

Question

The court is the sole judge of witness credibility and may choose to believe or disbelieve any witness's testimony. Texas courts have broad discretion in family law matters and are not required to accept or reject testimony solely based on prior dishonesty (see *In re J.P.B.*, 180 S.W.3d 570, 573 (Tex. 2005)). Even with credibility issues, the court could find some or all of the wife's testimony credible if corroborated by other evidence or circumstances.

Answer (Texas)

Short response

Texas law clearly establishes that the trial court is the sole judge of witness credibility and may accept or reject any portion of a witness's testimony, even if the witness has a history of dishonesty, particularly when other evidence corroborates the testimony. This broad discretion is especially pronounced in family law matters, where courts are not required to disbelieve testimony solely due to prior credibility issues.

Summary

Texas statutes and case law consistently affirm that the trial court, as factfinder, has exclusive authority to determine the credibility and weight of witness testimony in family law proceedings. Appellate courts defer to these determinations unless they are unreasonable, and the trial court may accept, reject, or partially credit testimony, even from a witness with a history of dishonesty, especially if corroborated by other evidence or circumstances.

This principle is codified in the Texas Family Code and reinforced by a long line of appellate and Supreme Court decisions, which emphasize the trial court's unique position to observe witness demeanor and resolve evidentiary conflicts. The law does not require the court to categorically reject testimony due to impeachment or prior dishonesty; rather, the court may find some or all of such testimony credible if supported by the record.

Background and Relevant Law

Legislative Framework

The Texas Family Code directly addresses the role of the court or jury in evaluating spousal testimony in divorce proceedings. Section 6.704 of the Texas Family Code provides that when a husband or wife testifies, the court or jury trying the case is responsible for determining both the credibility of the witness and the weight to be given to their testimony ([Tex. Fam. Code § 6.704](#)). This statutory provision does not impose any limitations based on a

witness's prior dishonesty or impeachment; instead, it vests the factfinder with full discretion to assess credibility and assign weight as it deems appropriate.

Case Law

Texas appellate and Supreme Court decisions have repeatedly affirmed and elaborated on the statutory principle that the trial court is the sole judge of witness credibility and the weight of testimony. This doctrine is especially robust in family law cases, where the trial court's ability to observe witness demeanor and assess the context of testimony is considered paramount.

Core Principles

Multiple recent appellate decisions reiterate that the trial court, as factfinder in a bench trial, is uniquely positioned to observe and evaluate witness demeanor, credibility, and the subtle influences that may not be apparent from the written record. For example, the Texas Court of Appeals in [In re G.T.](#) (2024) and [In re J.C.H.-P.](#) (2023) both cite the Texas Supreme Court's decision in [In re J.P.B., 180 S.W.3d 570 \(Tex. 2005\)](#), emphasizing that the trier of fact is the sole judge of credibility and that appellate courts must defer to these determinations.

Similarly, [In re P.D.H.](#) (2024) and [In re N.L.S.](#) (2023) confirm that the trial court may believe all, part, or none of a witness's testimony, and that appellate courts will not substitute their judgment for that of the trial court on credibility issues. This principle is echoed in [W.G. v. Tex. Dep't of Family & Protective Servs.](#) (2023), [In re K.C.W.](#) (2022), and [In re J.L.W.](#) (2021), all of which stress the deference owed to the trial court's credibility determinations.

The Texas Supreme Court in [In re A.B., 437 S.W.3d 498 \(Tex. 2014\)](#) and [In re J.P.B., 180 S.W.3d 570 \(Tex. 2005\)](#) has made clear that the factfinder is the exclusive judge of witness credibility and that appellate review must respect this role, intervening only if the credibility determination is unreasonable.

Application to Witnesses with Credibility Issues

The law does not require the trial court to reject testimony solely because a witness has been impeached or has a history of dishonesty. Instead, the court may accept, reject, or partially credit such testimony, particularly if it is corroborated by other evidence or circumstances. For instance, [In re M.A.P.](#) (2012) illustrates that a factfinder may disbelieve a witness whose credibility is impaired by dishonesty, but by implication, may also choose to believe some or all of that witness's testimony if the record supports it.

This approach is further supported by [In re S.T.G.](#) (2018), which states that appellate courts do not reweigh credibility but defer to the factfinder's reasonable determinations, and by [In re I.G.W.](#) (2018), which affirms that the trial court's orders will be upheld on any legal theory supported by the

evidence, including where the court has resolved credibility issues in favor of one party.

Deference and Standard of Review

The standard of review for credibility determinations is highly deferential. Appellate courts will not disturb the trial court's findings unless they are unreasonable or unsupported by substantive and probative evidence ([In re K.C.W.](#) (2022); [In re L.L.D.](#) (2021)). This deference is rooted in the trial court's superior ability to observe witness demeanor and assess the context of testimony, as repeatedly emphasized in the case law.

Superseded Authority

It is important to note that [In re A.B., 412 S.W.3d 588 \(Tex. App. 2013\)](#) has been superseded by [In re A.B., 437 S.W.3d 498 \(Tex. 2014\)](#). The latter is now the controlling authority and should be relied upon for the principle that the factfinder is the sole judge of credibility and that appellate courts must defer to these determinations.

