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Filing of wrongful death suit in Ayla Reynolds case looms

Today is the sixth anniversary of when the toddler was reported missing from her grandmother's house in Waterville.

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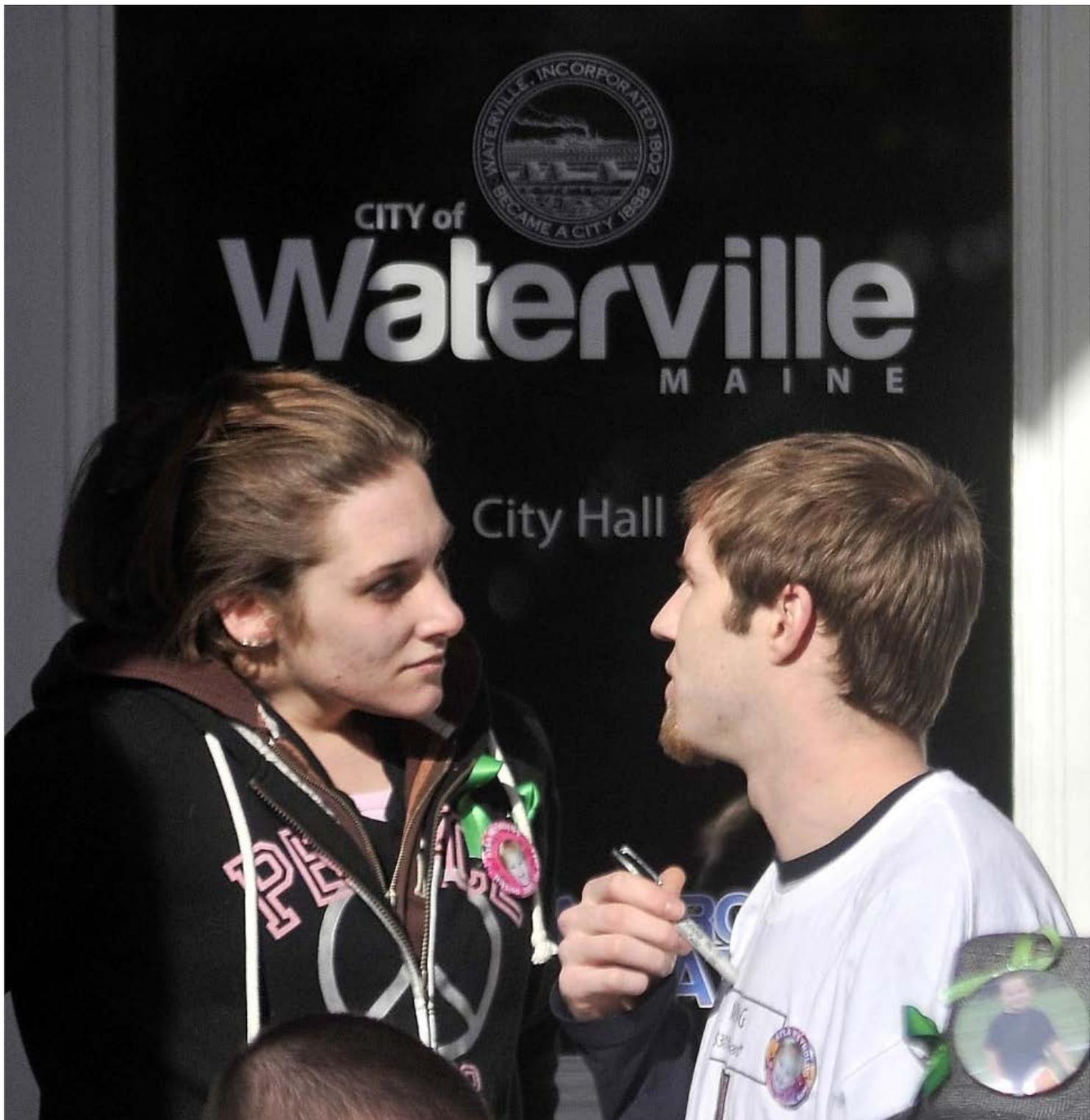




Trista Reynolds, mother of Ayla Reynolds, shown on Sept. 25, 2017, has succeeded in her effort to get a judge to declare Ayla dead. Now her lawyer is preparing a civil suit against the long-missing toddler's father, Justin DiPietro, from whose home she disappeared in 2011 at the age of 20 months. *Portland Press Herald* staff file photo by Ben McCanna

WATERVILLE — Trista Reynolds is thinking a lot about her daughter, Ayla, on the sixth anniversary of the child's mysterious disappearance.

