

# *Reflection on the Principle of Best Interests of the Child: An Analysis of Parental Responsibilities in Custodial Disputes in the South African law*

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**Abstract:** *Decisions about which parent to reside with after the parent's divorce have an enormous impact on children. These decisions are important not only in the short term, but also in the long term, as they may impact on the children's future prospects. The same applies to children born out of wedlock. In family law, the central principle relating to children is that any decision made should be in the best interests of the child. The Convention on the Rights of the Child provides that the best interests of the child must be a primary consideration in all actions concerning that child. South African Courts are also compelled to place particular emphasis on the best interests of the child, not only because of their role as upper guardian of all minors, but also because of the provisions of section 28(2) of the Constitution of the Republic of South Africa which provides that 'a child's best interests are of paramount importance in every matter concerning the child'. The question of the 'best interests' of the child has led to intensive debate in many reported judgments. What is best for a specific child or children cannot be determined with absolute certainty. The factors to be taken into account when determining the best interests of the child are unfortunately not comprehensively specified in our law.*

**Keywords:** Best Interests, Child, Divorce, Parental Responsibilities, Custody.

## **Introduction**

It has long been accepted that the best interests of the child is the guiding criterion that determines all decisions relating to custody of children following the divorce of their parents. In an effort to protect the children from as many of the negative consequences of divorce as possible, the law requires the courts to make the best decision possible at the time as to the custody arrangements for the children

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of the marriage that is being terminated (Palmer 1996). Our common law and section 2 of the Constitution of the Republic of South Africa Act, 108 of 1996 provide that the child's best interests must determine the outcome when a court has to make an order regarding a child. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) provides that the child's best interests are paramount (Article 16(1) (d)) and that the Convention on the Rights of the Child requires that the best interests must be "a primary" consideration in all actions concerning the child (Article 3(1)). Thus, it is clear that the child's best interests are the yardstick in respect of the position of a child of a divorcing couple. In addition, the Divorce Act 70 of 1979, and the Mediation in Certain Divorce Matters Act 24 of 1987 specifically protect the interests of children upon their parent's divorce (Van Zyl 1997).

The Children's Act 38 of 2005 also contains list of factors that must be considered in custody disputes when the best interests of the child must be determined.

### **Methodology**

This study makes use of content analysis methods and it analyses the content of texts or document such as case laws, frameworks, and Constitution. Content analysis is therefore best suited to the purpose of this article because laws and legislation are analysed to determine the extent of the principle of best interest in the children. This paper further examines existing primary documents to determine the parental responsibilities in the custody disputes. Additionally, it analyses various legislations relating to Children's rights in South Africa.

### **Problem Statement**

In South Africa, there seems to be a trend which relegates the best interest of children by parents in their decision making. Divorce incidences bear the hallmarks of neglect in terms of the considerations of the principle of best interest of the child. It goes without saying that this also affects the division of the parental responsibilities post-divorce. Against this backdrop, this paper intends to validate the importance of both the principle of best interest and the parental responsibilities in the course of custodial disputes in South Africa.

### **Significance of the Study**

This paper intends to examine the Children's Act and the Constitution and further critically analyses the impact of the custody disputes in the parental responsibilities of the children. Furthermore, it is imperative to investigate the remedial measure to safeguard the best interest principle within the constitutional mandate.

### **Literature Review**

According to the United Nations High Commissioner for Refugees (UNHCR), the term “best interests” broadly describes the well-being of a child (UNHCR Guidelines 2006). However, the Provisional document on UNHCR Guidelines on the Formal Determination of the Best Interests of the Child released on May 2006 contended it is not possible to give a conclusive definition of what is in the best interests of the child, as this depends on a variety of individual circumstances, such as the age and the level of maturity of the child, the presence or absence of parents, the child’s environment, etc (UNHCR Guidelines 2006).

Locally, and in particular our South African Constitution also do not provide a conclusive definition of the child’s ‘best interests’ but a clear description of the definition has been provided in the form of factors as provided in section 7 of the Children’s Act 38 of 2005 (McQuoid-Mason 2011). While international law obliges state parties to adhere to the best interest standard when children are involved, Article 3(1) of the United Nations Convention on the Rights of the Child (1989) describes the best interests of the child as a basic consideration (Davel 2007: 227). Davel (2007: 227) argued that the African Charter on the Rights and Welfare of the Child (1990) phrases it in even stronger terms in article 4(1) because it is not merely termed a basic consideration, but the basic consideration.

