

Publications

Texas Invalidates Confidentiality Clauses in Sexual Abuse Cases

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Effective September 1, 2025, Texas employers must comply with **Trey's Law (S.B. No. 835)**, a new law that voids certain confidentiality and nondisclosure clauses related to sexual abuse. This legislation echoes a growing national trend toward transparency and accountability in handling workplace misconduct and settlement agreements.

Unenforceable Provisions

Any provision in an agreement is void and unenforceable to the extent it prohibits a person from disclosing an act of sexual abuse or facts related to an act of sexual abuse. This prohibition applies to nondisclosure, confidentiality, employment, settlement, and any other agreement. An "act of sexual abuse" includes indecency with a child, sexual assault, aggravated sexual assault, sexual performance by a child, trafficking of persons, and compelling prostitution.

The law does not prohibit a person from agreeing to keep confidential any other clauses of a settlement agreement, including the settlement amount or its payment terms.

Retroactive Application

Trey's Law applies to agreements entered into before, on, or after its effective date, thereby operating retroactively. Existing agreements may only be enforced if a final and non-appealable declaratory judgment is obtained declaring the agreement enforceable.

Conclusion

Texas has banned the use of agreements that silence sexual abuse survivors or protect abusers. Employers should review their existing and future agreements to ensure compliance with this law.

Vorys attorneys have been following Trey's Law (S.B. No. 835) and understand its potential impacts on businesses operating in Texas.