Secondary Materials

Pattern jury instructions and related secondary materials reinforce the legal principles established by statute and case law. For example, standard Texas jury instructions state that the factfinder is the sole judge of witness credibility and may accept or reject any testimony in whole or in part, even after impeachment ([Plaintiff's Requested Jury Instructions and Questions - Gender Discrimination and Breach of Contract](#) (2023)). While these instructions are directed at juries, the same principles apply to judges sitting as factfinders in bench trials, as is common in family law cases.

Analysis

The Court's Role as Sole Judge of Credibility

The legislative and judicial authorities are unequivocal: the trial court (or jury, where applicable) is the exclusive judge of witness credibility and the weight to be given to testimony in Texas family law proceedings. Section 6.704 of the Texas Family Code directly assigns this responsibility to the court or jury, and the case law uniformly affirms this allocation of authority ([Tex. Fam. Code § 6.704](#); [In re J.P.B., 180 S.W.3d 570 \(Tex. 2005\)](#); [In re A.B., 437 S.W.3d 498 \(Tex. 2014\)](#)).

This means that the trial court is not bound to accept or reject testimony in its entirety; rather, it may believe all, part, or none of any witness's testimony, as confirmed in [In re P.D.H.](#) (2024) and [In re N.L.S.](#) (2023). The court's discretion is particularly broad in family law matters, where the factual context is often complex and the trial judge's ability to observe witness demeanor is critical.

Treatment of Witnesses with Credibility Issues

Texas law does not require the trial court to disbelieve a witness solely because of prior dishonesty or impeachment. Instead, the court may consider the entirety of the evidence, including corroborating circumstances, and may credit testimony that is otherwise supported by the record. This is illustrated in *In re M.A.P.* (2012), where the factfinder was permitted to disbelieve a witness whose credibility was impaired by dishonesty, but the principle applies equally in the reverse: the court may believe testimony from a witness with credibility issues if corroborated.

The appellate courts' role is limited to reviewing whether the trial court's credibility determinations are reasonable and supported by substantive and probative evidence ([In re K.C.W.](#) (2022); *In re L.L.D.* (2021)). Appellate courts do not reweigh credibility or substitute their judgment for that of the trial court (*In re S.T.G.* (2018); *In re I.G.W.* (2018)).

Corroboration and Partial Credibility

The trial court's discretion extends to crediting portions of a witness's testimony that are corroborated by other evidence or circumstances, even if the witness has been impeached or has a history of dishonesty. The court may accept, reject, or partially credit testimony as it deems appropriate, based on its assessment of the evidence as a whole ([In re P.D.H.](#) (2024); [In re J.C.H.P.](#) (2023); [In re N.L.S.](#) (2023)).

This approach is consistent with the pattern jury instructions, which state that the factfinder may accept or reject any testimony in whole or in part, and may assign whatever weight it deems appropriate to impeached testimony (Plaintiff's Requested Jury Instructions and Questions and Questions - Gender Discrimination and Breach of Contract (2023)).

Appellate Deference

Appellate courts are required to defer to the trial court's credibility determinations unless those determinations are unreasonable or unsupported by the evidence ([In re J.P.B.](#), 180 S.W.3d 570 (Tex. 2005); [In re A.B.](#), 437 S.W.3d 498 (Tex. 2014)). This deference is rooted in the trial court's superior ability to observe witness demeanor and assess the context of testimony, as repeatedly emphasized in the case law.

The standard of review is abuse of discretion, and appellate courts will not disturb the trial court's findings unless there is no substantive and probative evidence to support them (*In re L.L.D.* (2021); *In re I.G.W.* (2018)). This high threshold ensures that the trial court's credibility determinations are rarely overturned on appeal.

Superseded Authority

As noted, [In re A.B.](#), 412 S.W.3d 588 (Tex. App. 2013) has been superseded by [In re A.B.](#), 437 S.W.3d 498 (Tex. 2014). The latter is now the controlling

authority and should be relied upon for the principle that the factfinder is the sole judge of credibility and that appellate courts must defer to these determinations.

Exceptions and Caveats

While the trial court's discretion in assessing credibility is broad, it is not unlimited. Appellate courts may intervene if the trial court's credibility determinations are unreasonable or unsupported by substantive and probative evidence ([In re K.C.W. \(2022\)](#); [In re J.P.B., 180 S.W.3d 570 \(Tex. 2005\)](#)). However, this is a high bar, and in practice, appellate courts rarely overturn credibility determinations.

Additionally, while the court may credit testimony from a witness with a history of dishonesty if corroborated by other evidence, it must still base its findings on the record as a whole. The court cannot arbitrarily disregard uncontroverted evidence or make findings that are unsupported by the evidence ([In re H.R.M., 209 S.W.3d 105 \(Tex. 2006\)](#)).