According to Mahlobogwane, the central principle relating to children in South Africa is that any decision made should be in the best interests of the child (Mahlobogwane 2005: 31). This is the direct affirmation to the international instrument, Convention on the Rights of the Child (CRC) which requires that the best interests be the determining factor, whereas for other actions it has to be a primary consideration, which does not exclude other considerations to be taken into account (UNHCR Guidelines 2006).

It goes without saying that South Africa has ratified the United Nations Convention on the Rights of the Child and the Constitution enshrines the protection of children’s rights (Clark 2002). As a result of that, therefore the South African case law must be analysed in the light of these two documents and the paramount of the best interests of the child, which will generally, but not always be in accordance with the individual rights of the child (Clark 2002).

The provision of section 28(2) of the Constitution Act, 108 of 1996, states that ‘a child’s best interests are of paramount importance in all matters concerning the child.’ Friedman and Pantazis (2006) argued that section 28(2) implies that in every matter where a child’s rights are substantially involved, those interests must be taken into account. Conradie (2003) further cemented this argument by contending that those children constitute the most vulnerable group in contemporary democratic South African society.

Arguably these and other entrenched beliefs about the place and position of children in our societies have left them vulnerable, making them susceptible to physical, psychological, emotional and sexual

abuse (Dausab 2009). However, the best interests' principle is a constitutional right, a value, an interpretative tool or a rule of law which must be respected by all citizens (Bonthuys 2006).

### **The Best Interests of the Child as Paramount Consideration in Divorce Actions**

What is in the best interests of the child is a question of fact which has to be established ad hoc in each individual case (Davel 2006). The facts and context of each case determine not only which interests, but also what factors are to be considered. Generally, the child's interests include his or her physical, economic, emotional, intellectual, cultural, spiritual, social, moral and religious well – being. It is impossible to compile list of all factors which must be considered when a court has to decide on a child's best interests. The list offered in *McCall v McCall* 1994 3 SA 201 (C) in respect of a custody dispute provides us with a starting-point, and has been accepted and applied in several subsequent decisions (*Krasin v Ogle* 1997 1 All SA 557; *Madiehe v Madiehe* 1997 SA 153 (B)). The following factors were listed in *McCall v McCall*:

- a) The love, affection and other emotional ties between parent and child.
- b) The parent's compatibility with the child.
- c) The parent's abilities, character and temperament, and the impact thereof on the child's needs and desires.
- d) The parent's ability to communicate with the child.
- e) The parent's insight into, understanding of, and sensitivity to the child feelings.
- f) The parent's capacity and disposition to give the child the guidance he or she needs.
- g) The parent's ability to provide the child with economic security, that is, the parent's ability to provide the child with creature comforts, like food, clothing and housing.
- h) The parent's ability to provide for the child's religious and secular educational well-being and security.
- i) The parent's ability to provide for the child's emotional, psychological, cultural and environmental development.
- j) The parent's mental and physical health and moral fitness (See *Fletcher v Fletcher* 1984 1 SA 130 (A)).
- k) The stability or instability of the child's existing environment, having regard to the desirability of maintaining the status a quo (that is, the existing state of affairs).
- l) The desirability or otherwise of keeping siblings together.
- m) The child's preference, if the court is satisfied that the child has the necessary intellectual and emotional maturity to make a well-informed judgment.
- n) The desirability or otherwise of applying the doctrine of same-sex matching, that is, placing sons with fathers and daughters with mothers.
- o) Any other relevant factor.

The Children's Act 38 of 2005 also contains a list of factors that must be considered when the best interests of the child must be determined (Cronjic 2007). That list applies only to proceedings, decision, and actions under the children's Act, which do not, in the main, relate to divorce. The factors that are listed in Section 7 of the Act are as follows:

