in all honesty,” Reynolds said, adding that the hardest part is, she does not think Ayla's body will ever be found.

Reynolds, who believes Mazziotti was receptive at the probate hearing, had hoped Monday a

decision was imminent, but no decision was filed Monday by the probate court judge.

She said she knows she will have mixed feelings if Mazziotti declares her daughter dead, though it will open the way for Childs to file a wrongful death suit, which is what she and her family have been waiting for.

“I think it’s going to make it more real,” she said. “I think it’s going to put us in a different place than we’ve been in the last six years. It’s going to give me a little bit more answers, a little bit more closure.”

Childs has said more people may be included in the wrongful death suit. At the house with DiPietro the night Ayla disappeared were his sister, Elisha DiPietro, and her daughter, Gabriella, and Justin’s then-girlfriend, Courtney Roberts. DiPietro’s mother, Phoebe DiPietro, was not at the house that night.

Justin DiPietro, who court documents say now lives in California, was not present for Thursday’s probate hearing. Childs deposed Elisha DiPietro and Roberts earlier last week.

In a civil case such as a wrongful death suit, the penalty is monetary, and Childs would have to meet a lower burden of proof than in a criminal case. In criminal cases, the standard is to prove beyond a reasonable doubt, but in civil cases, proof is by a preponderance of the evidence.

State police, who are conducting a criminal investigation in the case, say they think Ayla is dead, that it is unlikely she was abducted or left the house on her own, and that those who were in the house with Ayla when she was reported missing know more than they are telling police.

State police Lt. Jeff Love, who oversees the unsolved crimes unit, told the judge Thursday that police have received more than 1,500 leads in the case, and the investigation has not yielded any information indicating Ayla is alive.

“I think the police are doing everything that they can do in Ayla’s case right now, and I think they’re doing what they’re able to do, if that makes sense,” Trista Reynolds said in the interview Monday. “I know they can only do so much with the evidence they do have. I think police are working very hard and trying to get answers to get justice for Ayla, and I think they’re working as hard as they can.”

She said that after Monday’s interviews with the Morning Sentinel and a couple of other media

outlets that she will no longer give interviews and let Childs work on the lawsuit.

“I’ve got to have some space and just kind of go with that,” she said.

Reynolds for the last three years has been working at Five Guys, a burger business in Portland that she said she enjoys being part of. She also is caring for her two young sons, Raymond, 6, and Anthony, 4, who are in the first grade and pre-school, respectively.

Her mood lightens when she speaks of her children, whom she has often said keep her focused, particularly when she thinks about Ayla and what might have happened to her.

“They keep me busy — they really do,” she said.

Reynolds said she does not talk a lot with state police about the investigation as time goes by, but if she has questions, she knows she can always call them, she said.

Steve McCausland, spokesman for the Maine Department of Public Safety, [said last week that police continue to work on the case](#), which is “open and active.”

Asked what she would say to Justin DiPietro if she were in his presence, she said she was not sure. “I don’t know if I’d actually be able to talk to him or if I would just lose it or cry or ask him why,” she said. “I don’t know.”

She believes Justin is still working as a cook in California and that his sister, Elisha, and their mother, still live in Waterville.

“Courtney’s living in Portland. I don’t know where she’s living in Portland. She just had another baby.”

Efforts to reach Justin, Elisha and Phoebe DiPietro, and Roberts, have been unsuccessful.

“They are definitely really quiet,” Trista Reynolds said. “They’re definitely not talking. They definitely want to be left alone, but it shows how guilty they really are.”

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