Conclusion

Texas law is clear that the trial court is the sole judge of witness credibility and may accept, reject, or partially credit any testimony, even from a witness with a history of dishonesty, particularly when corroborated by other evidence or circumstances. This principle is codified in the Texas Family Code and reinforced by a long line of appellate and Supreme Court decisions, which emphasize the trial court's unique position to observe witness demeanor and resolve evidentiary conflicts. Appellate courts defer to these determinations unless they are unreasonable or unsupported by the evidence. Thus, in family law matters, the court has broad discretion to find some or all of a witness's testimony credible, even in the face of prior credibility issues, provided the record supports such a finding.

Legal Authorities

[In re J.P.B., 180 S.W.3d 570 \(Tex. 2005\)](#)

Texas Supreme Court

Extract

However, as we have noted previously, witness credibility issues 'that depend on appearance and demeanor cannot be weighed by the appellate court; the witnesses are not present. And even when credibility issues are reflected in the written transcript, the appellate court must defer to the jury's determinations, at least so long as those determinations are not themselves unreasonable.' ... It was within the jury's province to judge Lonnie's demeanor and to disbelieve his testimony that he did not know how J.P.B. was injured.

Summary

The Court emphasizes that credibility determinations belong to the factfinder (jury/trial court), and appellate courts defer to those determinations. The statement that it was within the jury's province to disbelieve a witness underscores that the factfinder may accept or reject testimony in whole or part based on demeanor and the record, consistent with broad discretion in family-law contexts and the ability to credit testimony when corroborated by other evidence.

[In re Y.Z.C.T., No. 05-17-00530-CV \(Tex. App. Jul 27, 2018\)](#)

Texas Court of Appeals

Extract

A determination of standing under this section is necessarily fact specific and resolved on an ad hoc basis. In re M.P.B., 257 S.W.3d at 809. Accordingly, such determinations are situations where the trial court is the sole judge of witness credibility and the weight to be given their testimony and we do not disturb the trial court's resolution of evidentiary conflicts that turn on credibility determinations or the weight of the evidence. See In re I.I.G.T., 412 S.W.3d at 806 (citing City of Keller v. Wilson, 168 S.W.3d 802, 819 (Tex. 2005) and Golden Eagle Archery, Inc. v. Jackson, 116 S.W.3d 757, 761 (Tex. 2003)).

Summary

The court of appeals affirms that in family-law matters involving fact-specific determinations, the trial court is the sole judge of witness credibility and the weight of testimony. Appellate courts will not disturb credibility-based resolutions. This supports the proposition that a trial court may believe or disbelieve any witness and, despite prior credibility issues, accept testimony if corroborated, consistent with broad discretion recognized in cases like In re J.P.B.

[Gaston v. State, NO. 14-17-00904-CR \(Tex. App. May 30, 2019\)](#)

Texas Court of Appeals

Extract

The trier of fact stands as the only judge of the witnesses' credibility and the strength of the evidence. ... The trier of fact may choose to believe or disbelieve any portion of the witnesses' testimony.

Summary

The passages explicitly state that the factfinder is the only judge of witness credibility and may accept or reject any portion of testimony. This directly supports the proposition's core point that courts can credit or discount testimony, even in the face of credibility issues, particularly when corroborated by other evidence. While Gaston is a criminal case, the principle of deference to the factfinder's credibility determinations is broadly recognized in Texas and is consistent with the family-law discretion component referenced by *In re J.P.B.*

[B. L. M. v. J. H. III M., NO. 03-14-00050-CV \(Tex. App. Jul 17, 2014\)](#)

Texas Court of Appeals

Extract

In assessing the sufficiency of the evidence under the foregoing standards, we cannot weigh witness-credibility issues that depend on the appearance and demeanor of the witnesses, for that is the factfinder's exclusive province. Instead, we defer to the factfinder's credibility determinations as long as they are not unreasonable. *In re J.P.B.*, 180 S.W.3d at 573-74.

Summary

The passage explicitly states credibility determinations are the factfinder's exclusive province and cites *In re J.P.B.*, aligning with the proposition that courts may believe or disbelieve testimony and are not bound by prior dishonesty alone. It supports that a trial court can accept parts of testimony if supported by the record, with appellate courts deferring unless unreasonable.

[In re M.A.P., NO. 02-11-00484-CV \(Tex. App. Jun 07, 2012\)](#)

Texas Court of Appeals

Extract

We cannot weigh witness credibility issues that depend on the appearance and demeanor of the witnesses, for that is the factfinder's province. *Id.* at 573-74. And even when credibility issues appear in the appellate record, we defer to the factfinder's determinations as long as they are not unreasonable. *Id.* at 573. ... Although Mother testified that Maurice was never in danger of falling off the ledge, the jury had the discretion to believe Father and to disbelieve Mother, whose credibility was impaired by the fact that she lied during her testimony. See *In re R.W.*, 129 S.W.3d 732, 742-43 (Tex. App.—Fort Worth 2004, pet. denied).