- a) The nature of the personal relationship between the child and his or her parents, or any specific parent, and between the child and any other caregiver or relevant person.
- b) The attitude of the parents, or any specific parent towards the child and the exercise of parental responsibilities or rights in respect of the child.
- c) The capacity of the parents, any specific parent, or any other caregiver or person, to provide for the child's needs, including his or her emotional or intellectual needs.
- d) The likely effect any change in the child's circumstances would have on the child. This includes the likely effects of the child's separation from both parents, and either parent, a sibling, another child or any caregiver or any person with whom child has been living.
- e) The practical difficulty and expense of the child having contacts with his or her parents, or specific parent, and whether that difficulty or expense would substantially affect the child's right to maintain personal relations and direct contact with that parent on a regular basis
- f) The child's need to remain in the care of his parents, family and extended family, and to maintain contact with his or her parents, extended family, tribe, culture or tradition.
- g) The child's age, maturity, stage of development, background and any other relevant characteristics of the child.
- h) The child's physical and emotional security and intellectual, emotional, social and cultural development.
- i) The child's need to be brought up in a stable family environment or, if this cannot be achieved, in an environment resembling a family environment as closely as possible
- j) Any family violence involving the child or family member of the child.
- k) Which action or decision would avoid or minimize the further legal or administrative proceedings regarding the child.

When deciding what is in a child's best interests, the court must guard against relying on factors which infringe the constitutional rights of the child's parent (s) unless it can be shown that those factors actually go some way towards establishing what is or what is not in the child's best interests. For example, an order denying a parent guardianship purely because she or he is disabled, without it being shown that the disability is of such a nature that allowing the parent to exercise guardianship would not serve the child's best interests, would be open to constitutional attack on the ground that it constitutes unfair discrimination on the ground of disability.

In *French v French* 1971 (4) SA 298 (W) the court sets out in order of importance four categories of considerations to determine a child's best interests. The primary test is how the sense of security of the child will be best preserved. Secondly, the suitability of the custodian parent is to be tested by

enquiring into his or her character, into the religion and language in which the children are to be brought up, and also into the fitness of the proposed custodian to guide the moral, cultural and religious development of the child. Thirdly, material considerations relating to the child's wellbeing will be considered (See the case of *Goodrich v Botha* 1954 (2) SA 540 (AD)). In the final instance the wishes of the child will be considered – with young children as a constituent element in the enquiry as to where they will attain a sense of security, and with more mature children a well-informed judgment, albeit a very subjective judgment, of what their best interests really demand (Davel 2007).

In terms of section 6 of the Divorce Act 70 of 1979 the court is prevented from granting a decree of divorce until it is satisfied that:

‘the provision made or contemplated with regard to the welfare of any minor or dependent child of the marriage are satisfactory or are the best that can be effected in the circumstances’(Section 6 (1)).

The court is further empowered to cause an investigation to be carried out and can order any person to appear before it in order to ascertain that the arrangements are indeed satisfactory (Section 6 (2)). The court is empowered to make any order which it may deem fit with regard to the maintenance of the children, and to the question of guardianship and custody of, or access to, such children (Section 6 (3)). Furthermore, the court may appoint a legal representative for the children (Section 6 (4)).

It has long been recognized both in statute and in common law that the court is the upper guardian of all minors. This means that where necessary the court can intervene in a family situation if it is deemed to be in the children's interests to do so. This is usually done in instances of abuse or gross neglect. Generally speaking society agrees that this kind of intervention is necessary to protect children who are powerless and vulnerable (Palmer 1996).

The Mediation in Certain Divorce Matters Act 24 of 1987 allows for the appointment of Family Advocates who may request the court's permission to institute an enquiry and furnish the court with a report and recommendations on any matter concerning the welfare of minor or dependent children of the marriage concerned. The regulations of this Act require the plaintiff to submit a completed questionnaire (see Annexure A of the Regulations) which is filed with the other papers pending the divorce action. The defendant may, if he or she wishes, reply to the statements made in the completed form. This form is seen by the Family Advocate who may call for inquiry (section 4 (2) of Act, 24 of 1987) if, on the face of it, the arrangements appear to be less than satisfactory. As mentioned before it would seem that most arrangements are found to be *prima facie* satisfactory.

Where there appear to be arrangements that the Family Advocate feels will not be in the best interests of the children, she may hand in a memorandum to the court in which she sets out her misgivings and it is up to the court to decide whether to investigate more fully or not.

In *Whitehead v Whitehead* 1993 (3) SA 72 (SECLD), Burger AJ states that the function of the Family Advocate is to be of assistance to the court by placing before it a balanced recommendation based on facts and considerations, and not to prescribe to the court what its decision should be.

