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Ayla Reynolds, missing since 2011, declared dead by judge

The legal determination clears the way for the mother of the child to file a civil suit against the baby's father, Justin DiPietro.

BY [AMY CALDER](#) MORNING SENTINEL AND [MATT BYRNE](#) STAFF WRITER

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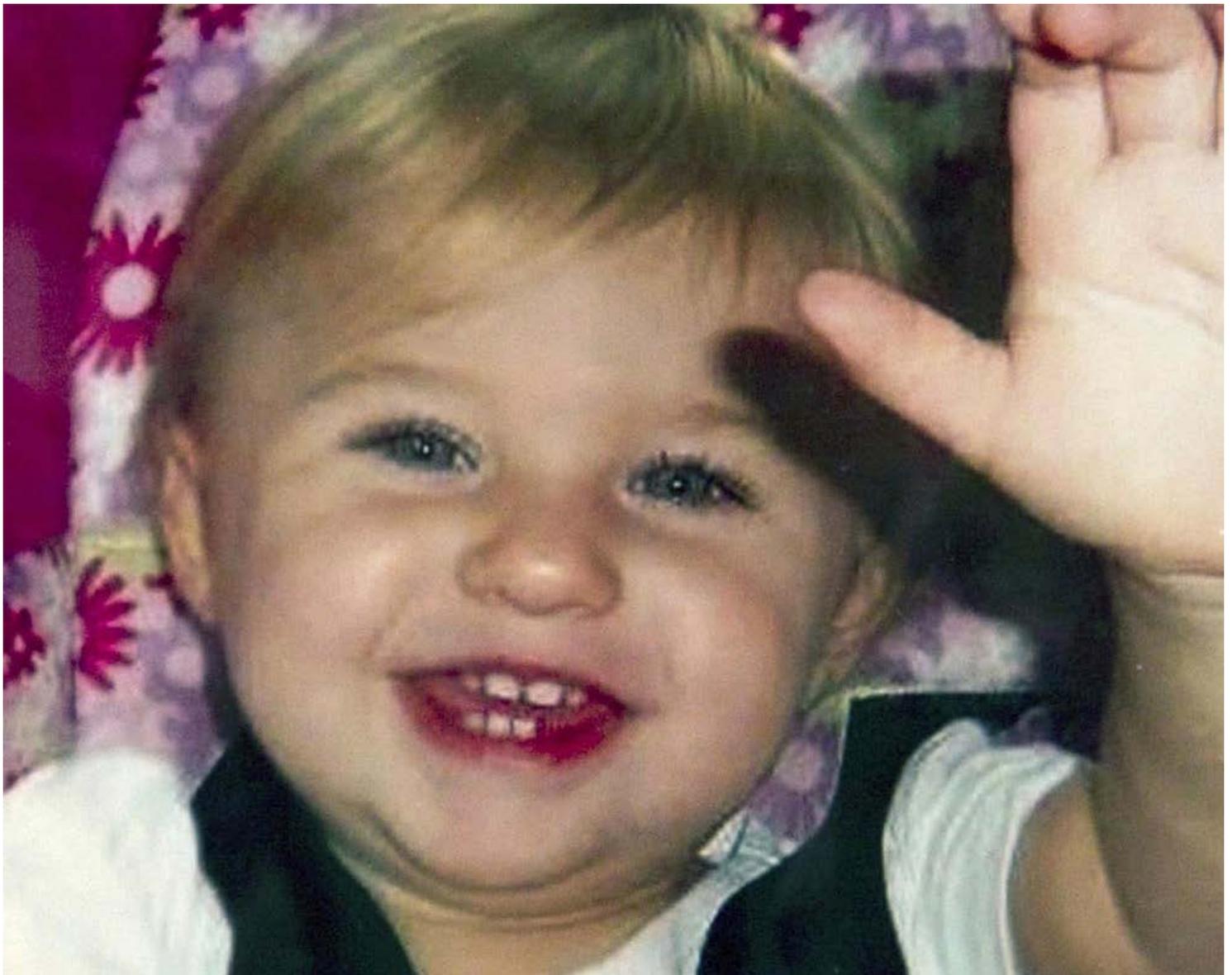