Summary

The passage expressly states that credibility determinations belong to the factfinder and that appellate courts defer to those determinations. It also illustrates that a factfinder may disbelieve a witness whose credibility is impaired by dishonesty, and by implication may believe or disbelieve testimony in whole or part, consistent with J.P.B. This supports the proposition that courts may accept or reject testimony notwithstanding credibility issues, particularly when weighed against other evidence.

[In re A.B., 412 S.W.3d 588 \(Tex. App. 2013\)](#)

Texas Court of Appeals

Extract

We cannot weigh witness credibility issues that depend on the appearance and demeanor of the witnesses, for that is the factfinder's province. *Id.* at 573, 574. And even when credibility issues appear in the appellate record, we defer to the factfinder's determinations as long as they are not unreasonable. *Id.* at 573." ... "As the 'sole arbiter when assessing the credibility and demeanor of witnesses,' the jury in this case was free to disregard Father's testimony and Mother's report to the hospital about the frequency with which Father cared for the children.

Summary

The passage confirms that credibility determinations belong to the factfinder (trial court/jury), that appellate courts defer even when the record shows credibility issues, and that the factfinder may accept or reject parts of testimony. This supports the proposition that courts need not categorically reject testimony due to credibility concerns and may believe testimony if corroborated.

[In re A.B., 437 S.W.3d 498, 57 Tex. Sup. Ct. J. 595 \(Tex. 2014\)](#)

Texas Supreme Court

Extract

the court of appeals must nevertheless still provide due deference to the decisions of the factfinder, who, having full opportunity to observe witness testimony first-hand, is the sole arbiter when assessing the credibility and demeanor of witnesses.

Summary

The Texas Supreme Court explicitly states that the factfinder (judge or jury) is the “sole arbiter” of witness credibility and demeanor. This supports the proposition that the trial court may believe or disbelieve testimony and that appellate courts must defer to those credibility determinations, even where credibility is contested. While the passage is in the termination context, the credibility principle is general and aligns with *In re J.P.B.* and related authorities.

[In re H.R.M., 209 S.W.3d 105 \(Tex. 2006\)](#)

Texas Supreme Court

Extract

In reviewing termination findings for factual sufficiency, a court of appeals must give due deference to a jury's factfindings, *In re C.H.*, 89 S.W.3d 17, 27 (Tex.2002), and should not supplant the jury's judgment with its own, *Golden Eagle Archery, Inc. v. Jackson*, 116 S.W.3d 757, 761 (Tex.2003). The court should inquire 'whether the evidence is such that a factfinder could reasonably form a firm belief or conviction about the truth of the [] allegations.' *In re C.H.*, 89 S.W.3d at 25. 'If, in light of the entire record, the disputed evidence that a reasonable factfinder could not have credited in favor of the finding is so significant that a factfinder could not reasonably have formed a firm belief or conviction, then the evidence is factually insufficient.'

Summary

The passage emphasizes appellate deference to the factfinder's (jury's) determinations and forbids substituting appellate judgment for the factfinder's. Credibility determinations are core factfinder functions; thus, this supports that the trial factfinder may believe or disbelieve testimony and appellate courts will not reweigh credibility absent insufficiency. This aligns with broad discretion in family law factfinding and allows acceptance of testimony despite credibility attacks if a firm belief can be formed from the whole record.

[City of Keller v. Wilson, 168 S.W.3d 802, 48 Tex. Sup. Ct. J. 848 \(Tex. 2005\)](#)

Texas Supreme Court

Extract

Evidence can be disregarded whenever reasonable jurors could do so, an inquiry that is necessarily fact-specific. But it is important that when courts use the exclusive standard and disregard contrary evidence, they must

recognize certain exceptions to it... It has long been the rule in Texas that incompetent evidence is legally insufficient to support a judgment, even if admitted without objection... an appellate court conducting a legal sufficiency review cannot 'disregard undisputed evidence that allows of only one logical inference.' By definition, such evidence can be viewed in only one light, and reasonable jurors can reach only one conclusion from it.

Summary

City of Keller clarifies that fact-finders (jurors/trial courts) may disregard evidence and make credibility choices, and appellate courts defer to those determinations except in narrow circumstances (e.g., incompetent evidence or conclusive contrary proof). This supports the idea that a trial court can believe or disbelieve witness testimony and is not compelled to reject testimony solely due to credibility attacks, so long as some evidence supports the finding and no conclusive contrary proof exists. That aligns with Texas courts' discretion in weighing testimony, including in family cases, consistent with *In re J.P.B.*

[In re I.G.W., No. 04-17-00161-CV \(Tex. App. Jul 05, 2018\)](#)

Texas Court of Appeals

Extract

Deferring to the trial court's role as the factfinder in making reasonable credibility determinations, we affirm the trial court's orders." ... "We review a trial court's determinations as to conservatorship and the right to designate a child's primary residence for an abuse of discretion." ... "We remain mindful that the trial court is best able to observe and assess witnesses' demeanor and credibility. See *In re A.L.E.*, 279 S.W.3d 424, 427 (Tex. App.—Houston [14th Dist.] 2009, no pet.). We must therefore defer to the trial court's credibility determinations and resolution of underlying facts that may have affected its determination, and we will not substitute our judgment of witnesses' credibility for that of the trial court. *Id.* We also will uphold a trial court's order 'on any legal theory supported by the evidence.' *Id.* at 428.

