

Attorney Expenses: What Can You Claim and How Much

If you have been nominated to act on behalf of someone else in a power of attorney (POA) you will have a number of tasks to manage on behalf of the donor (the person who made the POA).

The type of tasks you will be responsible for will depend on the type and scope of the power of attorney. These may be administrative tasks related to managing the donor's finances or property. Alternatively, the tasks may be concerned with making decisions about the donor's healthcare.

Whatever the type of tasks you are required to take on, they may involve out of pocket expenses.

How should you claim for expenses?

Generally speaking, attorneys should not have to pay for expenses that are directly incurred in the process of carrying out their role. You will usually be able to claim these back, either from the donor themselves, or from their estate.

In order to do this, you will need to keep receipts from any expenses that you accrue. This should be done as part of the record keeping required of all attorneys. In addition to making note of any expenses, you should also be keeping notes about any decisions made or actions taken on the donor's behalf.

How frequently you claim expenses will depend on the individual circumstances, but you might wish to do so monthly, quarterly, or in line with how frequently you submit records to the Office of the Public Guardian.

Expenses will be reimbursed either by the donor or by whoever manages their finances. In many cases, this might be the attorney themselves. It is perfectly acceptable for the attorney to reimburse themselves from the donor's estate in cases such as this, though these transactions will need to be recorded carefully.

What expenses can an attorney claim for?

There are rules about the kind of expenses attorneys can claim for and the kind they cannot.

Typically, attorneys are expected to claim for are expenses such as:

- Travel costs.
- Postage.
- Stationery and printer ink.
- Phone calls.
- The cost of professional assistance, such as solicitor or accountant fees.

What expenses can't an attorney claim for?

It's important to note that any expenses claimed need to be in proportion to the size of the donor's estate. In other words, attorneys need to consider affordability when making decisions about travel costs or professional fees.

Any travel costs claimed by the attorney must be directly related to carrying out tasks as part of their role, and not simply social or family visits. This might not always be clear cut in the case of someone acting as an attorney for a family member or close friend. In these cases, attorneys would typically not be able to claim travel expenses for trips they would have made anyway, regardless of their role as attorney. For example, making a trip to the hospital to visit an elderly parent could not be considered to be purely due to your role as their attorney.

It is also not usually possible to claim for the cost of any time you spend acting as an attorney. This might be frustrating, especially if the role requires a significant time investment from you. However, attorneys are usually expected to carry out these tasks on a voluntary basis.

It is possible for a POA to state that attorneys should be paid for their time. This is usually in the case of professional attorneys (i.e. when a donor has appointed their solicitor or accountant to act on their behalf). It is possible for a donor to stipulate that a friend or family member should be paid as their attorney, but this will usually have strict limits. In these cases, you will likely need to seek advice from a specialist solicitor about how to proceed.

What happens if an attorney claims for unreasonable expenses?

Attorneys cannot use their position to benefit themselves, financially or otherwise. Their conduct is monitored by the Office of the Public Guardian (OPG) in order to protect the interests of donors.

Attorneys have to regularly submit records to the OPG to show the decisions they have made and actions they have taken. If the OPG believe that any unreasonable expenses have been claimed, they will investigate this.

Equally, if you believe that an attorney has made unreasonable expense claims, you can [contact the Office of the Public Guardian](#) yourself to register a concern.

If an investigation is opened into an attorney and any expenses are found to be unreasonable, they might be ordered to repay any money that has been claimed. In more extreme situations, the attorney might be discharged from their role.

How Roche Legal can help

Dealing with legal issues can be confusing and stressful. We understand this, and we're always on hand to untangle jargon and offer support.

If you need advice on any of the issues raised in this help guide, please don't hesitate to [get in touch](#). Roche Legal is an award-winning legal practice, offering practical and caring advice.

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