

# Legal Assistance of Western New York, Inc. ®



We provide free legal aid to people with civil legal problems in western New York.

[www.lawny.org](http://www.lawny.org)

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## Drug and Alcohol Treatment and Welfare Benefits

If your local Department of Social Services (DSS) believes that you may have a problem with drug and or alcohol abuse, they can refer you for an evaluation. Depending on the county you live in, either someone from DSS may do your evaluation or DSS may send you to a substance abuse treatment provider office for an evaluation. If you refuse to go, your application for benefits will be denied. If you are already receiving benefits and you refuse to go, your benefits can be stopped. You may also be sanctioned, which means you cannot receive benefits for a certain amount of time.

Even if you don't agree that you have a substance abuse problem, your local DSS can still require you to have an evaluation. If the evaluation says you need treatment, you will have to go to the treatment program they recommend in order to receive your benefits.

### **When can I stop going to treatment?**

**You must continue in the treatment program until it is completed**, even if you feel that you no longer need treatment. If your treatment provider agrees that you no longer need treatment, ask them to contact DSS on your behalf. You should not stop going to your treatment program until DSS approves you to stop going.

If you leave the treatment program before you complete it, DSS can stop your benefits and sanction you. If you are discharged from your program because they think you didn't follow their rules, DSS can stop your benefits and sanction you. The length of your sanction depends on if you have been sanctioned before. However, it will be for at least 45 days. Your benefits will not come back on after the last day of your sanction period. You must reapply for benefits before they will be restored.

### **What if I want to switch treatment providers or treatment programs?**

Your benefits could be stopped if you leave the approved program to attend a different program. To change programs, you must be officially referred by your treatment provider or be referred by DSS. You should not stop going to your DSS approved program until you talk to DSS and make sure that they approve of the new one.

## **What if DSS is requiring me to enter an inpatient program?**

Your local DSS can also require you to enter an inpatient treatment program. This may happen if the program you have been attending decides that you need more care than they can give you. Unless you have a very good reason for not going to inpatient treatment, you must go. If you have a good reason, you should talk to your caseworker. If they don't agree with your reason or won't listen to you, you can request a fair hearing.

If you do not go to the inpatient program, your local DSS may discontinue your benefits. This is true even if you keep going to your current treatment program. This is because once they decide that you need an in-patient program and you refuse to go, you can normally only get your benefits restored by attending that program.

If you do not attend the inpatient program, your benefits may stop and you may be sanctioned. Your benefits may remain off even if you later enter an inpatient program.

## **What do I do when I complete my treatment?**

Once you complete a substance abuse program, you should get written proof from that program. The proof should say that you no longer need substance abuse treatment. You should give DSS a copy of this statement, or ask your program to send them a copy.

## **Can I be required to go to treatment even if I completed it in the past?**

If the DSS office has reason to believe you are currently having a substance abuse problem, they can require you to be evaluated again. This can be done even if you have completed a treatment program in the past.

## **What can I do if I don't agree with the DSS decision?**

If you disagree with any decision by the DSS office, you can appeal. This means you can appeal their decision that you need drug and alcohol treatment. You can also appeal if your benefits are going to be stopped or changed. You can appeal a denial of assistance. You can also appeal if there has been a delay and you have not been given any decision. You appeal the decision by asking for a Fair Hearing. Click on "[Fair Hearings](#)" for more information on how to ask for one.

## **Legal Help**

If you have a problem you cannot solve with your local DSS office, you can contact your local legal services office for help. If you get a notice from your local DSS office, it should have contact information for a legal assistance office.

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This article provides general information about this subject. Laws affecting this subject may have

changed since this article was written. For specific legal advice about a problem you are having, get the advice of a lawyer. Receiving this information does not make you a client of Legal Assistance of Western New York, Inc.

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