Summary

The opinion explicitly states that the trial court, as factfinder, makes credibility determinations, and appellate courts defer to those determinations, reviewing only for abuse of discretion and upholding orders on any legal theory supported by evidence. This supports that the trial court can believe or disbelieve witness testimony and is not bound to accept or reject testimony categorically; rather, it weighs credibility in light of all evidence.

Texas Court of Appeals

Extract

We apply an abuse of discretion standard because, particularly in a bench trial, the trial court is in the best position to observe 'the character of the evidence, the demeanor of the witnesses, and those influences which cannot be discerned from the record.' ... We defer to the trial court's resolution of underlying facts, and to the credibility determinations that may have affected its determination of those facts, and we will not substitute our judgment for that of the trial court. ... 'The trial court does not abuse its discretion if there is some evidence of a substantive and probative character to support its decision.' ... Any issues regarding the counselor's qualifications went to her credibility. We defer to the trial court's credibility determinations.

Summary

The opinion emphasizes that in bench trials the trial judge is best positioned to evaluate witness demeanor and credibility, and appellate courts defer to those determinations. It expressly treats challenges to a witness's qualifications as credibility issues for the trial court. It also states that any substantive and probative evidence can support the court's decision, reinforcing that the court may credit portions of testimony despite credibility concerns.

Texas Court of Appeals

Extract

In our review, we must 'provide due deference to the decisions of the factfinder, who, having full opportunity to observe witness testimony first-hand, is the sole arbiter when assessing the credibility and demeanor of witnesses.' In re A.B., 437 S.W.3d 498, 503 (Tex. 2014); In re J.P.B., 180 S.W. 3d 570, 573 (Tex. 2005). ... Having considered the evidence relevant to best interest, deferring to the trial court's determinations on witness credibility, the resolution of conflicts in the evidence, and the weight to be given the testimony, see A.B., 437 S.W.3d at 503, we hold that the Holley factors weigh in favor of the trial court's finding that termination is in the children's best interest.

Summary

The passage expressly states the factfinder is the sole arbiter of credibility and that appellate courts defer to those credibility determinations, citing *In re J.P.B.* This supports that Texas courts have broad discretion in family matters to believe or disbelieve testimony and to resolve conflicts in evidence, allowing them to credit portions of testimony even where credibility is at issue.

[In re H.A.J.R., 04-21-00220-CV \(Tex. App. Nov 03, 2021\)](#)

Texas Court of Appeals

Extract

‘In reviewing the legal sufficiency of the evidence to support the termination of parental rights, we must ‘look at all the evidence in the light most favorable to the finding to determine whether a reasonable trier of fact could have formed a firm belief or conviction that its finding was true.’ ... ‘[A] reviewing court must assume that the factfinder resolved disputed facts in favor of its finding if a reasonable factfinder could do so.’ ... ‘In reviewing the factual sufficiency of the evidence ... A [reviewing court] should consider whether disputed evidence is such that a reasonable factfinder could not have resolved that disputed evidence in favor of its finding.’ ‘The [reviewing] court must hold the evidence to be factually insufficient if, in light of the entire record, the disputed evidence contrary to the judgment is so significant that a reasonable factfinder could not have resolved that disputed evidence in favor of the ultimate finding.’

Summary

The quoted standards require appellate courts to defer to the factfinder’s resolution of disputed evidence, which necessarily includes credibility determinations. By instructing courts to view evidence in the light most favorable to the finding and to assume the factfinder resolved disputes in favor of its findings, the passages support that the trial court may believe or disbelieve testimony—even amid credibility issues—so long as a reasonable factfinder could do so, especially when other evidence corroborates it.

[N. M. v. Tex. Dep't of Family & Protective Servs.](#)

Texas Court of Appeals

Extract

When reviewing the evidence, we must ‘provide due deference to the decisions of the factfinder, who, having full opportunity to observe witness testimony first-hand, is the sole arbiter when assessing the credibility and

demeanor of witnesses.' In re A.B., 437 S.W.3d 498, 503 (Tex. 2014). The factfinder has a right to disbelieve any witness's testimony. See S.C. v. Texas Dep't of Fam. & Protective Servs., No. 03-20-00039-CV, 2020 WL 3892796, at *15 (Tex. App.-Austin July 10, 2020, no pet.) (mem. op.). And it is the factfinder's role to draw any reasonable inferences from the evidence that it chooses and to choose between conflicting reasonable inferences.

Summary

The passage states the factfinder is the sole arbiter of credibility and may disbelieve any witness, and can draw reasonable inferences—supporting that courts may accept or reject testimony in whole or in part, even where credibility is contested, especially if supported by other evidence. This aligns with the proposition's core: credibility determinations rest with the trial court, which may credit testimony despite prior dishonesty if corroborated.