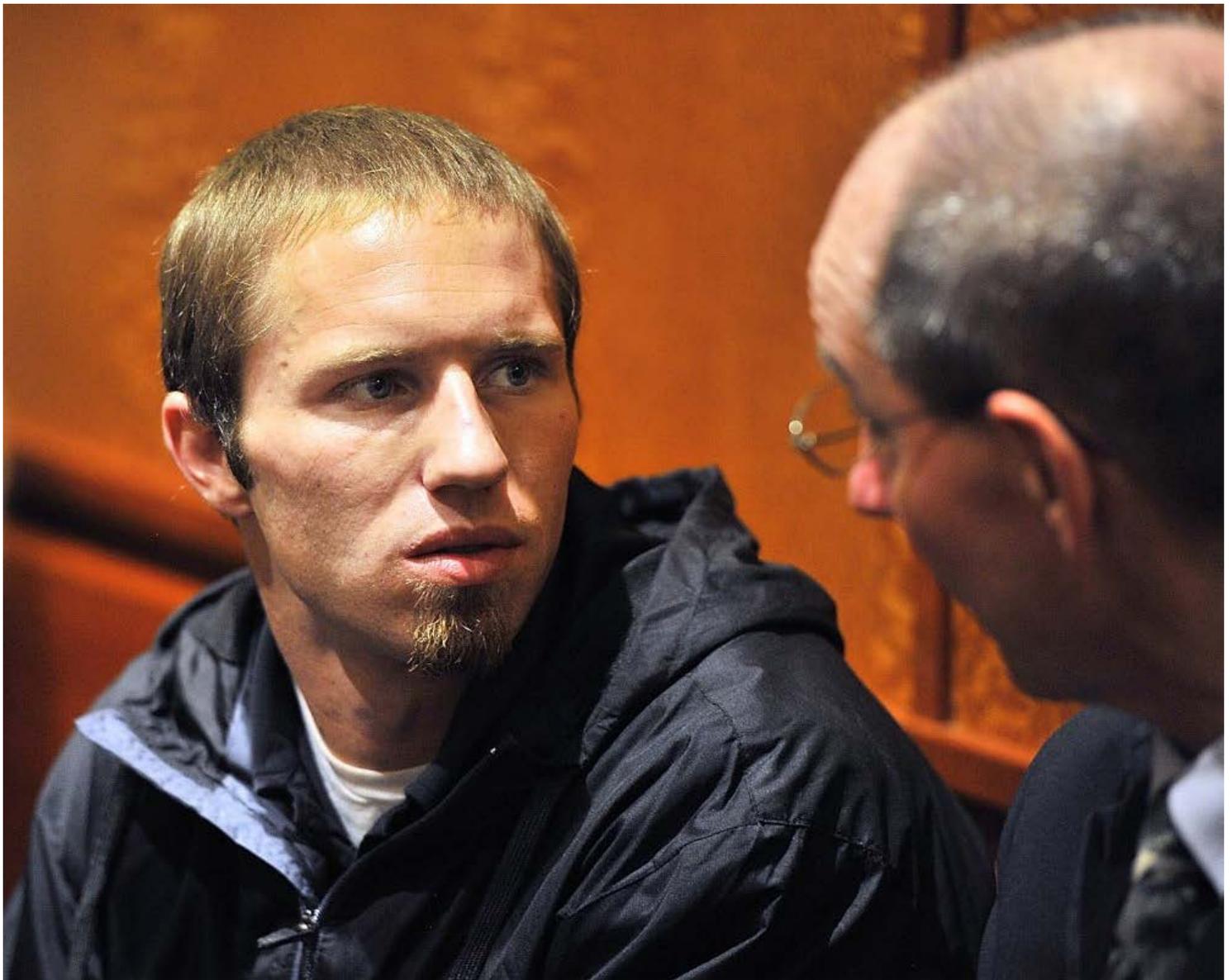
Trista Reynolds, mother of Ayla Reynolds, is seen on Monday. Ayla was 20 months old when she disappeared from her father's home in Waterville, and now a probate judge has declared the child dead. *Portland Press Herald* file photo by Ben McCanna

Ayla Reynolds, the toddler missing from her Waterville home since December 2011, has been declared legally dead by a probate judge, setting up what the child's mother hopes will be a renewed quest for justice and answers in a mysterious case that has stumped investigators.

