§ 132. Investigation of applications. 1. When an application for assistance or care is received, or a social services official is informed that a person is in need of public assistance and care, an investigation and record shall be made of the circumstances of such person. The object of such investigations shall be to secure the facts necessary to determine whether such person is in need of public assistance or care and what form thereof and service he or she should receive. Information shall be sought as to the residence of such person, the name, age, religious faith, physical condition, earnings or other income, and ability to work of all members of the family, the cause of the person's condition, the ability and willingness of the family, relatives, friends and church to assist, and such other facts as may be useful in determining the treatment which will be helpful to such person. However, nothing in this subdivision or elsewhere in this chapter contained shall be construed to require a social services official to communicate with or require assistance from any person or persons liable by law to contribute to the support of a woman pregnant with, or the mother of, an out of wedlock child, in need of care away from home during pregnancy and during and after delivery, in the case where the surrender of the child to the social services official is under consideration, for such period as may be necessary for such mother and official to decide whether the child will be surrendered for adoption to such official, which period shall not extend beyond ninety days after birth of the child. Except where the welfare official is in possession of positive proof that the applicant is receiving or is eligible to receive unemployment insurance benefits and the amount thereof such investigations shall include written request to the commissioner of labor or his or her duly authorized officer charged with administration of the unemployment insurance law for information as to the status of such person in respect to unemployment insurance benefits.

2. (a) All applications received by a town social services officer shall be forwarded to the county commissioner immediately and all such applications shall be investigated by the staff of the county commissioner. After investigation the county commissioner shall return to the town social services officer every application for safety net assistance made by a person residing or found in such town, together

with his or her recommendation as to the eligibility of the applicant and the amount of assistance to be granted, if any. In addition thereto, the county commissioner shall keep the town social services officer currently informed of persons residing in his or her town who are receiving any form of public assistance and care other than safety net assistance.

(b) In a city social services district, investigation of applications shall be made by the city commissioner of social services and his staff.

(c) In a city which is functioning under section seventy-four-a of this chapter, investigation shall be made by the county commissioner of social services and his staff.

3. The commissioner of the department of family assistance shall provide by regulation for methods of determining eligibility for public assistance and care, other than medical assistance, to be utilized by all social services officials. Such regulations shall provide for methods of verifying information supplied by or about recipients with information contained in the wage reporting system established pursuant to section one hundred seventy-one-a of the tax law and similar systems in other geographically contiguous states, and, to the degree mandated by federal law with the non-wage income file maintained by the United States internal revenue service, with the benefits and earnings data exchange maintained by the United States department of health and human services, and with the unemployment insurance benefit file.

4. (a) Investigation into the cause of the condition of a head of household or of any adult applicant or recipient and the treatment which will be helpful to such person shall include a screening for alcohol and/or substance abuse using a standardized screening instrument to be developed by the office of addiction services and supports in consultation with the department. Such screening shall be performed by a social services district at the time of application and periodically thereafter but not more frequently than every six months, unless the district has reason to believe that an applicant or recipient is abusing or dependent on alcohol or drugs, in accordance with regulations promulgated by the department. Such screening may be conducted by telephone or other digital means at the request of the applicant or

recipient.

(b) When the screening process indicates that there is reason to believe that an applicant or recipient is abusing or dependent on alcohol or drugs, the social services district shall require a formal alcohol or substance abuse assessment, which may include drug testing, to be performed by an alcohol and/or substance abuse professional credentialed by the office of addiction services and supports. Provided however, if the applicant or recipient tests positive for the presence of cannabis, the positive result alone shall not be sufficient to establish a dependence for purposes of requiring an individual to participate in a treatment program pursuant to paragraph (c) of this subdivision. The assessment may be performed directly by the district or pursuant to contract with the district. Such assessment may be conducted by telephone or other digital means at the request of the applicant or recipient.

(c) The social services official shall refer applicants and recipients whom it determines are presently unable to work by reason of their need for treatment for alcohol or substance abuse based on the formal assessment to a treatment program licensed or certified by the office of alcoholism and substance abuse services or operated by the United States office of veterans affairs and determined by the social services official to meet the rehabilitation needs of the individual. When residential treatment is appropriate for a single custodial parent, the social services official shall make diligent efforts to refer the parent to a program that would allow the family to remain intact for the duration of the treatment.

(d) A person who fails to participate in the screening or in the assessment shall be ineligible for public assistance. Other members of a household which includes a person who has failed to participate in the screening or assessment shall, if otherwise eligible, receive public assistance only through safety net assistance if they are otherwise eligible for public assistance.

(e) A person referred to a treatment program pursuant to paragraph (c) of this subdivision, and the household with which he or she resides shall receive safety net assistance while the person is participating in such treatment, if the household is otherwise eligible for public assistance. If a person referred to treatment cannot participate in that

treatment because treatment is not presently available, that person and the household with which he or she resides shall receive safety net assistance if the household is otherwise eligible for public assistance.

(f) If an applicant or recipient is required, pursuant to paragraph (c) of this subdivision, to participate in an appropriate rehabilitation program and refuses to participate in such program without good cause or leaves such program prior to completion of the program without good cause, provided that program completion shall be solely determined by the guidelines and rules of such rehabilitation program, or if an applicant or recipient has been suspended from the receipt of social security disability benefits or supplemental security income benefits by reason of noncompliance with requirements of the federal social security administration for treatment for substance abuse or alcohol abuse, the person will be disqualified from receiving public assistance as follows:

(i) for the first failure to participate in or complete the program, until the failure ceases or for forty-five days, whichever period of time is longer;

(ii) for the second such failure, until the failure ceases or for one hundred twenty days, whichever period of time is longer; and

(iii) for the third and subsequent failures, until the failure ceases or for one hundred eighty days, whichever period is longer.

Good cause shall be defined in regulations by the commissioner.

The household with which the person resides shall continue to receive safety net assistance if otherwise eligible.

(g) Persons disqualified from receiving public assistance pursuant to paragraph (f) of this subdivision who would otherwise be eligible for public assistance and who return to required treatment prior to the end of the disqualification period and are receiving residential care as defined in paragraph (d) of subdivision three of section two hundred nine of this chapter shall be eligible for safety net assistance.

(h) Notwithstanding any inconsistent provision of section one hundred thirty-one-o of this article, if a recipient required to participate in an appropriate treatment program pursuant to paragraph (c) of this subdivision receives a personal needs allowance, such allowance shall be made as a restricted payment to the treatment program and shall be a

conditional payment. If such recipient leaves the treatment program prior to the completion of such program, any accumulated personal needs allowance will be considered an overpayment and returned to the social services district which provided the personal needs allowance.

(i) Compliance with the provisions of this subdivision shall not be required as a condition of applying for or receiving medical assistance.