[Strahan v. State, 617 S.W.3d 198 \(Tex. App. 2020\)](#)

Texas Court of Appeals

Extract

It is generally improper for a witness to offer a direct opinion as to the truthfulness of another witness and such opinion is therefore inadmissible evidence." ... "expert testimony must 'aid, but not supplant, the jury's decision' and that expert testimony 'does not assist the jury if it constitutes 'a direct opinion [on credibility].'

Summary

The passages affirm that no witness, including experts, may opine directly on another witness's truthfulness because doing so would invade the factfinder's exclusive role to assess credibility. This supports the proposition that the court (as factfinder in a bench trial or the jury otherwise) is the sole judge of credibility and may accept or reject testimony in whole or in part, regardless of prior dishonesty, consistent with In re J.P.B.

[In re N.L.S.](#)

Texas Court of Appeals

Extract

The trier of fact is the sole judge of the credibility of witnesses and the weight to be given their testimony. See J.P.B., 180 S.W.3d at 573. In a bench trial, such as here, 'the trial judge is best able to observe and assess the witnesses' demeanor and credibility, and to sense the 'forces, powers, and influences' that may not be apparent from merely reading the record on

appeal.' In re A.L.E., 279 S.W.3d 424, 427 (Tex. App.-Houston [14th Dist.] 2009, no pet.) (citation omitted). We therefore defer to the trial court's judgment regarding credibility determinations and will not substitute our judgment for the trial court's.

Summary

The quoted language expressly states the trier of fact is the sole judge of credibility (citing In re J.P.B.) and that appellate courts defer to the trial court's credibility determinations, particularly in bench trials. This supports the proposition that the court may believe or disbelieve testimony and exercise broad discretion, even where credibility is contested, allowing it to credit testimony in whole or in part if supported by the record.

[T. A. W. v. Tex. Dep't of Family & Protective Servs., NO. 03-20-00364-CV \(Tex. App. Jan 08, 2021\)](#)

Texas Court of Appeals

Extract

In our review, we must 'provide due deference to the decisions of the factfinder, who, having full opportunity to observe witness testimony first-hand, is the sole arbiter when assessing the credibility and demeanor of witnesses.' In re A.B., 437 S.W.3d 498, 503 (Tex. 2014); In re J.P.B., 180 S.W. 3d 570, 573 (Tex. 2005). ... Having considered the evidence related to best interest, deferring to the trial court's determinations on witness credibility, the resolution of conflicts in the evidence, and the weight to be given the testimony, see A.B., 437 S.W.3d at 503, we hold that the Holley factors weigh in favor of the trial court's finding...

Summary

The passages reaffirm that the trial court, as factfinder in a bench trial, is the sole arbiter of witness credibility and that appellate courts defer to those determinations. This supports the proposition that the court may believe or disbelieve testimony, even amid credibility issues, and may resolve conflicts and assign weight to testimony, including accepting portions corroborated by other evidence.

[In re S.T.G., No. 04-17-00837-CV \(Tex. App. Apr 25, 2018\)](#)

Texas Court of Appeals

Extract

We do not reweigh issues of witness credibility but defer to the factfinder's reasonable credibility determinations." ... "We assume the factfinder

resolved disputed facts in favor of its finding if a reasonable factfinder could have done so, and we disregard all evidence that a reasonable factfinder could have disbelieved or found incredible.

Summary

The passages state that appellate courts defer to the trial court (factfinder) on credibility, do not reweigh credibility, and assume disputed facts were resolved in favor of the findings while disregarding evidence a reasonable factfinder could disbelieve. This confirms the trial court's authority to believe or disbelieve testimony, even where credibility is contested, aligning with the proposition that courts can credit parts of testimony and need not reject testimony solely due to prior dishonesty when other evidence supports it.

[In re J.L.W., 04-21-00141-CV \(Tex. App. Sep 22, 2021\)](#)

Texas Court of Appeals

Extract

In both legal and factual sufficiency review, the trial court, as factfinder, is the sole judge of the weight and credibility of the evidence... We must defer to the factfinder's resolution of disputed evidentiary issues and cannot substitute our judgment for that of the factfinder. See, e.g., *In re H.R.M.*, 209 S.W.3d 105, 108 (Tex. 2006) (per curiam) (factual sufficiency); *In re J.P.B.*, 180 S.W.3d 570, 573 (Tex. 2005) (legal sufficiency).

Summary

The passage explicitly states the trial court is the sole judge of weight and credibility and that appellate courts defer to those determinations, citing *In re J.P.B.* This supports the notion that the court may credit or discredit testimony, even amid credibility concerns, and can rely on corroborating evidence.

[In re G.T.](#)

Texas Court of Appeals

Extract

The trier of fact is the sole judge of the credibility of witnesses and the weight to be given their testimony. *In re J.P.B.*, 180 S.W.3d at 573. In a bench trial, such as here, 'the trial judge is best able to observe and assess the witnesses' demeanor and credibility, and to sense the 'forces, powers, and influences' that may not be apparent from merely reading the record on

appeal.' ... We therefore defer to the trial court's judgment regarding credibility determinations.