The decision by the Cumberland County judge clears the way for a [planned civil lawsuit against Justin DiPietro](#), the child's father and one of the last people to see the girl alive.



This undated file photo provided by Trista Reynolds shows Ayla Reynolds, who was 20 months old when she disappeared on Dec. 16, 2011, while in the care of her father in Waterville. A probate judge has declared the child dead nearly six years later. *File photo*



Justin DiPietro, seen in September 2013, faces a threatened wrongful death lawsuit by Trista Reynolds in connection with the 2011 disappearance of their daughter, Ayla Reynolds. *Portland Press Herald* file photo by Gordon Chibroski

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Ayla's mother, Trista Reynolds, [said Monday she was hopeful](#) the probate judge would officially declare her daughter dead because it would pave the way for her attorney to file a wrongful death suit, which she thinks could help solve the case of Ayla's disappearance nearly six years ago.

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

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.

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

A police dispatch transcript shows that Justin DiPietro called 911 at 8:49 a.m. on Dec. 17, 2011, saying he had put Ayla to bed in her crib the previous night and the child was gone when he woke in the morning. DiPietro maintains someone must have abducted Ayla from the home while the adults were sleeping — a scenario police say is not supported by any evidence.

The declaration of death order was entered Wednesday by Probate Judge Joseph Mazziotti, according to a digital docket entry. It says that Ayla “died on or about December 17, 2011,” a determination Mazziotti made based on testimony by Trista Reynolds; Lt. Jeff Love, of the Maine State Police; and evidence introduced at the hearing. Love, who oversees the state police unsolved homicides squad that is investigating Ayla’s case, could not be reached for comment Wednesday afternoon.

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Trista Reynolds did not return a call immediately Wednesday afternoon seeking comment on the judge’s declaration of death; and her stepfather, Jeff Hanson, referred questions to Childs.

Childs, who said he is handling the case pro bono, said by phone Wednesday he was traveling in the western part of the country and would be back in Maine this weekend.

“I’m going to get together with Jeff and Trista, make a plan and do a press conference sometime next week,” Childs said.

He said he had received about 20 calls in the previous hour about the case and he wanted to discuss everything in one setting. "I want to do it all at once," he said.

Steve McCausland, spokesman for the state Department of Public Safety, said in a phone interview Wednesday afternoon that the probate court's declaration of Ayla's death is the same conclusion that authorities "reached in the early days of the investigation, as days led to weeks."

"We still contend that the adults in the home that night have more knowledge than they shared with us," McCausland said Wednesday.

Elisha DiPietro and Roberts did not respond this week to messages a reporter sent to them on Facebook. Phoebe DiPietro's Waterville landline number is not in service and a telephone operator said Wednesday there was no number listed for Justin DiPietro, who is listed in court documents as now living in Winnetka, California.

Documents from Cumberland County Probate Court say an official in June served a notice of last week's probate hearing to DiPietro at his California home, but DiPietro lied about who he was.

Nelson Tucker, a registered process server in Los Angeles County, served that document, armed with a photograph of DiPietro given to him by Childs. Tucker wrote in court documents that at 8:51 a.m. June 12 he went to DiPietro's home on Lull Street in Winnetka to serve the papers.

"He denied his identity but he matched the photo provided by attorney for petitioner," Tucker wrote in the documents.

DiPietro was not present for last week's probate hearing. Childs said he deposed Elisha DiPietro and Roberts previously.

Earlier this week, Trista Reynolds said she knew she would have mixed feelings if Mazziotti declared her daughter dead, though it would open the way for Childs to file the 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."

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.

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 had not yielded any information indicating Ayla is alive.

Trista Reynolds said earlier this week that she thinks police are doing everything that they can do in investigating the case.

“I know they can only do so much with the evidence they do have,” she said. “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.”

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.

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