### **Best Interests of the Child in Custody Disputes**

Most parents are usually highly motivated to protect their children's emotions. During divorce process, both parents will normally have emotions and they will end up compromising their responsibility of protecting their children's emotions. Those emotions will grow up to such an extent where parents failed to protect the best interests of the child when it comes to custody. Both of them will be demanding to have custody of the child, not on the best interests of the child, but on their own best interests. Children become the innocent victims of divorce, suffering from the conflict between the parents.

South African courts have in the past expressly favoured mothers when it came to the custody of their minor children (*Meyers v Leviton* 1949 (1) SA 203 (T)). This was especially true of young children. It was only if the mother's character or past conduct rendered her unfit in the court opinion to have such custody that preference would be given to the father (*Mohaud v Mohaud* 1964 (4) SA 348 (T)). In the case of adolescent boys, however the courts have shown greater readiness to award custody to the father, other factors being equally in favour of both parents (*Stock v Stock* 1981 (3) SA 1280 (A)).

The 'maternal preference' or 'tender years' principle could be seen as violating the equality clause in section 9 of the Constitution by discriminating between parents on the basis of gender. Judicial awareness of opposition to all forms of chauvinism and sexism, the striving for equality between the sexes, and the current changes (both nationally and internationally) in the traditional roles of parents and spouses led to value systems and societal beliefs underpinning the maternal preference principle being challenged (*Van der Linde v Van der Linde* 1996 (3) SA 509 (O)).

In *Van der Linde v Van der Linde* 1996 (3) SA 509 (O) the court deviated from the decision in *Meyers v Leviton* which advanced the 'maternal preference' principle, holding that for decades it has been accepted that the quality of a parental role is determined by gender and further that mothering was a component of a women's being only. At the present juncture it is to be doubted whether that acceptance can still be accepted as a universal prevailing axiom.

The concept of 'mothering' is indicative of a function rather than a persona and this function is not necessarily situated in the biological mother. It includes the sensitive attachment which follows from the attention devoted from day to day to the child's need of love, physical care, nutrition, comfort, peace, security, encouragement and support. Only the parent who can satisfy this need will succeed in forging a psychological bond with the child and it is in this parent's care where the child can experience his existence as having meaning and in which he will be sheltered and protected with

affection. Mothering assumes the showing of unconditional love without necessarily expecting anything in return (Davel 2000).

In the past society men were expected to suppress that part of their personality because it did not fit the image of a man. Today the man has the freedom to reveal and live out his mothering feeling. A father can be just good a 'mother' as the biological mother and naturally a mother can be just as good a 'father' as the biological father. The quality of a parental role is not determined by gender.

In *Van Pletzen v Van Pletzen* 1998 (4) SA 95 (O) the court relied squarely on *Vander Linde* and concluded that the assumption that the mother is better able than the father to care for a child belongs to an era of the past. It reiterated the acceptance that 'mothering' is not only a component of a women being, but is also part of a man's being and that a father, depending on the circumstances, possesses the capacity and capability to exercise custody over a child as well as the mother.

In terms of section 28 of the Constitution Act, 108 of 1996 the best interests of the child remain the paramount consideration. In principle if a father can be able to provide what a court considers to be in the best interests of the child, he is the proper person to be awarded custody of the child. Similarly, if the mother is better equipped, she should be awarded custody.

Even though section 6 (3) of the Divorce Act 70 of 1979 does not state so expressly, it is commonly accepted that indeed allows for orders of joint custody. However, it appears that the South African courts are reluctant to grant such orders. Relying on *Heimann v Heimann* 1948 (4) SA 926 (W), the court in *Schlebusch v Schlebusch* 1988 (4) SA 548 (EC) conveyed that it viewed with concern any trend towards the granting of joint custody orders. In *Edwards v Edwards* it was considered to be a legal impossibility that legal custody could be shared equally between two individuals. The general reason underpinning the reluctance of the courts is expressed as follows in *Kastan v Kastan* 1985 (3) SA 235 (CPD):

Orders for joint custody are rare. Such few examples as can be gleaned from the law reports would seem to point emphatically in a direction away from orders of this nature and the reason for this, I would think it is clear. Custody of children involves day to day decisions and also decisions of longer and more permanent duration, involving their education, training, religious upbringing, freedom of association, and generally how best to ensure their good health, welfare and happiness. To leave decisions of this nature to the joint decision of parents who are no longer husband and wife could be courting disaster, particularly where the divorce has been preceded by acrimony and disharmony between the parents.