Summary

The passage expressly states the trier of fact is the sole judge of credibility (citing *In re J.P.B.*) and emphasizes appellate deference to trial courts' credibility determinations in bench trials. This supports that a trial court may accept or reject testimony in whole or part and is not constrained to disbelieve testimony due to prior dishonesty, particularly where other evidence corroborates it.

[In re J.C.H-P](#)

Texas Court of Appeals

Extract

The trier of fact is the sole judge of the credibility of witnesses and the weight to be given their testimony. *J.P.B.*, 180 S.W.3d at 573. In a bench trial, such as here, 'the trial judge is best able to observe and assess the witnesses' demeanor and credibility, and to sense the 'forces, powers, and influences' that may not be apparent from merely reading the record on appeal.' ... We therefore defer to the trial court's judgment regarding credibility determinations.

Summary

The court of appeals reaffirms that the trier of fact (here, the trial judge in a bench trial) is the sole judge of witness credibility and weight of testimony, citing *In re J.P.B.* Appellate courts defer to these credibility determinations. This supports that the trial court has broad discretion to credit or discredit testimony, even where credibility has been challenged, and may rely on corroborating circumstances or other evidence in doing so.

[In re K.C.W.](#)

Texas Court of Appeals

Extract

Under the factual sufficiency standard, we defer to the factfinder's determinations on the credibility of the witnesses 'so long as those determinations are not themselves unreasonable.' *In re J.P.B.*, 180 S.W.3d 570, 573 (Tex. 2005) (per curiam) (quoting *Sw. Bell Tel. Co. v. Garza*, 164 S.W.3d 607, 625 (Tex. 2004)); see also *In re C.H.*, 89 S.W.3d 17, 26 (Tex. 2002) ('A standard that focuses on whether a reasonable jury could form a firm conviction or belief retains the deference an appellate court must have

for the factfinder's role.'). 'In a bench trial, the trial court acts as the fact[.]finder and is the sole judge of witness credibility.' In re A.M., 418 S.W.3d 830, 841 (Tex. App.-Dallas 2013, no pet.) (citing Nguyen v. Nguyen, 355 S.W.3d 82, 88 (Tex. App.-Houston [1st Dist.] 2011, pet. denied)). 'The fact[.]finder may choose to believe one witness over another, and we may not impose our own opinion to the contrary.' Id. (citing Nguyen, 355 S.W.3d at 88).

Summary

The Texas appellate courts defer to the trial court's credibility determinations unless unreasonable (citing In re J.P.B.). In a bench trial, the trial court is expressly "the sole judge of witness credibility" and may choose to believe one witness over another. These principles support that a trial court in a family law case has broad discretion to credit or discount testimony, even if there are credibility concerns, and may accept portions corroborated by other evidence. The deference articulated in J.P.B. and related cases underpins that prior dishonesty does not compel rejection of testimony.

[In re P.D.H.](#)

Texas Court of Appeals

Extract

"We also recognize that the trial court, as the factfinder, is the sole arbiter of a witness' demeanor and credibility, and it may believe all, part, or none of a witness' testimony." In re A.M., No. 06-18-00012-CV, 2018 WL 3077784, at *3 (Tex. App.-Texarkana June 22, 2018, pet. denied) (mem. op.) (citing In re H.R.M., 209 S.W.3d at 109).

Summary

The passage expressly states the trial court is the sole arbiter of credibility and may believe all, part, or none of any testimony. That directly supports the proposition that the court can credit or discredit testimony in whole or in part, even when there are credibility concerns. Although the excerpt does not mention prior dishonesty expressly, it confirms the court's broad discretion on credibility determinations in family-law contexts.

[W.G. v. Tex. Dep't of Family & Protective Servs.](#)

Texas Court of Appeals

Extract

We must 'provide due deference to the decisions of the factfinder, who, having full opportunity to observe witness testimony first-hand, is the sole arbiter when assessing the credibility and demeanor of witnesses.' ... 'Because the factfinder 'is the sole arbiter of the witnesses' credibility and demeanor,' appellate review must defer to the trial court's factual determinations, even in parental termination cases.'" ... "'As conservatorship determinations are 'intensely fact driven,' the trial court is in the best position to 'observe the demeanor and personalities of the witnesses and can "feel" the forces, powers, and influences that cannot be discerned by merely reading the record.'

Summary

The passages confirm that Texas trial courts are the sole arbiters of witness credibility and that appellate courts defer to those determinations. They also emphasize the trial court's broad discretion in fact-intensive family law matters, supporting that a court may accept or reject testimony (in whole or part) based on its credibility assessment, including considering corroborating evidence despite credibility concerns.

[In re A.L.E., 279 S.W.3d 424 \(Tex. App. 2009\)](#)

Texas Court of Appeals

Extract

Legal and factual insufficiency challenges are not independent grounds for asserting error in custody determinations, but are relevant factors in assessing whether the trial court abused its discretion.... An abuse of discretion does not occur if some evidence of a substantive and probative character exists to support the trial court's decision. ... We consider only the evidence most favorable to the trial court's ruling, and will uphold its judgment on any legal theory supported by the evidence.

