Frequently Asked Questions

Trey's Law

1 What is Trey's Law?

Trey's Law is legislation that prohibits the misuse of nondisclosure agreements (NDAs) and similar secrecy provisions in child sexual abuse and trafficking cases. The goal is simple: survivors should never be legally silenced by the civil court system from speaking about the abuse they've endured, and it's against public interest to shield bad actors from accountability through this mechanism.

2 Why do NDAs exist in child sexual abuse cases?

NDAs were originally created to protect trade secrets, intellectual property, and confidential data. They have since become standard practice and weaponized against victims when settling claims of sexual assault. Survivors often need restitution for a lifelong healing journey requiring therapy and other support, but in return, a defendant often demands they never speak about the abuse they endured. This lawful "hush money" perpetuates abuse and protects the reputation of perpetrators and institutions, while silencing survivors and inhibiting their healing.

3 What are victims typically prohibited from saying in these NDAs?

NDAs in civil settlements related to child sexual abuse take many forms and vary in length. Some NDAs are included in the settlement agreement as a paragraph-long clause, while others are multi-page standalone agreements. It is common for these NDAs to prohibit the victim from disclosing any information or terms of the settlement, details regarding the incident of abuse, and any public or private statements that criticize the Defendant(s) or portray them in a negative light.

4 How many children are silenced by these types of NDAs?

NDAs may be established while the survivor is still a minor (typically signed by a guardian or parent), but most claims of child sexual abuse are not established until the survivor is an adult, and they realize what happened to them. It is well-established that barriers such as shame, fear, or stigma often result in survivors waiting years or decades to tell anyone about their abuse. Due to the nature of confidentiality provisions, it is unknown how many survivors are currently subject to NDAs; however, NDAs have become standard practice in personal injury law and especially the settlement of child sexual abuse claims.

5 How does Trey's Law relate to the Speak Out Act?

The Speak Out Act was passed federally in 2022 and prohibits the use of pre-dispute NDAs and non-disparagement agreements for survivors and witnesses of sexual harassment and assault in the workplace. While this landmark legislation restricts the use of NDAs, it does not apply to child sexual abuse and trafficking vicitms. The Speak Out Act is only relevant to victims in workplace contexts and solely eliminates the misuse of NDAs in employment agreements enacted prior to a dispute.

6 Aren't NDAs already unenforceable if they prevent reporting a crime?

NDAs may be deemed as unenforceable or void by a court when they attempt to suppress reporting a crime or cooperating in a criminal investigation. Trey's Law remains critical because there are many other legitimate reasons why a survivor would need to speak about their abuse outside a criminal investigation. Many survivors are placed under NDAs by institutions for civil claims. Additionally, NDAs are commonly used in settlement negotiations regardless of enforceability. Finally, states should protect survivors by making unenforceability of NDAs clear as a matter of state law rather than relying on court interpretations and caselaw.

7 How does Trey's Law affect criminal cases?

Trey's Law applies to civil settlement agreements. It does not change criminal penalties or procedures. However, giving survivors freedom to share their stories may very well increase the detection of serial offenders who should face criminal consequences.

8 What about survivors who want privacy or confidentiality?

The goal of Trey's Law is to give survivors power and agency over their own stories after enduring childhood trauma. While each state's bill language will be different, nothing should prohibit unilateral confidentiality provisions that protect victims' identities or other details they'd prefer to keep private, such as graphic descriptions of their abuse. Survivors can decide what is shared publicly. Trey's Law only seeks to ensure no one can force them into silence–not an abuser, not a liable institution, and not a legal contract.

9 Will survivors receive smaller settlements if NDAs are not allowed?

There is no evidence to indicate that settlement amounts would be impacted by the omission of NDAs. A 2025 study explored the impact of NDA reform by examining quantitative data on a large volume of cases in California and incorporated qualitative interview data with practitioners in the state. The findings indicate that "the elimination of NDAs does not seem to have depressed settlement sums." (Engstrom, et al., 2025).

10 Who supports this legislation?

Trey's Law has seen support from survivors, legal experts, child protection advocates, and mental health professionals. Faith organizations, such as the Texas Conference of Catholic Bishops, have also testified in support of this legislation. This legislation passed unanimously in both the Texas Senate and Texas House in 2025 before being signed into law and garnered broad bipartisan support throughout the legislative process.