It was decided in *Venton v Venton* 1993 (1) SA 763 (D&CLD) that the court failed to see why joint custody should be regarded as a legal impossibility. Joint custody can be in the best interests of the child, but it will depend on the circumstances of each case. One of the most important factors to be applied when dealing with custody of minor children is parental responsibilities and rights regarding the child. In terms of children Act 38 of 2005 parental responsibilities are divided into three.



### Parental Responsibilities and Rights

According to Bekink (2012), today's parental authority is concerned more with parental responsibilities and duties which should be exercised in the interest of children, rather than with parental rights and powers. Therefore, in terms of section 18 (1), a person may have either full or specific parental responsibilities or rights in respect of a child. The said parental responsibilities and rights that a person may have in respect of a child, include the responsibility and the right:

- to care for the child;
- to maintain contact with the child;
- to act as guardian of the child; and
- to contribute to the maintenance of the child.

The above mentioned responsibilities and rights are paramount important to the upbringing of the child. This was emphasised in *V vV 1998 (4) SA 169 (C)* where the court stated at paragraph 189 B–C that '[t]he child's rights are paramount and need to be protected, and situations may well arise where the best interests of the child require that action is taken for the benefit of the child, which effectively cuts across the parents' rights'.

The Act went further to say that a parent or any other person who acts as guardian of a child must:

- administer and safeguard the child's property and property interest;
- assist or represent the child in administrative, contractual and other legal matters;
- give or refuse any consent required by law in respect of the child, including
  - (i) consent to the child's marriage;
  - (ii) consent to the child's adoption;
  - (iii) consent to the child's departure or removal from the Republic;
  - (iv) consent to the child's application for a passport; and
  - (v) consent to the alienation or encumbrance of any immovable property of the child.

In the case of *Mkoka v S (CA&R130/2007) [2009] ZAECGHC 44 (10 June 2009)* unreported, parental responsibility and rights were also taken into test when the court reviewed the magistrate's decision. The court found that the trial magistrate, when he sentenced the appellant, did not take into account the fundamental rights of the appellant children to '... parental care, or to appropriate alternative care when removed from the family environment' in terms of s 28(1)(b) of the Constitution and to the paramountcy of their best interests in terms of s 28(2) of the Constitution.

However, section 28(1)(a) of the Act, states that the a person referred to in subsection (3) may apply to the High Court, a divorce court in a divorce matter or a children's court for an order –

(a) Suspending for a period, or terminating, any or all of the parental responsibilities and rights which a specific person has in respect of a child. Section (3) makes provision for an application for an order referred to in subsection (1) that it may be brought –

- (a) by a co-holder of parental responsibilities and rights in respect of the child;

- (b) by any other person having a sufficient interest in the care, protection, well-being or development of the child;
  - (c) by the child, acting with leave of the court;
  - (d) in the child's interest by any other person, acting with leave of the court; or
  - (e) by a family advocate or the representative of any interested organ of state.
- (4) When considering such application the court must take into account –
- (a) the best interests of the child;
  - (b) the relationship between the child and the person whose parental responsibilities and rights are being challenged;
  - (c) the degree of commitment that the person has shown towards the child; and
  - (d) any other fact that should, in the opinion of the court, be taken into account.

### **Three Divisions of Parental Responsibilities and Rights**

According to Clark (2003: 89), the quality of the parent and child relationship should influence the courts far more than any abstract conception of parental rights. Against that background are divided into three categories, thus;

- a. parental responsibilities and rights of mothers
- b. parental responsibilities and rights of married father
- c. parental responsibilities and rights of unmarried fathers

### **Parental Responsibilities and Rights of Mothers.**

In South Africa, care of children born out of wedlock has traditionally been women's sole responsibility (De Villiers 1998). This was confirmed by section 19 of the Act which states that the biological mother of a child, whether married or unmarried, has full parental responsibilities and rights in respect of the child.