Summary

The passage emphasizes the deferential abuse-of-discretion standard in custody cases, requiring appellate courts to view the evidence in the light most favorable to the trial court's ruling and to uphold the judgment if supported by some substantive, probative evidence. This deference implies the trial court's primacy in resolving conflicts in testimony and assessing credibility, consistent with the proposition that the court can choose to believe or disbelieve testimony and is not compelled to reject it due to credibility issues if there is supporting evidence.

[In re R.W., 129 S.W.3d 732 \(Tex. App. 2004\)](#)

Texas Court of Appeals

Extract

Accordingly, in reviewing the evidence for legal sufficiency in parental termination cases, we 'look at all the evidence in the light most favorable to the finding to determine whether a reasonable trier of fact could have formed a firm belief or conviction that its finding was true.' ... In conducting our review, we must disregard all evidence that a reasonable trier of fact could have disbelieved; however, we must consider undisputed evidence even if it does not support the finding.

Summary

The mandate to view evidence in the light most favorable to the finding and to disregard evidence a reasonable factfinder could have disbelieved reflects that the trial court (as trier of fact) is entrusted with credibility determinations and may choose to credit or discount testimony. This supports the principle that the court can believe or disbelieve any witness and that appellate courts defer to that role, even where there are credibility concerns, especially if other evidence corroborates portions of testimony.

[Tex. Fam. Code § 6.704 Tex. Fam. Code § 6.704 Testimony of Husband Or Wife](#)

Extract

If the husband or wife testifies, the court or jury trying the case shall determine the credibility of the witness and the weight to be given the witness's testimony.

Summary

The statute explicitly assigns to the court or jury the role of determining the credibility and weight of a spouse's testimony in divorce proceedings. This supports the proposition that the fact-finder is the sole judge of credibility and may accept or reject testimony, in whole or in part. While the statute does not mention prior dishonesty, its allocation of credibility assessment to the fact-finder aligns with the proposition that courts have discretion to credit testimony notwithstanding impeachment, especially when corroborated by other evidence.

[Plaintiff's Requested Jury Instructions and Questions - Gender Discrimination and Breach of Contract](#)

Texas Employment Law. Volume 2 - 2016 - James Publishing - 2023-07-30

Extract

You are the sole judges of the credibility of the witnesses and the weight to be given their testimony... You are the sole judges of the credibility and believability of each witness and the weight to be given to his or her testimony... If you believe that any witness has been impeached, then it is your exclusive province to give the testimony of that witness such credibility or weight, if any, as you may think it deserves. You may, in short, accept or reject the testimony of any witness in whole or in part.

Summary

The passages explicitly state that the factfinder is the sole judge of witness credibility and may accept or reject any witness's testimony in whole or in part, even after impeachment. This aligns with the proposition that courts (as factfinders in family bench trials) have broad discretion to credit or discredit testimony, including testimony from a witness with prior dishonesty, especially when corroborated.

[Plaintiff's requested jury instructions and questions - gender discrimination and breach of contract](#)

Texas Employment Law. Volume 2 - 2014 - James Publishing - 2023-08-16

Extract

You are the sole judges of the credibility and believability of each witness and the weight to be given to his or her testimony... If you believe that any witness has been impeached, then it is your exclusive province to give the testimony of that witness such credibility or weight, if any, as you may think it deserves. You may, in short, accept or reject the testimony of any witness in whole or in part.

Summary

The PJC language confirms that the fact-finder in Texas (jury or, in a bench trial, the judge) is the sole arbiter of witness credibility and may accept or reject testimony in whole or in part, even after impeachment. This aligns with the proposition that courts need not automatically discard testimony due to prior dishonesty and may credit portions corroborated by other evidence.

[Plaintiff's Requested Jury Instructions and Questions - Gender Discrimination and Breach of Contract](#)

Texas Employment Law. Volume 2 - 2017 - James Publishing - 2023-08-19

Extract

You are the sole judges of the credibility of the witnesses and the weight to be given their testimony... You are the sole judges of the credibility and believability of each witness and the weight to be given to his or her testimony... If you believe that any witness has been impeached, then it is your exclusive province to give the testimony of that witness such credibility or weight, if any, as you may think it deserves. You may, in short, accept or reject the testimony of any witness in whole or in part. Also, the weight of the evidence is not necessarily determined by the number of witnesses... You may find that the testimony of one witness... is more credible than the testimony of a larger number of witnesses to the contrary.

Summary

The PJC-based instructions state that the fact-finder is the sole judge of witness credibility, can accept or reject any testimony in whole or in part, and may weigh corroboration and impeachment. This supports the proposition that Texas fact-finders are not required to disbelieve testimony solely due to prior dishonesty and may credit testimony if corroborated. While the text addresses juries, Texas law applies the same credibility principle to judges sitting as fact-finders in family law cases, aligning with *In re J.P.B.*'s deference to the fact-finder on credibility.

This memo was compiled by Vincent AI based on vLex materials available as of December 12, 2025. [View full answer on vLex](#)