But she's doing more than thinking. Now — for the first time since the early days of the nationally known case that authorities say prompted the biggest and most costly police investigation in state history — there is visible movement in the courts toward finding answers.



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



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Reynolds, who won an effort nearly three months ago [to have a probate court judge legally declare her daughter dead](#), is preparing to file a wrongful death civil lawsuit against Ayla's

father, Justin DiPietro, and possibly others. It's an effort that will involve testimony and evidence about what happened on and around Dec. 17, 2011, when the 20-month-old girl [was reported missing by her father](#).

Portland attorney William Childs, who took the case pro bono and presented it to the probate court, said last week he plans to file a civil lawsuit, but he would not reveal when.

Police say they're still investigating behind the scenes actively and their work is bound to standards of finding evidence of criminal wrongdoing. Authorities say they can't disclose much else except that they don't think the adults who last saw Ayla are telling the whole truth.

DiPietro still maintains that his daughter was abducted during the night despite no evidence supporting the claim.

Childs, 61, a former probate judge and graduate of Cheverus High School and the University of Maine School of Law, both in Portland, said he took the case, which he basically is funding himself, because what happened to Ayla "is just not right. I don't have any better explanation than that."

"It seems like nobody else was able to move the case forward and I knew I could, just based on my past experience," he said in an interview this past week.

Reynolds said in an interview that living with the knowledge of Ayla being declared dead is tough, but she knows that the declaration was necessary to further the search for answers and justice.

"I catch myself crying a little bit more," she said. "I catch myself asking, 'Did I do the right thing?' At the end of the day, I know it was the best decision to make."

Reynolds wishes Ayla were here to share Christmas with her and Ayla's little brothers, Raymond, 6, and Anthony, 4, to decorate the tree, bake cookies and open presents on Christmas morning.

She and her sons bought Ayla a new Christmas ornament this year — a set of angel wings — and placed it on their tree, and lit a pink light for her, as they do every year.

"Tons of love comes from her Mama," Reynolds said.

Reynolds, now 29, knows she and her sons will never see her blond-haired, blue-eyed daughter, who now would be 7, again.

‘SHE WASN’T ABDUCTED’

Ayla disappeared the week before Christmas in 2011, launching the largest police investigation in Maine history. She was a toddler, 20 months old, and in the care of her father, Justin DiPietro, in the home of his mother, Phoebe DiPietro, at 29 Violette Ave. in Waterville. He called police Saturday, Dec. 17, to report he got up in the morning and Ayla was nowhere to be found. He has said he put her to bed around 8 p.m. the night before.

Police say they don’t buy his story. In fact, they say DiPietro, his sister, Elisha DiPietro, and his then-girlfriend, Courtney Roberts, who also were in the home the night of Dec. 16, know more about Ayla’s disappearance than they are saying. Phoebe DiPietro was not at the house that night.

Police say Ayla was not abducted from the home, and they believe she is dead.

A Cumberland County probate judge agrees, having declared Ayla legally dead last Sept. 27, paving the way for Trista Reynolds and her family to file a wrongful death suit — a civil suit — against Justin DiPietro and possibly others.

“We are investigating the matter with use of numerous private investigators both within and without the state of Maine,” Childs said. “Under the law, we still have a sufficient period of time (to file).”

Asked why the suit has not yet been filed, Childs responded: “We are awaiting the receipt of one additional piece of evidence.”

He said he did not want to get into more specific details about what he plans to do in the case.

Steve McCausland, spokesman for the state Department of Public Safety, said last week that state police have received 28 leads in the case this year alone and conducted six searches in the last six months, including one off Industrial Road in Waterville in which police did not find anything.

A detective still is assigned to the case and dedicated to finding Ayla, he said.

“The work continues and has continually for six years now,” McCausland said. “We’re following up leads, doing interviews, re-interviews, coordinating the searches. An incredible amount of work has been completed in this case over the last six years, and we’re as determined today as we were six years ago. The calendar, for us, has no bearing on the investigation, and this case has been open and active for six years and will remain so.”