This was also the position in the Roman-Dutch law which was also confirmed in the case of *B v S* 1995 (3) SA 571 (A), where it was held at paragraph 575G-H "that illegitimate child fell under the parental authority, and thus the guardianship and custody, of its mother..." Furthermore Mahomed DP in his decision on *Fraser v Children's Court Pretoria North and Others* 1997 (2) SA 218 comparatively referred to the British legislation on Children's Act of 1989 which states that "a mother always has parental responsibility for the child, but if the father is not married to the mother at the time of the birth of the child, he only has parental responsibility if he acquires such responsibility by order of the Court or this is provided for by a parental responsibility agreement between the natural parents of the child"(at paragraph 40). Children's Act of 1989, defines a parent to mean any parent who has parental responsibility for the child.

### **Parental Responsibilities and Rights of Married Fathers**

In terms of section 20 of the Act 38 of 2005; the biological father of the child has a full parental responsibility if he is married to the mother, or he was married to the child's mother at the time of the child conception.

However, Anne Louw (2010: 157) despite the increased recognition afforded to biological fathers as legal parents, the Children's Act still does not treat fathers on the same basis as mothers as far as the automatic allocation of parental responsibilities and rights is concerned.

### **Parental Responsibilities and Rights of Unmarried Fathers**

Unmarried fathers do not have parental responsibilities and rights to the child automatically. What transpired in *Naude and Another v Fraser* [1998] 3 All SA 239 (A) was *Lawrie Frasier* had a child with his partner and they were not married. By the time the baby was born the couple had separated. The mother of the child arranged for the child to be adopted by people that the father did not know and without getting his consent to the adoption. She also did not ask him whether he wanted to look after the child. In the case, Mr Frasier said he had rights as the father of the child even though they weren't married. But the Child Care Act said it was not necessary for a mother to get permission from the father of an illegitimate child. If they had been married, then she would have to get his consent. It was as a result of Mr Frasier taking up this case with the Constitutional Court that the Child Care Act was changed and the Natural Fathers of Children Born out of Wedlock Act passed.

In terms of section 21 of the Act; the biological father of a child who does not have parental responsibilities and rights in respects of the child, acquires full parental responsibilities and rights in respect of the child if :

- At the time of the child birth he is living with the mother in a permanent life-partnership or if he ,regardless of whether he has lived or living with the mother; consent to be identified or successfully applies in terms of section 26 to be identified as the child's father or pays damages in terms of customary law.
- He has contributes or has attempted in good faith to contribute to
- the child's upbringing for a reasonable period.

In *Hendricks v Thomson* [2009] JOL 23016 (T) The parties were the biological parents of a child, but were not married to each other. The applicant, the father, sought an order to the effect that the primary care and residence of the child be granted to him with immediate effect and also for ancillary relief. He based the application on the fact that the child had special needs, being diabetic, and that the respondent was acting contrary to those needs in that she was neglectful. Such allegation was denied by the respondent. *Ebersohn AJ* held that at the present stage, the court could make only an

interim order. It was in the best interests of the child not to disturb the status quo but to order that he be examined by experts and others, all at the expense of the applicant, and to have their reports put before the family advocate who was to mediate on an urgent basis in the matter in terms of the provisions of section 21(3) of the Children's Act 38 of 2005.

In the light of the above case, an unmarried father can automatically acquire parental responsibilities and rights, which include the right to guardianship if he meets certain requirements set out in section 21(1)(a) and (b) of the Children's Act 38 of 2005 (Domingo 2011).

### **Conclusion and Recommendations**

This paper has successfully examined the principle of the best interests and further noted that indeed its criterion is workable. The paper further examined the subjective assessments of what would constitute the best interests of children. Several case laws and frameworks were examined and analysed. The paper further acknowledged that it is impossible for a court to determine the best factors when it comes to custody. This is mainly due to the fact there are no statutory guidelines to assist the courts in knowing which factors to consider. Furthermore, the paper remarked that it is now left to the individual court to decide which factors are relevant and important. The court will be task also to grant parental responsibilities and rights as contemplated in the provision of the Act.

Against this background, this paper recommends for the policies and enactment of the legislations which will protect the best interests of the child. The paper further recommends for the specific legislation which contains all factors which need to be considered by a court when determining best interests of the child. This will make the courts find it possible to consider the best interests of the child in a proper way and this will allows all the courts to give effect to our obligations under the Constitution and under the UN Convention on the Rights of the Child.

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