

Texas and Missouri restrict NDAs in sexual abuse cases

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AUSTIN (BP)—Texas lawmakers restricted nondisclosure clauses in sexual abuse settlement agreements May 26, following passage of similar legislation in Missouri weeks earlier.

The Texas legislature approved the final version of its bill on Memorial Day—after first [approving it](#) in the House in April before the Senate’s nod to a similar version of the bill May 15—with the House’s final approval.

The Missouri General Assembly moved swiftly to pass its bill, with the House approving the legislation April 22 and the Senate following April 29.

Known as Trey’s Law, the legislation applies to childhood sexual abuse cases in both states. But in Texas, the bill was broadened to extend to cases involving abuse committed against individuals of all ages upon hearing survivor testimony.

“The new law makes any provision of a nondisclosure agreement that would prevent someone from disclosing an act of sexual abuse or facts related to the sexual abuse of another person unenforceable,” said John Litzler, public policy director of Texas Baptists’ Christian Life Commission.

The new legislation will ensure “survivors of sexual abuse and their families do not have to choose between restorative justice and the right to share their stories,” he added.

Rather than a “blanket ban on all nondisclosure or confidentiality provisions contained in agreements settling claims of sexual abuse,” Litzler said, Trey’s law delineates where NDAs still would be enforceable, listing

specific settlement amounts and payment terms as examples.

He affirmed the analysis offered by CLC Director Katie Frugé: “Trey’s Law is a noble and necessary step in returning agency and healing to survivors of sexual abuse.”

Growing momentum for change

Texas and Missouri leaders are in a growing push to end the misuse of nondisclosure agreements against abuse survivors who enter civil settlement agreements.

Jeff Dalrymple, director of abuse prevention and response for the Southern Baptist Convention Executive Committee, previously told Baptist Press the use of NDAs to silence sexual abuse survivors makes such agreements controversial.

“In addition to legal considerations, ministry leaders should carefully consider both ethical and moral implications of NDA use. There may be situations in which an NDA could be an appropriate tool for a ministry to use, for instance, to protect the private information of ministry participants or in employment transitions,” Dalrymple said in April.

“However, they should never be used to prevent survivors of abuse from sharing their stories or to allow responsible parties to avoid responsibility for their actions.”

The new legislation aims to prevent abuses of NDAs in sex abuse settlements.

Jeff Leach, R-Plano, a member of Cottonwood Creek Church in Allen, was among five authors of the House version of the Texas bill.

Sen. Angela Paxton, R-Allen, one of the authors of the Senate version,

introduced the legislation in her chamber. Her comments and the testimony of victims, advocates and experts can be viewed [here](#).

Background on Trey's Law

The laws are named in honor of Texas native Trey Carlock, who died by suicide, overcome by the trauma of an NDA related to sexual abuse at Kanakuk Kamps in Missouri, his sister Elizabeth Carlock Phillips has said in advocating for the legislation.

Carlock sued Kanakuk after enduring what he described as a decade of child sexual abuse by then camp director Pete Newman and accepted a civil settlement with a restrictive NDA that family members say led to Carlock's 2019 suicide.

In a text to the *Baptist Standard*, Phillips noted: "While the inspiration behind Trey's Law is my little brother and Kanakuk's institutional abuse of children, there are so many names that could be inserted here—Joseph's Law, Logan's Law, Keith's Law, Susie's, Cindy's Law.

"My heart is full knowing that Trey's legacy has served others in setting them free from the silencing of NDAs, a standard practice used in civil cases by faith communities and beyond that should have never been abused to hush victims of sexual abuse."

She explained the advocacy and information page Facts About Kanakuk from the beginning utilized a Bible verse as a call to action: "What you have said in the dark will be heard in the daylight, and what you have whispered in the ear in the inner rooms will be proclaimed from the roofs" (Luke 12:3).

"We wish Kanakuk had done the right thing and released NDAs but since they didn't, survivors have raised their voices to change the laws" in Missouri and Texas, Phillips observed.

“I am proud to be Trey’s sister,” Phillips said when Texas was considering the bill. “And I hope Texas will be proud of Trey’s Law.”

Newman is serving two life sentences plus 30 years in a Missouri state prison for sexual crimes involving multiple minors at Kanakuk. Civil lawsuits still are being filed related to the abuse, most recently in April.

Tennessee passed a bill in 2018 nullifying NDAs in childhood sexual abuse cases and is the only other state to have done so to date.

However, more than a dozen states have passed legislation limiting to varying degrees the use of NDAs in employer-employee settlement agreements regarding sexual abuse claims, the international law firm Ogletree Deakins reported, in addition to the federal 2022 Speak Out Act.

With the respective governors’ signatures, Trey’s Law becomes effective Aug. 28 in Missouri and Sept. 1 in Texas, according to the legislation filed on the respective legislative websites.

With additional reporting by Calli Keener.