He said police are hopeful they will solve the case and they believe they will.

“Absolutely — that’s the goal of finding little Ayla,” he said.

McCausland said more searches are scheduled and some of those searches were prompted because of tips received.

“Some are areas that we thought should at least be reviewed, and we’re not going to stop looking,” he said.

While the state police criminal investigation is separate from the work Childs is doing in the case, McCausland said police are aware of the probate action in which Ayla was declared dead. Lt. Jeff Love, who is overseeing the investigation and is in charge of the state police Unsolved Homicide Unit, testified in that probate court proceeding.

Love told the probate court in September that police had received more than 1,500 leads in the case, and the investigation had not yielded any information indicating Ayla is alive.

Meanwhile, the television show “Crime Watch Daily” recently interviewed Justin DiPietro for a show that aired Friday and that is posted on the Crime Watch website, in which he said he thinks someone close to Ayla abducted her. McCausland, who also was interviewed for the program, disputed that claim.

“It’s the same thing we’ve said for six years. No one took her outside that house,” he told the Morning Sentinel. “She wasn’t abducted and she didn’t wander away by herself.”

Trista Reynolds, who also was interviewed for the show, believes Justin DiPietro and the others in the house the night Ayla disappeared are responsible. Reynolds, whom the probate court on May 17 this year named personal representative of Ayla’s estate, passed a polygraph test long ago in which she told police the last time she saw Ayla was in November 2011.

The reason Justin DiPietro was watching Ayla the week she disappeared is that Trista Reynolds

was in rehabilitation and her sister was caring for Ayla at the time. But the DiPietros enlisted the state Department of Health and Human Services to help take Ayla and then the toddler was in the care of Justin DiPietro.

Meanwhile, Reynolds said DiPietro's comments on "Crime Watch Daily" about someone abducting Ayla is his way of trying to cover up what really happened and turning the focus away from him. She said his comments intimated that she kidnapped Ayla.

"He's back to the same old story," she said. "At the end of the day, I'm pretty sure we all know it wasn't me. I couldn't really care less about what Justin has to say. I know the truth. State police know the truth. My lawyer knows the truth."

'WRONGFUL DEATH'

Reynolds also testified in probate court prior to the judge's declaring Ayla dead Sept. 27, but Justin DiPietro, who is working as a cook and living in Winnetka, California, did not. Elisha DiPietro, his half sister, and Roberts, had been deposed earlier by Childs.

Justin DiPietro did not respond to a letter sent by a Morning Sentinel reporter to him Sept. 29 through the U.S. Postal Service to his address in Winnetka. There is no phone number listed for him there, according to a telephone operator. Phoebe DiPietro's Waterville landline number is not in service. Roberts did not respond to a Facebook message sent to her Thursday. Elisha DiPietro did not respond to an email sent that day.

Documents from Cumberland County Probate Court say an official in June served a notice of the September probate hearing to Justin DiPietro at his California home, but he lied about who he was when the officer showed up on his doorstep.

Nelson Tucker, a registered process server in Los Angeles County, served the document and, at the time, had a photograph of DiPietro that was 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 identify, but he matched the photo provided by attorney for petitioner," Tucker wrote in the documents.

In a civil case such as a wrongful death suit, the penalty is monetary. In such a case, the attorney

would have to meet a lower burden of proof than in a criminal case, in which the standard is to prove beyond a reasonable doubt. In civil cases, proof is by a preponderance of the evidence.

Jeff Hanson, Trista Reynolds' stepfather, has been spreading awareness about the case since Ayla disappeared and has written posts on the website aylareynolds.com, a site dedicated to Ayla's case. Last week Hanson emailed a statement from Ayla's family on the sixth anniversary of her reported disappearance:

“The maternal side of Ayla Reynolds family would like to convey their best wishes to all those that continue to seek justice for Ayla. It is our hope that the tragedy that befell our family six years ago never touches yours. Be at peace and hold your family close to your heart, be they near or far away this holiday season. Requests for updates regarding the Ayla Reynolds civil case should be directed to William Childs Esq. of Childs Rundlett Fifield & Altshuler in Portland Maine.”

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