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[Compensation for Kidney into Divorce Denied By Court](#)

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Human organs are not assets to be distributed in a divorce. Thus is the ruling in [Batista v. Batista](#), the case in which a Long Island doctor sought compensation for donating a kidney to his wife,

[The National Law Journal](#) reports that:

At its core, the defendant's claim inappropriately equates human organs with commodities," Referee A. Jeffrey Grob wrote in *Batista v. Batista, Jr.*, 201931/05. Grob noted that while the term "marital property" is "elastic and expansive ... its reach, in this Court's view, does not stretch into the ether and embrace, in contravention of this State's public policy, human tissues or organs.

[Public Health Law §4307](#) makes it a felony for "any person to knowingly acquire ... for valuable consideration any human organ for use in human transplantation."

While morally repugnant and questionably legal, the doctor's claim for compensation for "sacrificing" his kidney is creative. Even the court noted that while it will not directly compensate the husband for his kidney, his "altruism" may be considered in distributing other marital assets.

While the court order provides that Dr. Batista may not offer economic proof of the value of his organ donation, the Court did "not suggest that the sacrifices, magnanimity and devotion, which arguably and logically attend [to the organ donation], are beyond the pale or lack relevancy."